

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

Topic: Full Commission Meeting - Planning & Zoning

Time: Jul 30, 2020 07:00 PM Central Time (US and Canada)

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND COMMISSIONER HAROLD JOHNSON,
FAITH DELIVERANCE CHURCH OF GOD IN CHRIST**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JULY 30, 2020 AGENDA**
XIII. Administrator's Agenda Item No. 1 – Resolution: CARES Subcommittee
Recommendations (revised item submitted)
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must
notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda.

Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)

- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

PLANNING AND ZONING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. #3224 - Kyle Rose with Rose Property Maintenance, LLC

Synopsis: Change of Zone from R-1 Single Family District to M-2 General Industrial District for a contractor's office, shop and storage yard at 1908 South 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL to MP-2 Planned General Industrial District)**

Tracking #: 20270

2. #3225 - Reggie Kemna with Relentless, LLC

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for hay and to raise bees at 2914 South 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 20271

B. SPECIAL USE PERMIT APPLICATIONS

1. #SP-2020-36 - Adrian Jasper with Elevate Enterprises, LLC

Synopsis: Renewal of a Special Use Permit (#SP-2017-67, expired 1/25/2020) for a drinking establishment with live entertainment at 7540 Armstrong Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 20274

2. **#SP-2020-38 - Cristen Ryman and Kate Lynch**

Synopsis: Renewal of a Home Occupation Special Use Permit (#SP-2018-9, expired 1/2/2020) for a short-term rental/AIRBNB at 2824 North 99th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 20275

3. **#SP-2020-47 - Patricia Soto**

Synopsis: Renewal of a Special Use Permit (#SP-2017-57, expired 1/11/2020) to keep one (1) horse at 741 South 76th Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL FOR 5 YEARS**)

Tracking #: 20276

4. **#SP-2020-53 - Irvin Jackson, Jr. with Jackson Trucking**

Synopsis: Renewal of a Special Use Permit (#SP-2019-41, expired 6/27/2020) for the Temporary Use of Land to park two (2) semi-trucks at 3232 Sewell Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 20264

5. **#SP-2020-54 - Ronda Dumovich**

Synopsis: Special Use Permit for a small marketing and assembly business at 11552 Parkview Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 20277

6. **#SP-2020-55 - Jacob S. Patton**

Synopsis: Renewal of a Special Use Permit (#SP-2019-75 – expires 07/25/2020) for a short-term rental/AIRBNB at 819 Southwest Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 20265

7. **#SP-2020-57 - Tom Elliott and Merritt Bold with All American Trailer, LLC**

Synopsis: Renewal of a Special Use Permit (#SP-2018-58 – expires 7/26/2020) for sales of semi-trailers at 2330 State Line Road, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 20266

8. **#SP-2020-61 - Katelyn Kok with Motor Company, LLC**

Synopsis: Special Use Permit for auto sales at 2930 South 44th Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 20278

9. #SP-2020-62 - Jacob Lee

Synopsis: Home Occupation Special Use Permit for a personal trainer and gym at 6135 Sloan Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751
(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 20279

10. #SP-2020-63 - Luke Olenick with Sunflower Tow Service, LLC

Synopsis: Renewal of a Special Use Permit (#SP-2018-57 – expires 7/26/2020) for the Temporary Use of Land for a modular office at 452 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 20267

C. VACATION APPLICATION

1. #S-2020-9 - Lorenzo Garcia

Synopsis: Vacation of a street at 3740 North 35th Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 20281

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

1. AN ORDINANCE rezoning property (#3222) at 16 South 23rd Street from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 20284

2. AN ORDINANCE granting a Special Use Permit (#SP-2019-111) to keep stockpiles and process (crushing and sorting) concrete materials at 7241 Kaw Drive, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 20285

3. AN ORDINANCE granting a Special Use Permit (#SP-2020-35) for an AIRBNB at 1820 North 90th Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 20286

4. AN ORDINANCE granting a Special Use Permit (#SP-2020-23) for continuation of a parking lot, outdoor storage of used, damaged and undamaged, operable and inoperable vehicles, boats and construction/farm equipment and machinery for wholesale online and retail auction at 6130 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **#3211 - Bobbie Jean Thomas**

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to keep the barn, horses and future cattle at 4520 and 4600 Parkview Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR DENIAL - 7/1 VOTE**)

Tracking #: 20269

2. **#3226 - Shawn Cofer with Scannell Properties #436, LLC**

Synopsis: Change of Zone from A-G Agriculture and CP-2 Planned General Business Districts to C-1 Limited Business and M-2 General Industrial Districts for a business park and neighborhood retail center at 9700 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL - 7/1 VOTE to MP-2 Planned General Industrial District**)

Tracking #: 20272

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2019-117 - FRED DEL TORO**

Synopsis: Special Use Permit to keep a horse at 3447 North 31st Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR DENIAL - 6/2 VOTE**)

Tracking #: 20132

2. **#SP-2019-118 - Fred Del Toro**

Synopsis: Special Use Permit to keep chickens and livestock at 3456 North 31st Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751

(**RECOMMENDED FOR APPROVAL FOR 2 YEARS - 5/4 VOTE**)

Tracking #: 20133

3. **#SP-2020-56 - Thomas W. Morgan III**

Synopsis: Renewal of a Special Use Permit (#SP-2018-39 – expired 6/27/2020) for a short-term rental/AIRBNB at 431 North Thompson Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS - 7/1 VOTE**)

Tracking #: 20268

4. **#SP-2020-64 - Tita Lagrimas with Tradebee Environmental Services, LLC**

Synopsis: Renewal of a Special Use Permit (#SP-2018-97 – expired 2/28/2020) for a 10-day transfer facility non-regulated, DOT hazardous materials and hazardous waste,

containers will be transferred from one truck to another, no transported containers will be kept inside the building at 1620 South 45th Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL FOR 5 YEARS - 7/1 VOTE**)

Tracking #: 20280

C. MASTER PLAN AMENDMENT APPLICATION

1. #MP-2020-5 - Shaun Cofer with Scannell Properties #436, LLC

Synopsis: Master Plan Amendment from Entertainment to Business Park at 9700 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL - 7/1 VOTE**)

Tracking #: 20273

D. MISCELLANEOUS

1. CONSIDERATION OF AN EMERGENCY ORDINANCE AND RESOLUTION SUSPENDING ENFORCEMENT OF CERTAIN CHAPTER 27 SECTIONS AND ADDING ADDITIONAL SECTIONS FOR CHAPTER 27, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (RECOMMENDED FOR APPROVAL)
Tracking #: 20282

2. AN ORDINANCE amending language to clarify the types of structures and the review process associated with such structures in Section 32-102, Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (RECOMMENDED FOR APPROVAL)
Tracking #: 20283

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR JULY 30, 2020

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

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

REGULAR AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

1. **RESOLUTION: DOWNTOWN CAMPUS REDEVELOPMENT DISTRICT FIRST AMENDMENT**

Synopsis: A resolution adopting the First Amendment to the Downtown Campus Redevelopment Agreement, submitted by Katherine Carttar, Director of Economic Development.

*On July 6, 2020, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 20230

2. **ORDINANCE: LOWER CONNER CREEK PHASE II, CMIP 6182**

Synopsis: An ordinance directing the Chief Counsel to institute proceedings as provided by law to acquire land for the Lower Conner Creek Project Phase 2, CMIP 6182, submitted by James Bain, Assistant Counsel. This project is located at or about Donahoo & I-435 along Conner Creek to the Wolcott Treatment Plant for the Unified Government's Pump Station 50 Elimination and New Interceptor Sewer Project.

On November 16, 2017, the Commission unanimously adopted Resolution No. R-44-17, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Tracking #: 20261

3. **ORDINANCE: LOMBARDY DRIVE SEWER IMPROVEMENT PROJECT, CMIP 6213**

Synopsis: An ordinance directing the Chief Counsel to institute proceedings as provided by law to acquire said land for the Lombardy Drive Sewer Improvement Project, CMIP 6213, submitted by James Bain, Assistant Counsel. This project is relocating failing sewer mains that run under houses to side yards and the road at 22nd and Lombardy Drive.

On March 7, 2019, the Commission unanimously adopted Resolution No. R-10-19, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Tracking #: 20262

4. **NOMINATIONS: BOARDS & COMMISSIONS**

Synopsis: Nominations for Boards & Commissions:

John Rios to Housing Authority, 7/30/20-12/11/23, submitted by Commissioner Ramirez

Mark Mohler to Golf Advisory Board (Reappointment), 7/30/20-12/11/23, submitted by Commissioner Bynum

Jody Boeding to Wyandotte County Library Board (Reappointment), 7/30/20-12/11/23, submitted by Commissioner McKiernan

Joan DeMoss to Law Enforcement Advisory Board (Reappointment), 7/30/20-12/11/23, submitted by Commissioner McKiernan

Bridget Holton-Deere to UG Board of Park Commissioners (Reappointment), 7/30/2020-12/11/2023, submitted by Commissioner McKiernan

Susannah Pauley to Board of Zoning Appeals and Kansas City, Kansas City Planning Commission (Reappointment), 7/30/20-12/11/23, submitted by Commissioner McKiernan
Tracking #: 20256

5. **MINUTES**

Synopsis: Minutes from regular sessions of June 11 and 25, 2020; and special sessions of June 25 and July 9, 2020.

Tracking #: MINUTES

6. **WEEKLY BUSINESS MATERIAL**

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

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

1. **PUBLIC HEARING/ORDINANCE: DOWNTOWN CAMPUS REDEVELOPMENT PLAN**

Synopsis: Conduct a public hearing to consider an ordinance approving the redevelopment project plan for the Downtown Campus project, submitted by Katherine Carttar, Director of Economic Development.

On June 25, 2020, the Commission unanimously adopted Resolution No. R-36-20, establishing the date and time for the public hearing.

Tracking #: 20289

2. **PUBLIC HEARING/RESOLUTION: THE MAREK AT MISSION CLIFFS APARTMENT DEVELOPMENT**

Synopsis: Conduct a public hearing to consider a resolution of intent to issue industrial revenue bonds not to exceed \$26.3M for SPKS Mission Hills, LLC for The Marek at Mission Cliffs project located at 2913 & 2906 W. 39th Ave. and 3741 S. Thompson Cr., submitted by Katherine Carttar, Director of Economic Development.

*On July 6, 2020, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted 4 to 2 to approve and forward to full commission.*

Tracking #: 20231

XII. STANDING COMMITTEES' AGENDA

1. **RESOLUTION: LEASE AGREEMENT WITH MOTOROLA SOLUTIONS, INC.**

Synopsis: A resolution approving a lease purchase transaction with Motorola Solutions, Inc., for in-car and body worn cameras, submitted by Casey Meyer, Assistant Counsel.

*This item was scheduled to appear before the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, on July 27, 2020. It was requested, and approved by the Mayor, to fast track this item to the July 30, 2020 full commission meeting.*

Tracking #: 20257

XIII. ADMINISTRATOR'S AGENDA

1. **RESOLUTION: CARES REIMBURSEMENT RECOMMENDATIONS**

Synopsis: A resolution approving the CARES reimbursement recommendations made by the WyCo CARES Committee, submitted by James Bain, Assistant Counsel. The recommendations include reimbursements to the Unified Government, KCK, Bonner Springs, and Edwardsville.

Tracking #: 20290

XIV. COMMISSIONERS' AGENDA

1. **RECOMMENDATIONS: DISBURSEMENT OF 2020 CASINO GRANT FUNDS**

Synopsis: Request approval to disburse 2020 UG/Hollywood Casino grant funds as recommended by the Mayor and commissioners, submitted by Emerick Cross, Assistant County Administrator.

Tracking #: 20259

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. **LAND BANK APPLICATION**

Synopsis: Request consideration of the following application, submitted by Katherine Carttar, Director of Economic Development.

Application

725 S. 4th St. - Breck Ricketts

(use cell tower to provide low cost internet service to Edwardsville residents)

*On July 6, 2020, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 20228

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, JULY 30, 2020**

XIII. ADMINISTRATOR'S AGENDA

REVISED ITEM

**Item No. 1 - 20290.... RESOLUTION: CARES SUBCOMMITTEE
RECOMMENDATIONS**

Synopsis: A resolution approving the recommendations made by the WyCo CARES Committee, submitted by James Bain, Assistant Counsel.

RESOLUTION NO. _____

**RESOLUTION ADOPTING THE FIRST RECOMMENDATIONS OF THE WYCO
CARES SUBCOMMITTEE**

WHEREAS, the Unified Government of Wyandotte County, Kansas City, Kansas (“Unified Government”) created the WYCO CARES subcommittee tasked with making recommendations regarding the spending of monies received from the State of Kansas under the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act; and

WHEREAS, Wyandotte County is facing both a public health and economic crisis – the pandemic and public health emergency of COVID-19 – which has resulted in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens; and

WHEREAS, on June 16, 2020 the State Finance Council approved the Strengthening People and Revitalizing Kansas (SPARK) Taskforce’s proposal to distribute \$37,330,934 to Wyandotte County to help address the health and economic challenges inflicted by COVID-19 based on Wyandotte County’s population and impact from COVID-19 with funds provided for reimbursement of COVID-19 related costs and as direct aid unless otherwise approved by the SPARK Taskforce; and

WHEREAS, the SPARK Taskforce Executive Committee passed a motion on June 2, 2020, to direct counties to allocate and share CRF funding to public educational and municipal entities within their counties; and

WHEREAS, the Unified Government adopted UG Resolution 38-20 on July 9, 2020 in which the Unified Government agreed to follow all state and federal guidelines regarding CARES funds

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS:**

Section 1. That the first recommendations by the WYCO CARES subcommittee, attached hereto as Exhibit 1, is hereby adopted and approved by the Board of Commissioners,

Section 2. That the County Administrator, and the Unified Government’s other officers, agents, and employees are hereby authorized and directed to take such further action and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 30TH
DAY OF JULY 2020.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

Exhibit 1: Cares Act Funding Allocation Recommendation

The SPARK Working Group recommends a resolution adopting an allocation formula for funding across the established priority areas of local government reimbursement and preparation, health response, assistance to other taxing agencies, sustaining response to the increased needs for human services, and building community resiliency.

The funding allocation recommended utilizes population of the jurisdictional service areas and the established priorities to distribute the \$226 per resident allocated by the State of Kansas.

To respond to the COVID pandemic, the Working Group recommends allocation 33.6% of CARES funding to the Health Department. To administer CARES Act funds, a CARES Team has been established, and will be funded using 1.2% of the CARES funding, well below the 5% limit for administration costs. The three cities of Kansas City, Bonner Springs and Edwardsville will receive 44.2% of the funding, allocated by population. The County will receive 4.0% of the funding to address county specific expenses and needs incurred by county departments such as the Sheriff, Appraiser, and Motor Vehicles.

The Educational and 501c3 funding – while shown separately below for illustrative purposes – will be considered together as a combined share of funding receiving 16.9% allocation. Subcommittee focuses next on reviewing each individual application scoring them on eligibility, impact on the community, and prioritization of services.

With the adoption of the recommendation, each governmental agency will be tasked with reviewing their application(s) and adjusting reimbursement and local priorities. Adjusted application(s) will be presented back to the CARES Working Group for review.

Business applications will be redirected to an approved subrecipient with an existing structure better built for immediate and long-term support beyond the Cares Act Funding potential.

The Committee will present its application funding recommendations and the reprioritized governmental applications to the Commission for final approval.

CARES Funding Allocation Recommendation

	Amount		Health	CARES Team		Cities	County		Educational	501c3	Business		Total
Per resident x population	\$226		\$76.0	\$2.8		\$100.0	\$9.0		\$16.2	\$22.0	\$0.0		\$226.0
Total Phase I Allocation	\$37,330,934		33.6%	1.2%		44.2%	4.0%		7.2%	9.7%			100.0%
Subtotal			\$ 12,572,604	\$ 453,521		\$16,525,600	\$ 1,479,181		\$ 2,670,270	\$ 3,629,758			\$ 37,330,934

Jurisdiction	Population	Amount
Bonner Springs	7,804	\$ 780,400
Edwardsville	4,494	\$ 449,400
Kansas City Kansas	152,958	\$ 15,295,800
Wyandotte County	165,429	\$ 1,479,181

Figure 1 Proposed Funding Allocation: Cares Act WYCO



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: July 30, 2020

Re: **Change of Zone Petition #3224**

GENERAL INFORMATION

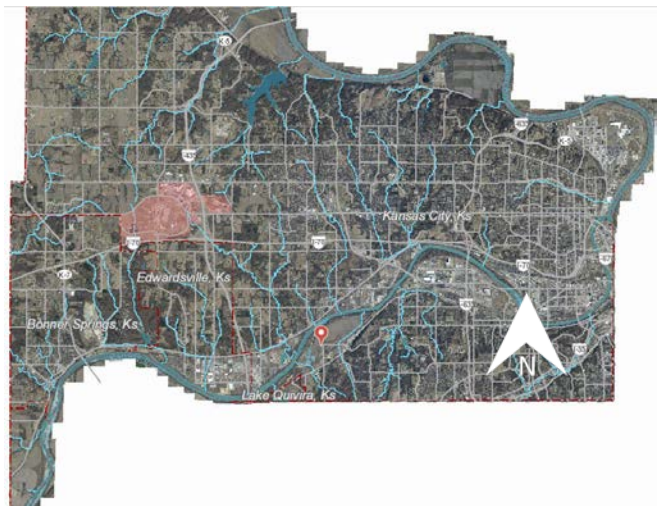
Applicant:
Kyle Rose

Status of Applicant:
Owner
1908 S 74th Street
Kansas City, Kansas

Requested Action:
Change of Zone from R-1 Single
Family District to M-2 General
Industrial District.

Date of Application:
May 29, 2020

Purpose:
Change property from R-1 Single
Family District to M-2 General
Industrial District to have a contractor's
office and shop with storage yard.



Property Location:	1908 South 74 th Street								
Commission Districts:	Commissioner At Large: Tom Burroughs District Commissioner: Angela Markley								
Existing Zoning:	R-1 Single Family Residential District								
Adjacent Zoning:	<table> <tr> <td>North:</td><td>MP-2 Planned General Industrial District</td></tr> <tr> <td>South:</td><td>MP-2 Planned General Industrial District</td></tr> <tr> <td>East:</td><td>R-1 Single Family District</td></tr> <tr> <td>West:</td><td>R-1 Single Family District</td></tr> </table>	North:	MP-2 Planned General Industrial District	South:	MP-2 Planned General Industrial District	East:	R-1 Single Family District	West:	R-1 Single Family District
North:	MP-2 Planned General Industrial District								
South:	MP-2 Planned General Industrial District								
East:	R-1 Single Family District								
West:	R-1 Single Family District								
Adjacent Uses:	<table> <tr> <td>North:</td><td>Undeveloped Land</td></tr> <tr> <td>South:</td><td>Landscaping Company</td></tr> <tr> <td>East:</td><td>Single Family Homes</td></tr> <tr> <td>West:</td><td>Undeveloped Land</td></tr> </table>	North:	Undeveloped Land	South:	Landscaping Company	East:	Single Family Homes	West:	Undeveloped Land
North:	Undeveloped Land								
South:	Landscaping Company								
East:	Single Family Homes								
West:	Undeveloped Land								
Total Tract Size:	4.56 Acres								
Master Plan Designation:	The City-Wide Master Plan designates this property as Employment.								
Major Street Plan:	The Major Street Plan classifies 74 th Street as a Local Street.								
Required Parking:	If approved, uses in this district would require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided.								
Advertisement:	<u>The Wyandotte Echo</u> – June 18, 2020 Letters to Property Owner – June 19, 2020 and July 27, 2020								
Public Hearings:	July 13, 2020 and July 30, 2020								
Public Opposition:	None to date								
Public Support:	None to date								

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kyle Rose, is applying for a Change of Zone from R-1 Single Family Residential to M-2 General Industrial District for the purpose of operating a contractor's office and shop with a storage yard.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is largely undeveloped land with some single-family homes to the east and a landscaping company to the south.

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

The zoning and uses of properties nearby are laid out above. The proposed use is compatible with the neighboring properties to the north and south that are zoned MP-2, however, the proposed use is not compatible with the uses to the east and west, which are single-family homes in a single-family zoned district.

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

The property is suitable for the proposed use if the potential issues caused by flooding are properly mitigated.

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

The property is currently undeveloped land.

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

The proposed use is reasonably necessary for the convenience and welfare of the public as construction is an essential service.

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

The proposed use will increase traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

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

The Master Plan designates this property for Employment. The proposed use fits with this plan.

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

The proposed use could cause environmental harm if materials were not properly disposed of or stored, and flooding issues were not properly taken care of.

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

a. *Water service*

Unavailable

b. *Sanitary sewer service*

Unavailable

c. *Storm water control*

Unavailable

d. *Police*

Police service is provided by District #334.

e. *Fire*

Fire service is provided by Station #16

f. *Transit*

KCATA does not provide transit in this area.

g. *Schools*

Public Education is Provided by Turner USD 202.

h. *Streets*

See item #6 above.

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

The proposed change of zone would enable the property to be developed as a business, which will help to create jobs in the community and will have a positive effect on the economy.

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

The proposed use will have to effectively manage flooding issues and requirements related to traffic and parking.

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

The proposed use does not provide a benefit to the public health, safety, and welfare. If denied, the landowner would not be able to use the land in an industrial or commercial manner.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Due to the COVID-19, the neighborhood meeting requirement was suspended for the July applications. However, the applicant was still required to send a letter (as detailed as possible about your proposal) to the properties specified by the Urban Planning and Land Use Department. The applicant sent out a letter on June 29, 2020 and received no responses.

KEY ISSUES

Flood Management
Traffic Increase
Conflict with Adjacent Single-Family Homes

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application #3224 to MP-2 Planned General Industrial District, subject to:

Planning and Urban Design Comments:

1. COZ will be recommended for approval to a “planned district.” If the application had requested MP-2 Planned General Industrial District, the preliminary and final plan would have been considered with the application, but the application was submitted for non-planned zoning.

2. If COZ 3224 is approved for planned zoning, that will include the preliminary plan review.
3. More information is needed for the final plan. Please see engineering comments below.
4. If approved, the applicant must submit the required information and apply for a Final Plan.
5. If approved, Special Use Permits must be obtained for the use of shipping containers as storage units.
6. If approved, all signage must be adhered to the sign code and be properly permitted.
7. If approved, trees must be provided at not less than one per 10,000 square feet of site area. Six (6) - 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.
8. *Parking standards.* Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided.
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified government Board of Commissioners meeting. If the check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
 - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- B) Items that are conditions of approval:
 - 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Conditions:

- 1) If approved, the applicant must submit the required information and apply for a Final Plan Review to be heard at the August 13, 2020 City Planning Commission meeting provided all engineering and department comments have been addressed;
- 2) If approved, Special Use Permits must be obtained for the use of shipping containers as storage units;
- 3) If approved, all signage must be adhered to the sign code and be properly permitted;
- 4) If approved, trees must be provided at not less than one per 10,000 square feet of site area. Six (6) - 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;
- 5) If approved the Final Plan Review will require a total of 12 parking spaces as one (1) space is required per every 500 square feet of building area;
- 6) If approved by the Board of Commissioners, applicant will need to submit a new check in the amount of \$100 (made payable to the Unified Treasurer) for the filing fee for a final plan review; and
- 7) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified government Board of Commissioners meeting. If the check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL for MP-2 Planned Zoning** of Petition #3224 subject to all conditions outlined by the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Neighborhood Meeting Information
Zoning Map
Site Development Plan
Site Photography, Provided by the Applicant
Proposed Building Elevations
Site Photographs Provided by Staff Dated June 16, 2020

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: Shana Shanteau
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3224 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** of Petition #3224, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

Hearing starts at 1:26:19:

CHANGE OF ZONE APPLICATION #3224 – KYLE ROSE WITH ROSE PROPERTY MAINTENANCE, LLC. – SYNOPSIS: Change of Zone from R-1 Single Family District to M-2 General Industrial District for a contractor's office, shop and storage yard at 1908 South 74th Street. **Detailed Outline of Requested Action:** The applicant, Kyle Rose, is applying for a Change of Zone from R-1 Single Family Residential to M-2 General Industrial District for the purpose of operating a contractor's office and shop with a storage yard.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated June 18, 2020; and,
7. The Notices to property owners dated June 19, 2020.

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

Present in Support:

- Kyle Rose, applicant, 21911 West 56th Street, Shawnee, Kansas
- Judd Clauson, Civil Engineer, Phelps Engineering, 1270 North Winchester, Olathe, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:30:22: Planning Director Hand stated that when staff received this application it was for a Change of Zone for M-2 General Industrial District. When staff started its review, it was determined that the proposal should also include a preliminary and final plan review. Staff is recommending approval of this application to MP-2 Planned General Industrial District, which includes a preliminary plan review. He further stated that they would be required to pay \$100 application fee for the final plan review, which could be heard as soon as the August Planning Commission meeting. He further stated that those conditions of approval are included in the staff report. The applicant is planning to use shipping containers for storage of some of their materials, and that would require a Special Use Permit. There are single family homes across the street and industrial zoning to the north and south of this property. Staff believes that this use fits into this area with proper screening and landscaping. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 1:32:20:

On motion by Ms. Pauley, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application #3224 to **MP-2**

Planned General Industrial District:

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Planning and Urban Design Comments:

1. COZ will be recommended for approval to a “planned district.” If the application had requested MP-2 Planned General Industrial District, the preliminary and final plan would have been considered with the application, but the application was submitted for non-planned zoning.
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7. If approved, trees must be provided at not less than one per 10,000 square feet of site area. Six (6) - 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.
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- B) Items that are conditions of approval:
- 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 2) None

Conditions:

- 1) If approved, the applicant must submit the required information and apply for a Final Plan Review to be heard at the August 13, 2020 City Planning Commission meeting provided all engineering and department comments have been addressed;
- 2) If approved, Special Use Permits must be obtained for the use of shipping containers as storage units;
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June, 17 2020

Kyle Rose, Owner
Rose Property Maintenance, LLC
P.O. Box 3285
Shawnee, KS 66203

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # CZ-20401-00011. The purpose of this is for a change of zoning at the following address: 1908 South 74th Street Kansas City, KS 66106

I am having a neighborhood meeting on June, 29th 2020 at 5:30p.m. at the following address Green Expectations Landscaping Co. 1910 South 74th St Kansas City, KS 66106.

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Kyle Rose

Cell 913-238-2906
Email kr751@hotmail.com

Application Number CZ-20401-00011
Date and Location: June, 29th 2020
Green Expectations Landscaping
1910 South 74th St
Kansas City, KS 66106

Meeting called to order at: 5:30pm

Names of people in attendance: Kyle Rose, no others arrived.

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked question or gave comment n/a
- What was the question or comment n/a
- Who answered the question/comment n/a
- What was the answer given n/a

Meeting adjourned at: 6:05pm

Minutes taken by: Kyle Rose

Neighborhood Meeting Sign-In Sheet for Rose Property
Maintenance. Held at Green Expectations 1910 S. 74th St
for proposed project at 1908 S. 74th St.

June, 29, 2020 5:30 PM

1. *Kyle Rose for Rose Property Maintenance*
2. *No other people showed up to the meeting. I was there from 5:15pm to 6:05pm.*
3. *No questions were asked. - Kyle*
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # CZ-20401-00011
2. That I conducted a neighborhood meeting on June, 29th, 2020
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

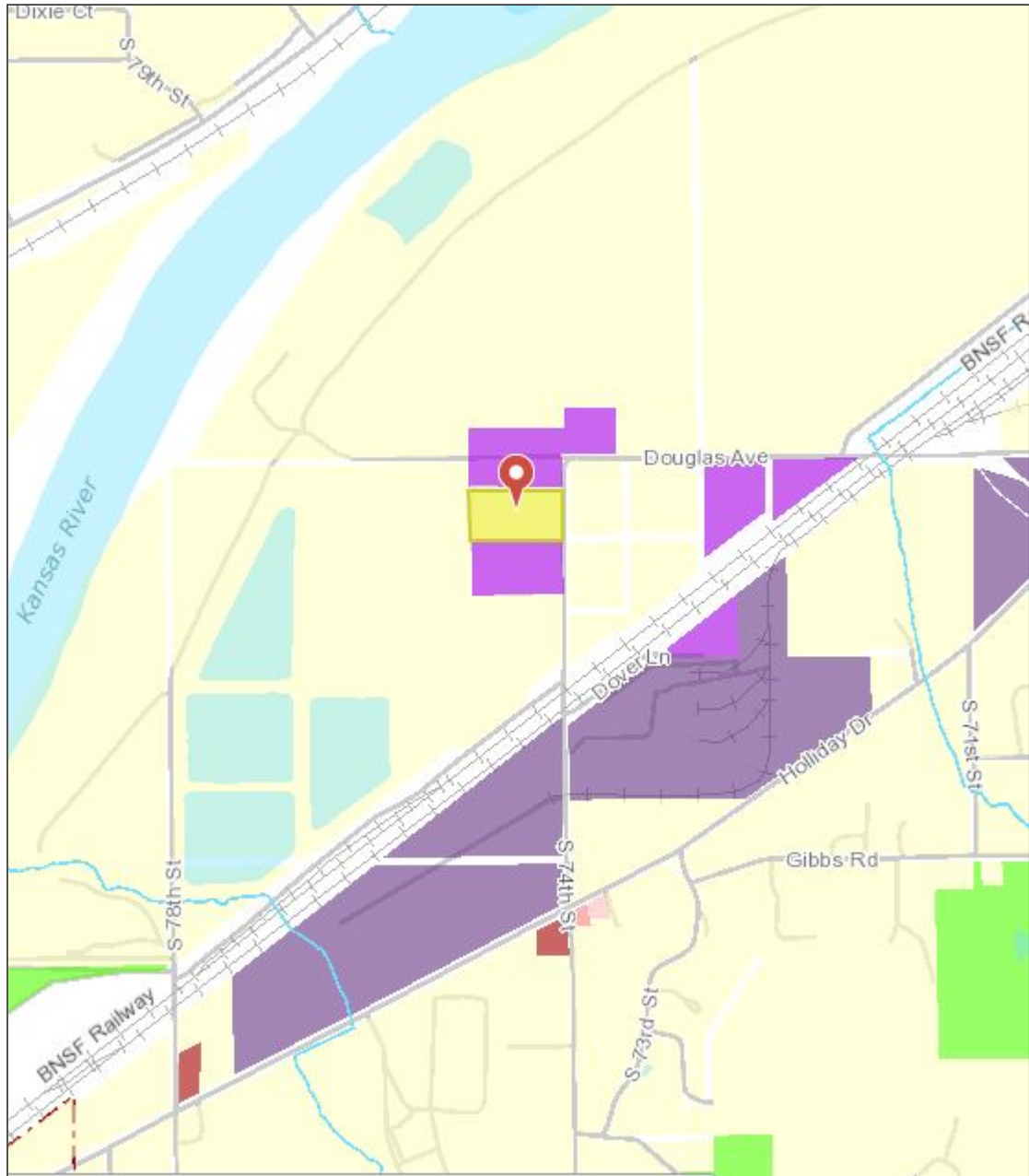
Further affiant saith not.

Affiant Kyle Rose 6-30-2020

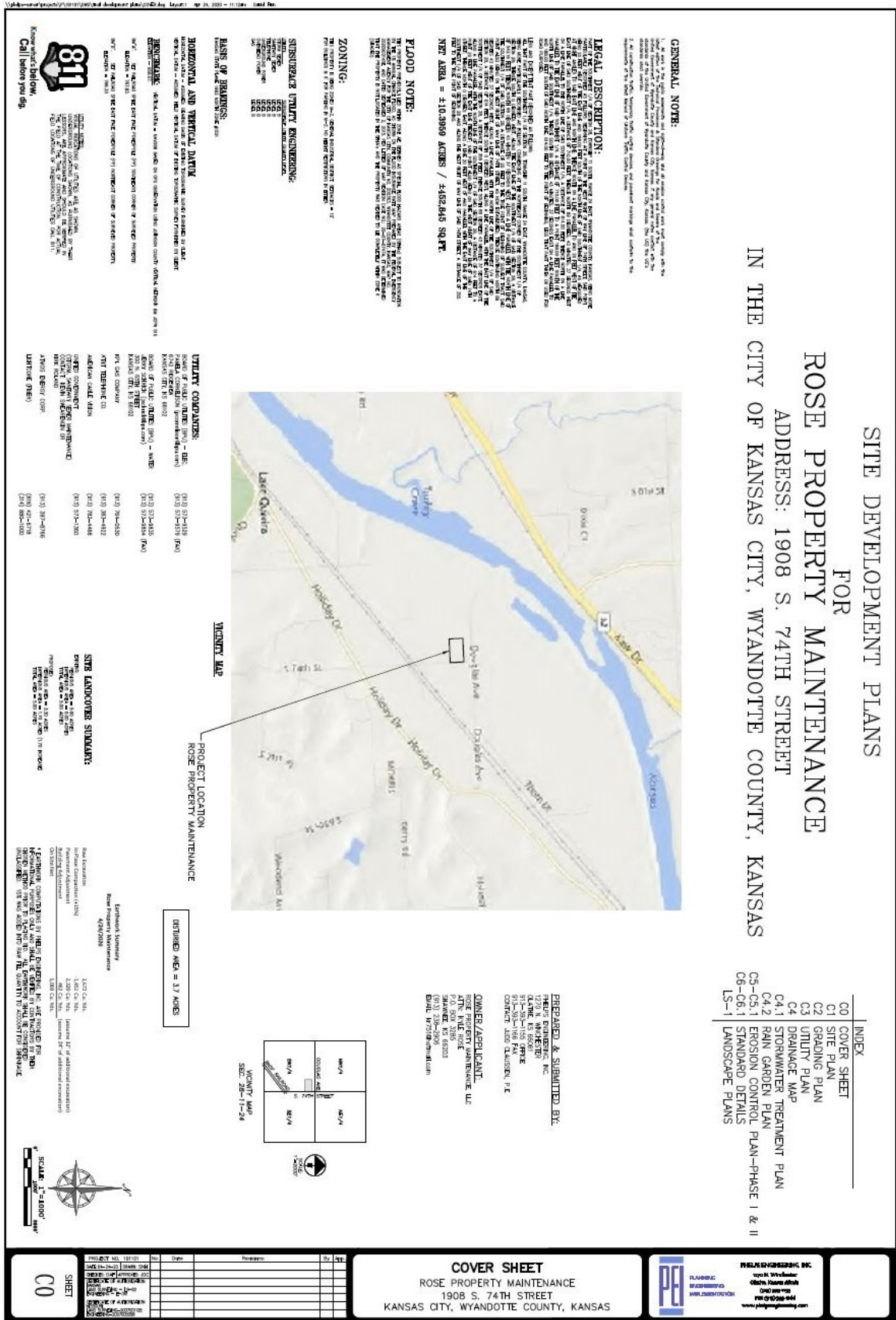
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.

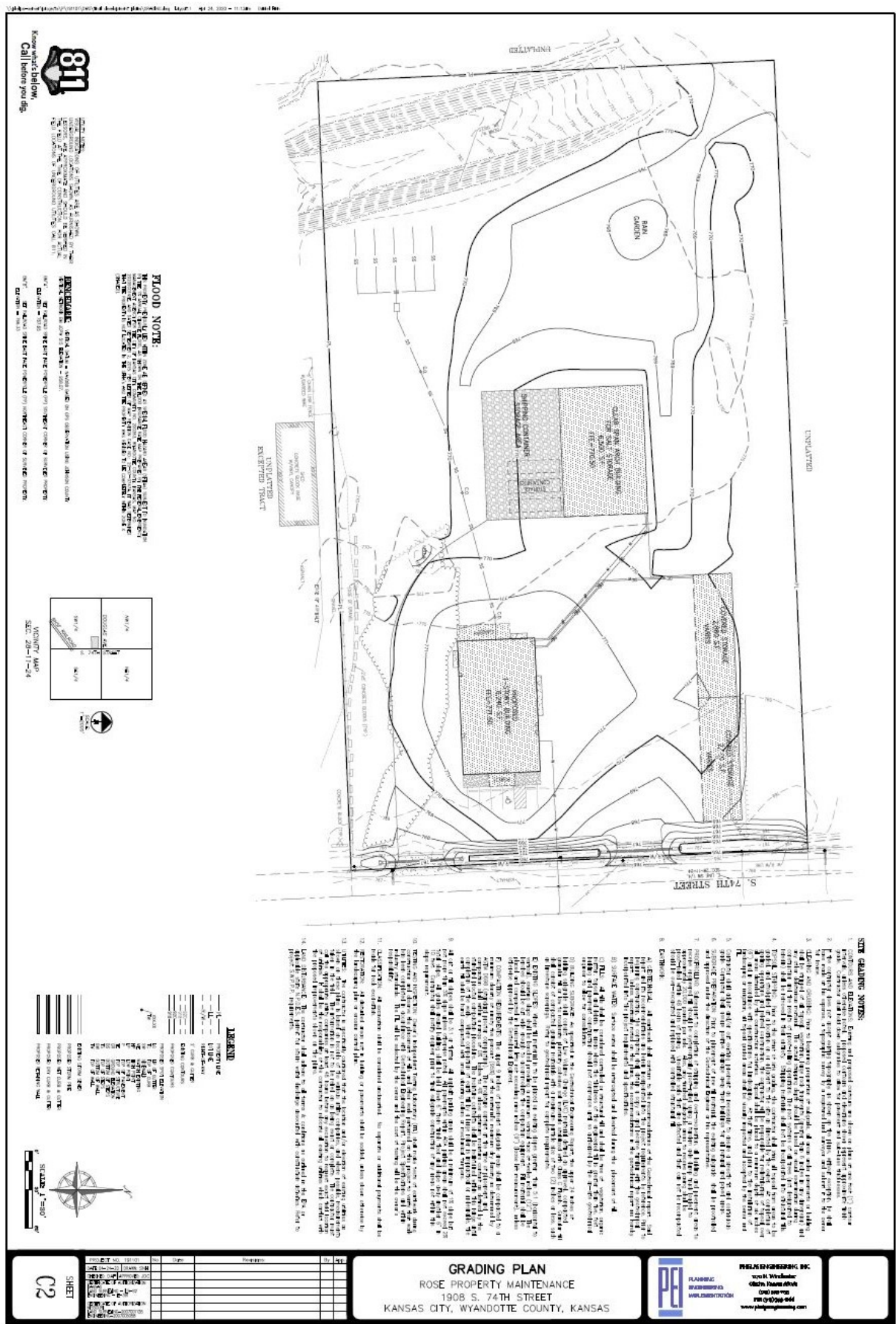
My commission expires _____ of _____, 200_.

Notary Public

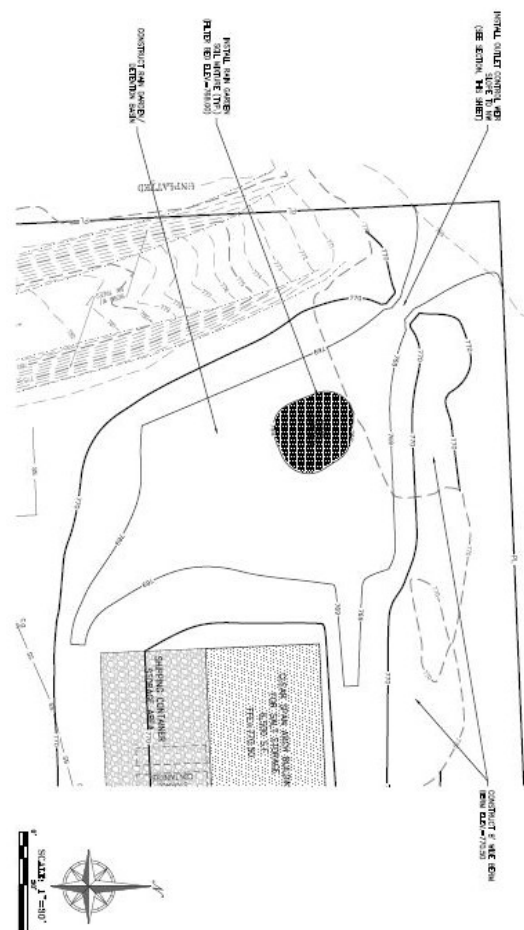


Site Development Plan:





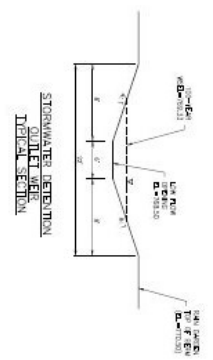




RAIN GARDEN/DETENTION BASIN

RAIN GARDEN BASIN PARAMETERS

3.50 Acres	Treatment Area
28.5%	Impervious to Rain
0.12 Acres	Water Body
0.12 Acres	Rich Garden Soil w/ Depth
2.0 Ponds	Conductor of Permeability to Rain
1.50 Ponds	Marium Ponds Depth
0.50 Ft	Time Required for Water Quality Volume to Filter through Rich Garden Soil w/ Depth
1,526 Sq Ft	Minimum Required First Bed Area
10,364 Sq Ft	Minimum Required Ponding Area



Rain Garden Basin Materials:

[illegible]

1. General Information

1.1. Name of the Project: [Project Name]

1.2. Location: [Location]

1.3. Date of Submission: [Date]

1.4. Submitted by: [Name]

1.5. Organization: [Organization]

1.6. Contact Information: [Contact Information]

1.7. Project Description: [Project Description]

1.8. Objectives: [Objectives]

1.9. Justification: [Justification]

1.10. Expected Outcomes: [Expected Outcomes]

1.11. References: [References]

1.12. Appendices: [Appendices]

1.13. Conclusion: [Conclusion]

1.14. Recommendations: [Recommendations]

1.15. Signatures: [Signatures]

1.16. Approval: [Approval]

1.17. Comments: [Comments]

1.18. Remarks: [Remarks]

1.19. Notes: [Notes]

1.20. Other: [Other]

1.21. Final Remarks: [Final Remarks]

1.22. Signature of the Project Manager: [Signature]

1.23. Date of Signature: [Date]

1.24. Signature of the Reviewer: [Signature]

1.25. Date of Signature: [Date]

1.26. Signature of the Approver: [Signature]

1.27. Date of Signature: [Date]

1.28. Signature of the Sponsor: [Signature]

1.29. Date of Signature: [Date]

1.30. Signature of the Stakeholder: [Signature]

1.31. Date of Signature: [Date]

1.32. Signature of the Client: [Signature]

1.33. Date of Signature: [Date]

1.34. Signature of the Partner: [Signature]

1.35. Date of Signature: [Date]

1.36. Signature of the Vendor: [Signature]

1.37. Date of Signature: [Date]

1.38. Signature of the Supplier: [Signature]

1.39. Date of Signature: [Date]

1.40. Signature of the Distributor: [Signature]

1.41. Date of Signature: [Date]

1.42. Signature of the Retailer: [Signature]

1.43. Date of Signature: [Date]

1.44. Signature of the Wholesaler: [Signature]

1.45. Date of Signature: [Date]

1.46. Signature of the Manufacturer: [Signature]

1.47. Date of Signature: [Date]

1.48. Signature of the Importer: [Signature]

1.49. Date of Signature: [Date]

1.50. Signature of the Exporter: [Signature]

1.51. Date of Signature: [Date]

1.52. Signature of the Agent: [Signature]

1.53. Date of Signature: [Date]

1.54. Signature of the Broker: [Signature]

1.55. Date of Signature: [Date]

1.56. Signature of the Commission Agent: [Signature]

1.57. Date of Signature: [Date]

1.58. Signature of the Freight Forwarder: [Signature]

1.59. Date of Signature: [Date]

1.60. Signature of the Customs Broker: [Signature]

1.61. Date of Signature: [Date]

1.62. Signature of the Insurance Broker: [Signature]

1.63. Date of Signature: [Date]

1.64. Signature of the Shipping Agent: [Signature]

1.65. Date of Signature: [Date]

1.66. Signature of the Port Agent: [Signature]

1.67. Date of Signature: [Date]

1.68. Signature of the Warehouse Agent: [Signature]

1.69. Date of Signature: [Date]

1.70. Signature of the Distribution Agent: [Signature]

1.71. Date of Signature: [Date]

1.72. Signature of the Sales Agent: [Signature]

1.73. Date of Signature: [Date]

1.74. Signature of the Marketing Agent: [Signature]

1.75. Date of Signature: [Date]

1.76. Signature of the Advertising Agent: [Signature]

1.77. Date of Signature: [Date]

1.78. Signature of the Publicity Agent: [Signature]

1.79. Date of Signature: [Date]

1.80. Signature of the Event Agent: [Signature]

1.81. Date of Signature: [Date]

1.82. Signature of the Travel Agent: [Signature]

1.83. Date of Signature: [Date]

1.84. Signature of the Tour Agent: [Signature]

1.85. Date of Signature: [Date]

1.86. Signature of the Cruise Agent: [Signature]

1.87. Date of Signature: [Date]

1.88. Signature of the Hotel Agent: [Signature]

1.89. Date of Signature: [Date]

1.90. Signature of the Restaurant Agent: [Signature]

1.91. Date of Signature: [Date]

1.92. Signature of the Bar Agent: [Signature]

1.93. Date of Signature: [Date]

1.94. Signature of the Nightclub Agent: [Signature]

1.95. Date of Signature: [Date]

1.96. Signature of the Casino Agent: [Signature]

1.97. Date of Signature: [Date]

1.98. Signature of the Gambling Agent: [Signature]

1.99. Date of Signature: [Date]

1.100. Signature of the Lottery Agent: [Signature]

1.101. Date of Signature: [Date]

1.102. Signature of the Betting Agent: [Signature]

1.103. Date of Signature: [Date]

1.104. Signature of the Horse Racing Agent: [Signature]

1.105. Date of Signature: [Date]

1.106. Signature of the Football Agent: [Signature]

1.107. Date of Signature: [Date]

1.108. Signature of the Basketball Agent: [Signature]

1.109. Date of Signature: [Date]

1.110. Signature of the Tennis Agent: [Signature]

1.111. Date of Signature: [Date]

1.112. Signature of the Golf Agent: [Signature]

1.113. Date of Signature: [Date]

1.114. Signature of the Baseball Agent: [Signature]

1.115. Date of Signature: [Date]

1.116. Signature of the American Football Agent: [Signature]

1.117. Date of Signature: [Date]

1.118. Signature of the Ice Hockey Agent: [Signature]

1.119. Date of Signature: [Date]

1.120. Signature of the Figure Skating Agent: [Signature]

1.121. Date of Signature: [Date]

1.122. Signature of the Winter Sports Agent: [Signature]

1.123. Date of Signature: [Date]

1.124. Signature of the Summer Sports Agent: [Signature]

1.125. Date of Signature: [Date]

1.126. Signature of the Olympic Games Agent: [Signature]

1.127. Date of Signature: [Date]

1.128. Signature of the World Cup Agent: [Signature]

1.129. Date of Signature: [Date]

1.130. Signature of the Commonwealth Games Agent: [Signature]

1.131. Date of Signature: [Date]

1.132. Signature of the Asian Games Agent: [Signature]

1.133. Date of Signature: [Date]

1.134. Signature of the European Games Agent: [Signature]

1.135. Date of Signature: [Date]

1.136. Signature of the African Games Agent: [Signature]

1.137. Date of Signature: [Date]

1.138. Signature of the Oceania Games Agent: [Signature]

1.139. Date of Signature: [Date]

1.140. Signature of the Pacific Games Agent: [Signature]

1.141. Date of Signature: [Date]

1.142. Signature of the South American Games Agent: [Signature]

1.143. Date of Signature: [Date]

1.144. Signature of the Central American Games Agent: [Signature]

1.145. Date of Signature: [Date]

1.146. Signature of the Caribbean Games Agent: [Signature]

1.147. Date of Signature: [Date]

1.148. Signature of the Pan American Games Agent: [Signature]

1.149. Date of Signature: [Date]

1.150. Signature of the Isthmian Games Agent: [Signature]

1.151. Date of Signature: [Date]

1.152. Signature of the Mesoamerican Games Agent: [Signature]

1.153. Date of Signature: [Date]

1.154. Signature of the Andean Games Agent: [Signature]

1.155. Date of Signature: [Date]

1.156. Signature of the Amazonian Games Agent: [Signature]

1.157. Date of Signature: [Date]

1.158. Signature of the Patagonian Games Agent: [Signature]

1.159. Date of Signature: [Date]

1.160. Signature of the Antarctic Games Agent: [Signature]

1.161. Date of Signature: [Date]

1.162. Signature of the Arctic Games Agent: [Signature]

1.163. Date of Signature: [Date]

1.164. Signature of the Subarctic Games Agent: [Signature]

1.165. Date of Signature: [Date]

1.166. Signature of the Subtropical Games Agent: [Signature]

1.167. Date of Signature: [Date]

1.168. Signature of the Tropical Games Agent: [Signature]

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1.177. Date of Signature: [Date]

1.178. Signature of the Subtropical Games Agent: [Signature]

1.179. Date of Signature: [Date]

1.180. Signature of the Tropical Games Agent: [Signature]

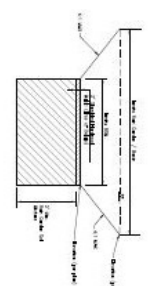
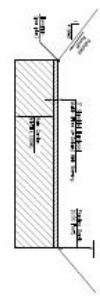
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1.182. Signature of the Subtropical Games Agent: [Signature]

1.183. Date of Signature: [Date]

1.184. Signature of the Tropical Games Agent: [Signature]

1.185. Date of Signature: [Date]</



811

Know what's below.
Call before you dig.

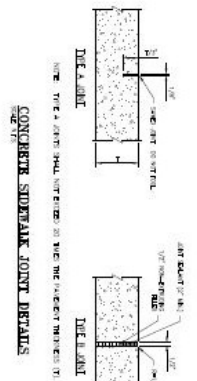
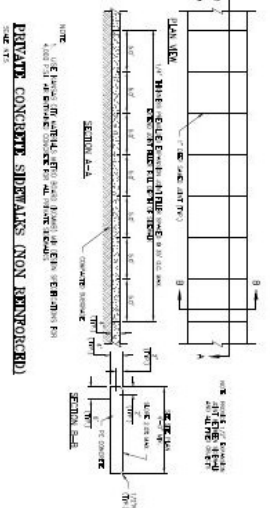
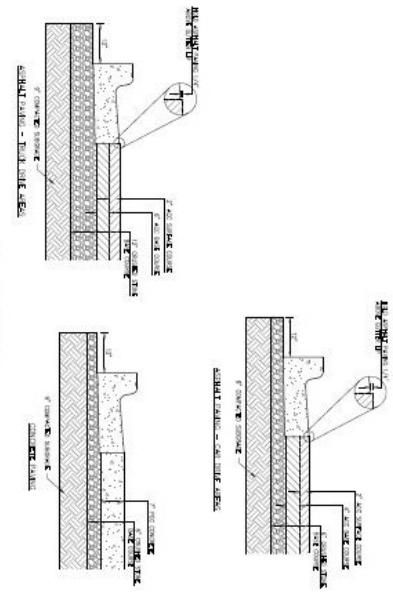
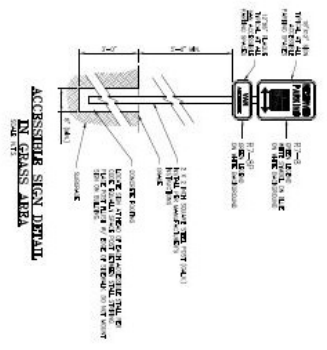
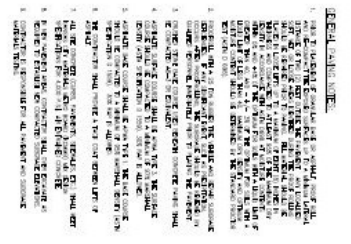
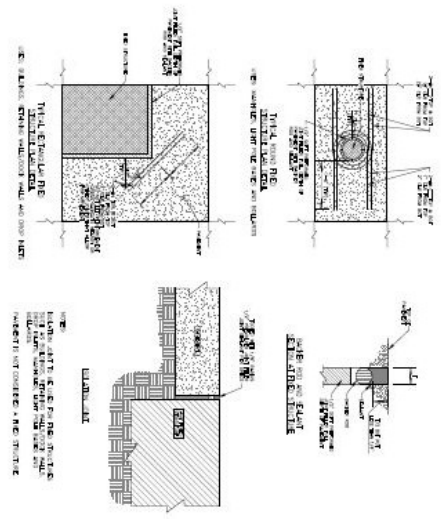
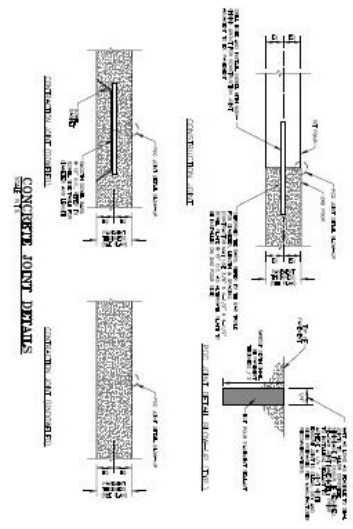
FOR A LIST OF PARTICIPATING UTILITY COMPANIES, VISIT www.call811.org.
OR
CALL 811. AFTERSCHOOL AND WEEKEND SERVICE IS AVAILABLE AT 1-800-4-A-DIG.
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OR
CALL 811.

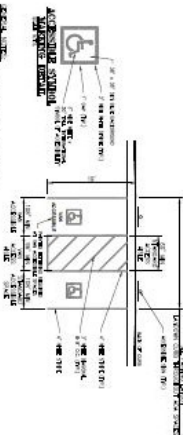
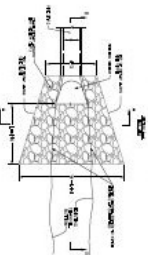
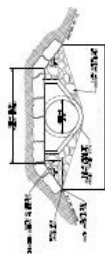
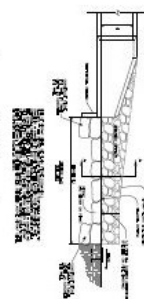
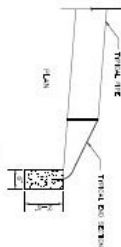
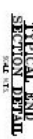
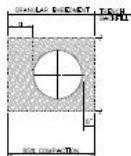
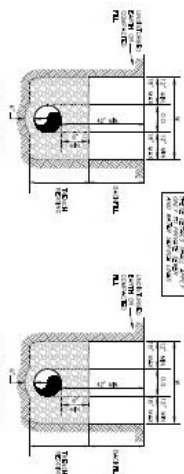
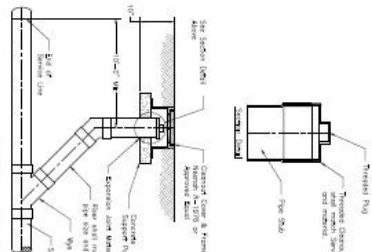
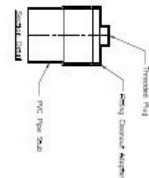
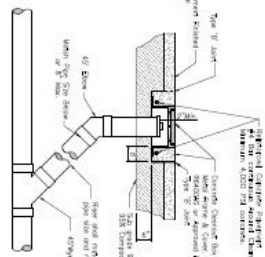
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RAIN GARDEN PLAN
ROSE PROPERTY MAINTENANCE
1908 S. 74TH STREET
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

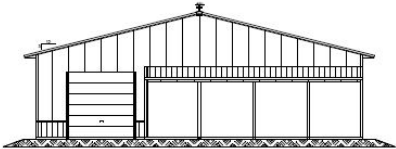
PHOTOGRAPHY PLANNING, INC.
1770 N. Woodward
Orem, Utah 84057
(801) 226-7000
Fax (801) 226-0666
www.photographyplanning.com



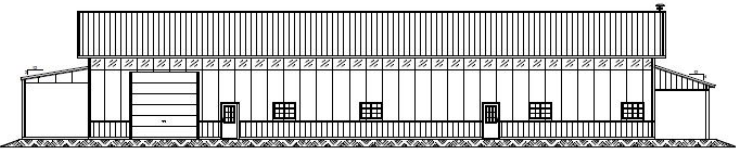
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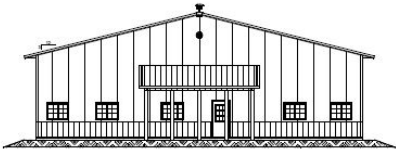
Building Elevations:



West Elevation



South Elevation



East Elevation



North Elevation

Customer Signature _____

	Craun, Tom H Tom Craun 15119 Leavenworth Rd Basehor, KS 66007	WickBuildings.com	Kyle Rose 60'-0" x 104'-0" x 14'-4" ICH	Rose Property Maintenance Kyle Rose 1908 South 74th Kansas City, KS 66106
		Date: 12-26-2019		
		Time: 12:22 PM		
		DO NOT SCALE		

Site Photos Provided by Applicant:









Site Photographs Provided by Staff Dated June 16, 2020:







Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: July 30, 2020
Re: Change of Zone Petition #3225

GENERAL INFORMATION

Applicant:
Reggie Kemna

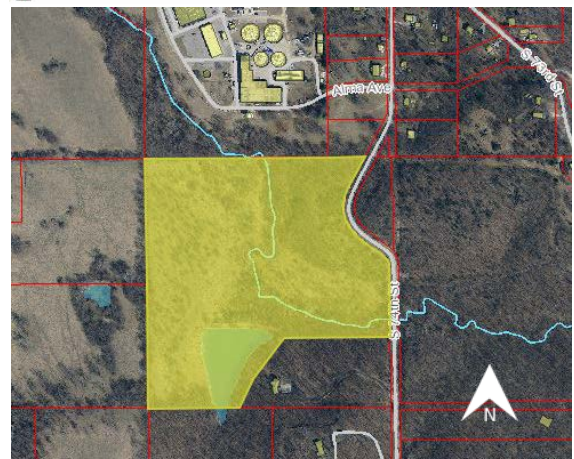
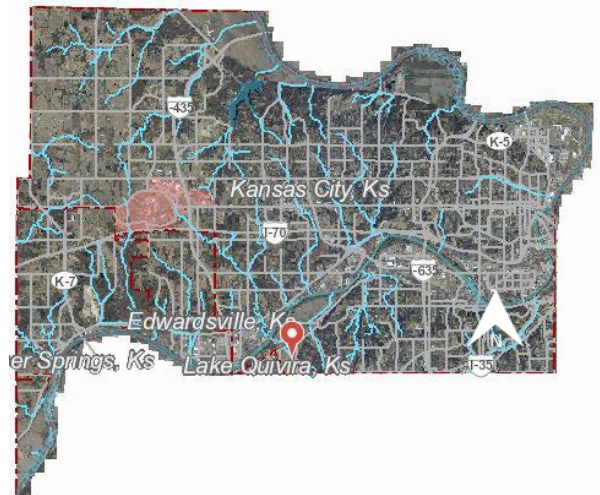
Status of Applicant:
Property Owner
5118 West 158th Terrace
Overland Park, KS 66224

Requested Action:
Change of Zone from R-1 Single Family
District to AG Agriculture District.

Date of Application:
May 29, 2020

Purpose:
Change the property from a zoning
designation of R-1 Single Family District to AG
Agriculture District to raise b

Property Location:
2914 South 74th Street



Commission Districts:	Commissioner At Large: Tom Burroughs District Commissioner: Angela Markley
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District; AG Agriculture District
Adjacent Uses:	North: Water One Treatment Plant South: Single Family Residence East: Single Family Residence West: Single Family Residence and Agricultural Land
Total Tract Size:	31.35 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property as Rural Density Residential.
Major Street Plan:	The Major Street Plan designates 74 th Street as a Local Street.
Advertisement:	<u>The Wyandotte Echo</u> – June 18, 2020 Letters to Property Owner – June 19, 2020 and July 27, 2020
Public Hearings:	July 13, 2020 and July 30, 2020
Public Support:	Two (2) respondents to the neighborhood meeting voiced their support for the applicant's requested action.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Reggie Kemna, is requesting a Change of Zone at the address of 2914 S 74th St from R-1 Single Family District to AG Agriculture District. The applicant has stated that their property is comprised of undeveloped land, rolling hills and dense foliage. The applicant has stated that there is no sewage, no utilities, no structures, and few open areas. The applicant has expressed the desire to change zones to accommodate raising hay and bees.

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

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

This neighborhood is primarily residential in nature with scattered agricultural land uses. To the North lies the Water One Treatment Plant. To the East, West and South are a mix of residential and agricultural land uses.

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

The property directly to the North is the Water One Treatment Plant. The properties to the East, West, and South are a mix of residential and agricultural land uses. Residential properties in this neighborhood tend to have significant acreage and are densely populated with trees and other natural features. The applicant's request is compatible with the nature of adjacent, large-lot rural and agricultural properties.

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

The property related to this application is currently zoned R-1 Single Family District. It is characterized by dense foliage, rolling hills, and undeveloped land, which is suitable for residential uses. If restrictions were to be removed and the applicant were to use the land as proposed, the use is not expected to detrimentally affect nearby properties. Rather the use is seen as compatible and similar to that of adjacent properties.

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

The property specified in this application is not vacant, it currently accommodates a single-family residence. It is zoned R-1 Single Family District and is surrounded by properties zoned as R-1 Single Family Districts and AG Agriculture Districts.

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

Agricultural uses specifically hay like uses, and bees for honey and pollination are crucial to the ecosystem and economy. Agricultural zoning will not injure agricultural or residential uses or their suitability. It will contribute to the preservation of the visual quality of nearby property.

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

Given that the applicant has requested a Change of Zone for their own property and is not intending to use their land for commercial purposes, an increase in traffic or parking is not expected. Any traffic or parking that might occur in conjunction with future uses is not expected to adversely affect safety, create parking problems, or exceed the road capacity of the Local Street.

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

The City-Wide Master Plan designates this area as Rural Density Residential. Lots in this area are particularly large and dense with trees and other foliage. Additionally, there are scattered agricultural uses mixed in with residential uses. Given that this neighborhood is designated as Rural Density Residential, the proposed use is expected to conform with the uses defined by this designation via the City-Wide Master Plan.

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

The proposed use is not expected to harm the surrounding environment. Bees will enhance the environment. Hay supports biodiversity by perpetuating re-forestation.

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

a. *Water Service*

Available.

b. *Sanitary sewer service*

Not available at this location.

c. *Storm water control*

To be designed to City Code.

d. *Police*

Police service is provided by South Patrol District, #334.

e. *Fire*

Fire service is provided by Station #17.

f. *Transit*

KCATA does not provide service to this area.

g. Schools

Public education is provided by Kansas City, KS USD 5.

h. Streets

To be designed to City Code.

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

The proposed use is expected to have a significant economic impact on the community as bees support agricultural uses well outside of their immediate location.

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

The property owner is capable of meeting all applicable ordinance requirements.

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

There will be very little noticeable change to the public health, safety, and welfare if the Change of Zone is granted. If denied, the applicant would face extreme hardship as they would not be able to use their property as proposed and could only sell off their land or acquire special use permits allowing such uses on a conditional basis. Approving the proposed use further limits the potential for suburban sprawl in addition to the other detailed community benefits.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Due to the COVID-19, the neighborhood meeting requirement was suspended for the July applications. However, the applicant was still required to send a letter (as detailed as possible about your proposal) to the properties specified by the Urban Planning and Land Use Department. The applicant sent out a letter on June 15, 2020 and received three responses. One response concerned the email address in the letter that was sent out. The other two responses demonstrated support for the applicants requested action.

KEY ISSUES

None.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application #3225, subject to:

Planning and Urban Design Comments:

1. Please provide updated pictures and plans of your site.
2. Indicate where the proposed fields to be cut for hay are located. Where will the bee operation be located?
3. Please describe your intended use in greater detail.

Applicant Response: Have about 15 hives, which will benefit the nearby farmer crops and about 5 acres of hay.

4. Should your request be denied, how would you use your land? What hardships are being created upon denial? Do you plan to develop this site?

Applicant Response: My understanding is even if zoned residential. I can still have some livestock, so I would consider having a few hogs out there. I really do not want them because of their smell, but I think they are my next best option. I would also potentially look at a tree farm.

Staff Response: Per City Code swine is not permitted.

5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Engineering Comments:

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

Conditions:

- Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #3225 subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Neighborhood Meeting Information
Responses to Staff Comments and Suggestions
Site Plan Indicating Areas for Hay and Bees
Site Photographs Provided by Applicant
Survey

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3225 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3225, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

Hearing starts at 1:33:19:

CHANGE OF ZONE APPLICATION #3225 – REGGIE KEMNA WITH RELENTLESS, LLC – SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for hay and to raise bees at 2914 South 74th Street. **Detailed Outline of Requested Action:** The applicant, Reggie Kemna, is requesting a Change of Zone at the address of 2914 S 74th St from R-1 Single Family District to AG Agriculture District. The applicant has stated that their property is comprised of undeveloped land, rolling hills and dense foliage. The applicant has stated that there is no sewage, no utilities, no structures, and few open areas. The applicant has expressed the desire to change zones to accommodate raising hay and bees.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated June 18, 2020; and,
7. The Notices to property owners dated June 19, 2020.

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

Present in Support:

- Reggie Kemna, applicant, 5118 West 158th Terrace, Overland Park, Kansas 66224

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:36:40: Planning Director Hand stated that the staff is aware of two (2) people in support and no one in opposition. This application is for the purpose of raising bees and harvesting hay. The property is very hilly and currently has limited public utilities to the site. Based on the applicant's testimony tonight, if they are going to grade anything over 50 cubic yards, then they will need a permit and if they are going to disturb the land, he will need a land disturbance permit. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 1:38:00:

On motion by Ms. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application #3225:

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Planning and Urban Design Comments:

- 1. Please provide updated pictures and plans of your site.**
- 2. Indicate where the proposed fields to be cut for hay are located. Where will the bee operation be located?**
- 3. Please describe your intended use in greater detail.**

Applicant Response: Have about 15 hives, which will benefit the nearby farmer crops and about 5 acres of hay.

- 4. Should your request be denied, how would you use your land? What hardships are being created upon denial? Do you plan to develop this site?**

Applicant Response: My understanding is even if zoned residential. I can still have some livestock, so I would consider having a few hogs out there. I really do not want them because of their smell, but I think they are my next best option. I would also potentially look at a tree farm.

Staff Response: Per City Code swine is not permitted.

5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Engineering Comments:

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

Conditions:

- Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Meeting Minutes:

Application Number: COZ3225 – 2914 South 74th Street

Date & Location: Letters were mailed on 6.15.20 (no meeting held due to covid-19)

Meeting called to order at: N/A

Introductions: Letters mailed on 6.15.20

Names in attendance: Responses to letter:

- 1) Text Message Received (6.18.20): Email address are different:
 - i. 1) created email accounts to match email address in letter that went out.

- 2) Email received (6.24.20) Chase Thompson
 - 1) Hey Reggie, this is your neighbor to the South out at your new property. I wanted to let you know we received your notification of the desired zoning change. There are no objections or concerns on our end. We are actually working through the same process so you should be receiving a similar letter from us.
 - a. Rest of the email was about use of property.

- 3) Text message received (6.28.20) from Cory Fisher:
 - I got the WYCO letter for the rezoning of your property. Sounds like a great plan. Let me know if I can be of any help.

Meeting Adjourned at: N/A

Minutes taken by: Keith Popp

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Reggie Kemna, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # COZ 3225
2. That I conducted a neighborhood meeting on 6/15/20 mailed Letters out
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 20__.

My commission expires _____ of _____, 20__.

Notary Public

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

1. Please provide updated pictures and plans of your site.
2. Indicate where the proposed fields to be cut for hay are at. Where will the bee operation be located? *see the survey*
3. Please describe your intended use in greater detail.
have about 15 hives, which will benefit the near by farmers' crops. and about 5 acres
4. Should your request be denied, how would you use your land? What hardships are being created upon denial? Do you plan to develop this site?
My understanding is even if it zoned residential, I can still have some live stock. so I would consider having a few hogs out there. I really do not want them because of their smell, but I think they are my next best option. I would also potential look at a tree Farm.
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Engineering Comments:

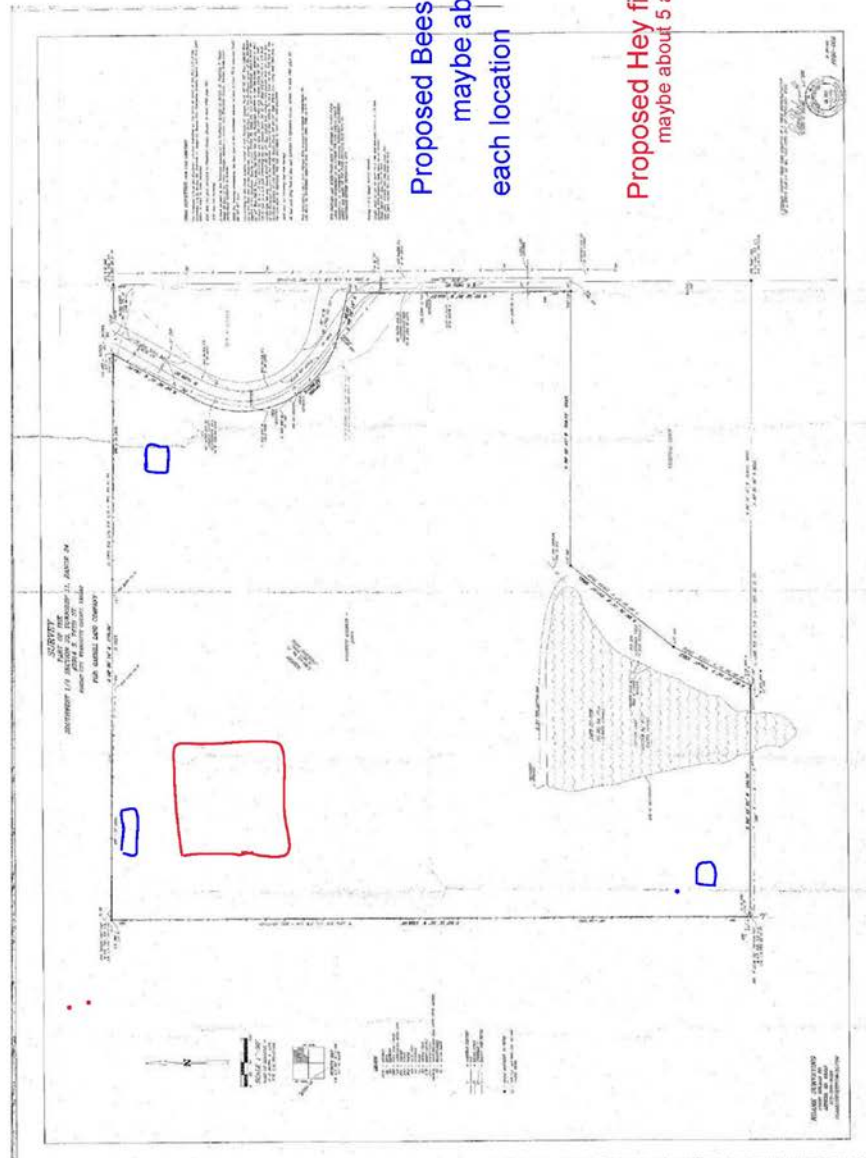
- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) The survey, exhibit and legal description shall be reviewed and approved by UG staff and County Surveyor prior to executing and recording of proposed vacation documents.
 - 2) Construction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

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend _____ of Petition #3225 subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

ATTACHMENTS

Survey _____
Site Photographs Provided by Staff Dated _____



COZ #3225

July 13, 2020

8

COZ #3225

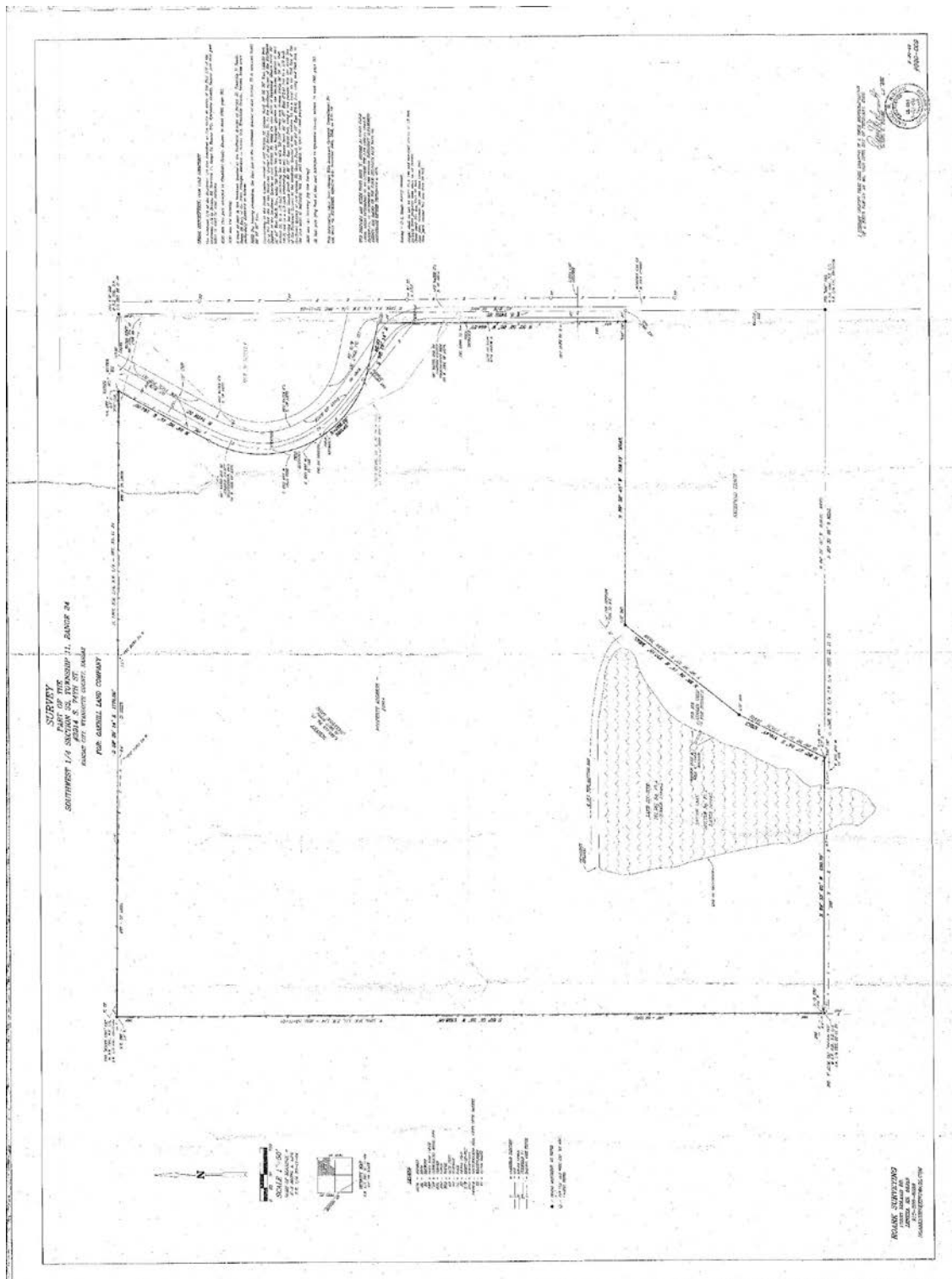
July 30, 2020

14











Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: July 30, 2020
Re: Petition #SP-2020-36

GENERAL INFORMATION

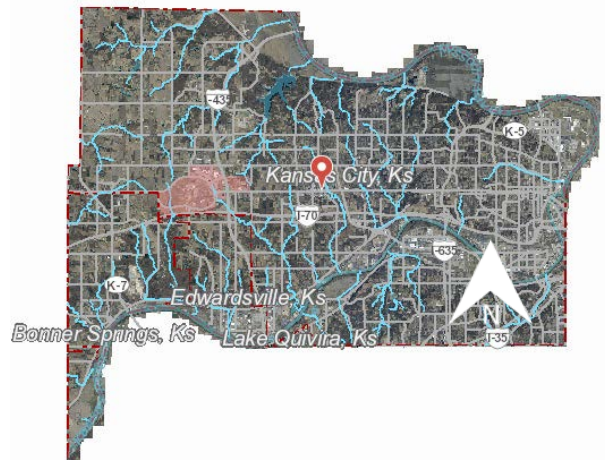
Applicant:
Adrian Jasper

Status of Applicant:
Representative
West State Plaza
7543 State Avenue
Kansas City, KS 66112

Requested Action:
Renewal of a Special Use Permit to operate a restaurant and drinking establishment with live entertainment (SP-2017-67 expired 1/2/20).

Date of Application:
April 24, 2020

Purpose:
To continue operating a restaurant and drinking establishment with live entertainment.



Property Location:	7543 State Avenue
Commission Districts:	Commissioner At Large: Melissa Bynum District Commissioner: Dr. Jane Winkler Philbrook
Existing Zoning:	CP-1 Planned Limited Business District
Adjacent Zoning:	North: CP-2 Planned General Business District South: RP-5 Planned Apartment District East: CP-2 Planned General Business District CP-3 Planned Commercial District West: CP-2 Planned General Business District
Adjacent Uses:	North: Commercial Business South: Apartments East: Commercial Business West: Commercial Business
Total Tract Size:	9.31 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property a Mixed-Use Land Use District.
Major Street Plan:	The Major Street Plan designates State Avenue as a Class A Thoroughfare and Armstrong Avenue as a Class C Thoroughfare.
Advertisement:	<u>The Wyandotte Echo</u> – May 14, 2020 Letters to Property Owner – May 14, 2020 and July 27, 2020
Public Hearings:	July 13, 2020 and July 30, 2020
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Adrian Jasper, has applied for the renewal of a Special Use Permit (SP-2017-67 expired 1/2/20) to continue the operation of a restaurant and drinking establishment with live entertainment. The applicant's business is located in the West State Plaza shopping center located at 7540 Armstrong Avenue. No notices of violation have been issued to date.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This neighborhood is horizontal mixed-use in nature, featuring both commercial businesses along State Avenue and residential units to the south of Armstrong Avenue.

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

The zoning and uses of properties nearby are set out above. Given the horizontal mixed-use nature of this area, the proposed use has been determined to be compatible with the surrounding uses.

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

The existing automobile-oriented retail strip mall is an appropriate location for a restaurant/bar. This neighborhood is horizontal mixed-use in nature, and the adjacent uses are commercial.

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

The property is currently a developed commercial/retail site.

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

Special Use Permits are not addressed in the Master Plan.

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

The existing use has not resulted in the increase of traffic to the point where it would exceed the capacity of either the Class A Thoroughfare or the Class C Thoroughfare.

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

The proposed use is convenient for the welfare of the public and should not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining properties. There are many commercial businesses along State Avenue and within this shopping center.

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

Noise and illumination are potential issues that may arise from the operation of any drinking establishment that is open late and that features live entertainment. It is believed that the location of the proposed use relative to surrounding uses should not cause conflict, and no notices of violation have been issued to date.

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

The proposed use may pollute the air, land or water if not properly operated.

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

This is not applicable as it is an existing structure in a built-out neighborhood.

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

The proposed use has the potential to be a source of noise and other disorderly behavior. However, if this Special Use Permit is denied the landowner will be forced to find a new tenant and the business owner would be required to shut down. The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal because the proposed use is not seen as necessary relative to public gain, however, denial would result in hardship for the individual landowner.

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

The proposed use will not result in overcrowding of land as it is a commercial use.

PREVIOUS ACTIONS

SP-2017-67 (expired 1/2/20)

NEIGHBORHOOD MEETING

Due to the COVID-19, the neighborhood meeting requirement was suspended for the July applications. However, the applicant was still required to send a letter (as detailed as possible about your proposal) to the properties specified by the Urban Planning and Land Use Department. The applicant sent out a letter on June 22, 2020 and received no responses.

KEY ISSUES

Noise
Drunk Driving
Light Pollution

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #**SP-2020-36**, subject to:

Planning and Urban Design Comments:

1. Please provide updated pictures of your site and operation.
2. Has your operation changed in any capacity? Hours of operation? Security Plan? Live entertainment?

Applicant Response: Our business has changed since we opened in December of 2018. We have less of an emphasis on late night activities and events, but it is important to maintain the ability to do so in order for Elevate to survive as a special events center.

3. The stipulation per the previous Special Use Permit are as follows; what actions have been taken to come into compliance?
 - Approval will be for two (2) years;
 - Hours of operation shall not exceed 11am-2am M-F and 9am-2am Saturday and Sunday;
 - The parking areas indicated on attached survey on the south and east sides of the building must be painted prior to a business license being issued;
 - The security plan must always be followed. Security issues, noise complaints, or safety related incidents could be cause for revocation of the Special Use Permit; and
 - The business must use an ID card reader starting at 10 PM. After 10 PM the business operates primarily as a night club with live entertainment.

Applicant Response: We have not received any noise or nuisance complaints that we know of and Elevate Bar and Grill Maintains very good relationships with our corporate neighbors and the shopping center landlord. We pride ourselves on being great citizens and neighbors to our guests and fellow West State tenants.

Our hours of operation are dictated by the needs of our customers. Generally, we are open 7 days a week for lunch and dinner although hours of operation may vary.

**Sundays: 12 – 8pm
Mon -Thursday: 12pm – 10pm
Friday & Saturday 12 – 2am.**

At Elevate Bar and Grill we understand that the comfort of our guests goes hand in hand with their security. Our security plan is designed to offer layers of protection for our guests. First, by providing a digital surveillance system with 10 operational cameras and plans to expand to 16 cameras, both indoor and outdoor. Our camera system is equipped with a DVR recorder and also allows for remote monitoring. Secondly, we utilize a driver's license scanner on late nights which allows us to maintain a digital record of customers who attend our events. Outside licensed security companies are employed when needed for large scale, private and public events.

- 4. Approval of the Special Use Permit is for two (2) years.**
- 5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) following the Unified Government Board of Commissioners meeting within thirty (30) days. The approval will not go into effect until the ordinance is published in the newspaper.**
- 6. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

Planning Engineering Comments:

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

Business License Comments:

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

Conditions:

1. Hours of operation shall not exceed 11am-2am M-F and 9am-2am Saturday and Sunday;
2. The security plan must always be followed. Security issues, noise complaints, or safety related incidents could be cause for revocation of the Special Use Permit;
3. The business must use an ID card reader starting at 10 PM. After 10 PM the business operates primarily as a night club with live entertainment;
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper;
5. Approval of the Special Use Permit will be for two (2) years; and
6. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-36 subject to all comments and suggestions outlined in this staff report, and the Conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Neighborhood Meeting Information
Responses to Staff Comments and Suggestions
Previously Attached Survey
Photographs Provided by Applicant
Photographs of Site Provided by Staff Dated 7/2/20
Aerial View

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-36**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-36**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

Hearing starts at 3:44:00 and the applicant was not present. The application was moved to the end of the agenda and recalled at 4:53:05 and the applicant was not present.

SPECIAL USE PERMIT APPLICATION #SP-2020-36 – ADRIAN JASPER WITH ELEVATE ENTERPRISES LLC. – SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-67, expired 1/25/2020) for a drinking establishment with live entertainment at 7540 Armstrong Avenue. **Detailed Outline of Requested Action:** The applicant, Adrian Jasper, has applied for the renewal of a Special Use Permit (SP-2017-67 expired 1/2/20) to continue the operation of a restaurant and drinking establishment with live entertainment. The applicant's business is located in the West State Plaza shopping center located at 7540 Armstrong Avenue. No notices of violation have been issued to date.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 14, 2020; and
7. The Notices to property owners dated May 14, 2020.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:53:40: Planning Director Hand stated that there have been no reported violations on this property and the conditions from the previous approval were carried over to this application. This includes the hours of operation, security plan, ID card reader when the business transitions into live entertainment and the staff recommends approval for two (2) years.

Motion and Vote starts at 4:54:20:

On motion by Ms. Armstrong, seconded by Ms. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application #SP-2020-36:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Planning and Urban Design Comments:

1. Please provide updated pictures of your site and operation.

2. Has your operation changed in any capacity? Hours of operation? Security Plan? Live entertainment?

Applicant Response: Our business has changed since we opened in December of 2018. We have less of an emphasis on late night activities and events, but it is important to maintain the ability to do so in order for Elevate to survive as a special events center.

3. The stipulation per the previous Special Use Permit are as follows; what actions have been taken to come into compliance?

- Approval will be for two (2) years;
- Hours of operation shall not exceed 11am-2am M-F and 9am-2am Saturday and Sunday;
- The parking areas indicated on attached survey on the south and east sides of the building must be painted prior to a business license being issued;
- The security plan must always be followed. Security issues, noise complaints, or safety related incidents could be cause for revocation of the Special Use Permit; and
- The business must use an ID card reader starting at 10 PM. After 10 PM the business operates primarily as a night club with live entertainment.

Applicant Response: We have not received any noise or nuisance complaints that we know of and Elevate Bar and Grill Maintains very good relationships with our corporate neighbors and the shopping center landlord. We pride ourselves on being great citizens and neighbors to our guests and fellow West State tenants.

Our hours of operation are dictated by the needs of our customers. Generally, we are open 7 days a week for lunch and dinner although hours of operation may vary.

Sundays: 12 – 8pm

Mon -Thursday: 12pm – 10pm

Friday & Saturday 12 – 2am.

At Elevate Bar and Grill we understand that the comfort of our guests goes hand in hand with their security. Our security plan is designed to offer layers of protection for our guests. First, by providing a digital surveillance system with 10 operational cameras and plans to expand to 16 cameras, both indoor and outdoor. Our camera system is equipped with a DVR recorder and also allows for remote monitoring. Secondly, we utilize a driver's license scanner on late nights which allows us to maintain a digital record of customers who attend our events. Outside licensed security companies are employed when needed for large scale, private and public events.

4. Approval of the Special Use Permit is for two (2) years.
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) following the Unified Government Board of Commissioners meeting within thirty (30) days. The approval will not go into effect until the ordinance is published in the newspaper.
6. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Planning Engineering Comments:

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

Business License Comments:

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

Conditions:

1. Hours of operation shall not exceed 11am-2am M-F and 9am-2am Saturday and Sunday;
2. The security plan must always be followed. Security issues, noise complaints, or safety related incidents could be cause for revocation of the Special Use Permit;
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will not go into effect until the ordinance is published in the newspaper;

- 5. Approval of the Special Use Permit will be for two (2) years; and**
- 6. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**



7543 State Avenue, Kansas City, KS 66112
(913)766-6610
Elevatebarandgrill@gmail.com

June 8, 2020

Dear Recipient,

This letter is notification that we at Elevate Bar and Grill are currently in the process of renewing our special use permit (SP-2020-36), so that we may operate as a drinking establishment with live entertainment. Please join our ownership for a community meeting on Monday, June 22nd at 6 PM, here at Elevate (7543 State Avenue) so that we may answer your questions and address your concerns. Due to the COVID-19, attendance may be limited in accordance with local social distancing requirements. For those who can't attend please email your questions or concerns to elevatebarandgrill@gmail.com at least 48 hours prior to the meeting and they will be addressed in the meeting and forwarded in meeting notes to the planning commission.

Warm regards,

Adrian L. Jasper

Owner
Adrian.Jasper@ymail.com

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
COUNTY OF _____) SS:

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

1. That I am the petitioner for Petition # SP-2020-36
2. That I conducted a neighborhood meeting on June 22, 2020
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Adrian Jasper
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.

My commission expires _____ of _____, 200_.

Notary Public



ADRIAN JASPER <elevatebarandgrill@gmail.com>

To ○ Pellegrino, Jacob



Tue 6/30



1. Our business model has changed since we opened in December of 2018. We have less of an emphasis on late night activities and events but it is important that we maintain the ability to do so in order for Elevate to survive as a special events center.
2. We have not received any noise or nuisance complaints that we know of and Elevate Bar & Grill maintains very good relationships with our corporate neighbors and the shopping center landlord. We pride ourselves in being great citizens and neighbors to our guests and fellow West State tenants.

SP-2017-67 RENEWAL

7543 State Avenue, Kansas City, KS 66112

Elevate Bar and Grill was established in 2017 and officially opened for business on December 7, 2018 to a welcoming Kansas City, Kansas community. Our restaurant offers a diverse menu with many American classics but is solidly grounded in Southern Style comfort food. Elevate was designed to be welcoming with a modern spacious main dining room and an aeronautical theme that pays homage to the Tuskegee Airmen, the "Red Tails". Although we are mainly known for our cuisine, Elevate, is far more than a restaurant. In our first year, we have serviced many of our community's needs such as providing meeting space for local organizations, small business expositions, event space rental, community meetings, political forums, receptions, happy hours, and catering. We also continue to serve as one of the few local entertainment venues showcasing talent from around the Kansas City area and beyond.

We are proud to have provided 5 full time positions and approximately 10 part time jobs all while paying above average wages which total over \$140,000.00 to date. The vast majority, of the wages were paid to citizens of Wyandotte County.

Our hours of operation are dictated by the needs of our customers. Generally, we are open 7 days a week for lunch and dinner although hours of operation may vary.

Sundays: 12 – 8pm

Mon -Thursday: 12pm – 10pm

Friday & Saturday 12 – 2am.

Security

At Elevate Bar and Grill we understand that the comfort of our guests goes hand in hand with their security. Our security plan is designed to offer layers of protection for our guests. First, by providing a digital surveillance system with 10 operational cameras and plans to expand to 16 cameras, both indoor and outdoor. Our camera system is equipped with a DVR recorder and also allows for remote monitoring. Secondly, we utilize a driver's license scanner on late nights which allows us to maintain a digital record of customers who attend our events. Outside licensed security companies are employed when needed for large scale, private and public events.

Although early in its existence, Elevate has developed a reputation for being a neighborhood restaurant, bar and event center where you can feel safe no matter the genre of event. We are proud to have a security and safety record with no notable security breaches or fights. Nor have we seen problems with mass egress, or traffic congestion after major events. We have a great relationship with our land lords and have not been notified of any complaints from our neighbors to date.

The mission of Elevate Bar and Grill is to connect community through cuisine and we are well on our way to doing that. Our goal is to bring value to our neighbors and guest by providing a close, clean, respectable place to dine, meet and even bring your out of town guests for a safe night on the town or a quiet lunch. We are honored when former KCK residents come back and rave about having a place where they can reconnect with family and fiends over a meal or a beverage. It is always a pleasure to give back to our community when there is an oppurtunity to do so. Last year we sponsored the KCKCC fishing derby, donated over 80lbs of chicken wings to striking auto workers and allowed many community groups to use our event space free of charge. The owners and staff at Elevate Bar and Grill are always excited to help and we will continue to do the same into the future.

In conclusion we would like to thank the commission for giving us the oppurtunity to prove our worth Kansas City, KS and Wyandotte County.

STAFF PARKING CALCULATIONS

Parking Provided	372
Potential parking by painting new spots	97
Total	469

	<i>Square Feet</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>
Restaurant Seating Area	3,550	1/50sqft	71.0
Restaurant Remaining Area	3,362	1/200 sqft	16.8
Commercial Kitchen	4,507	4/1000sqft	18.0
Retail	85,278	4/1000sqft	341.1
Total Square Feet	96,697		
Total Parking Required			447.0



#SP-2017-67

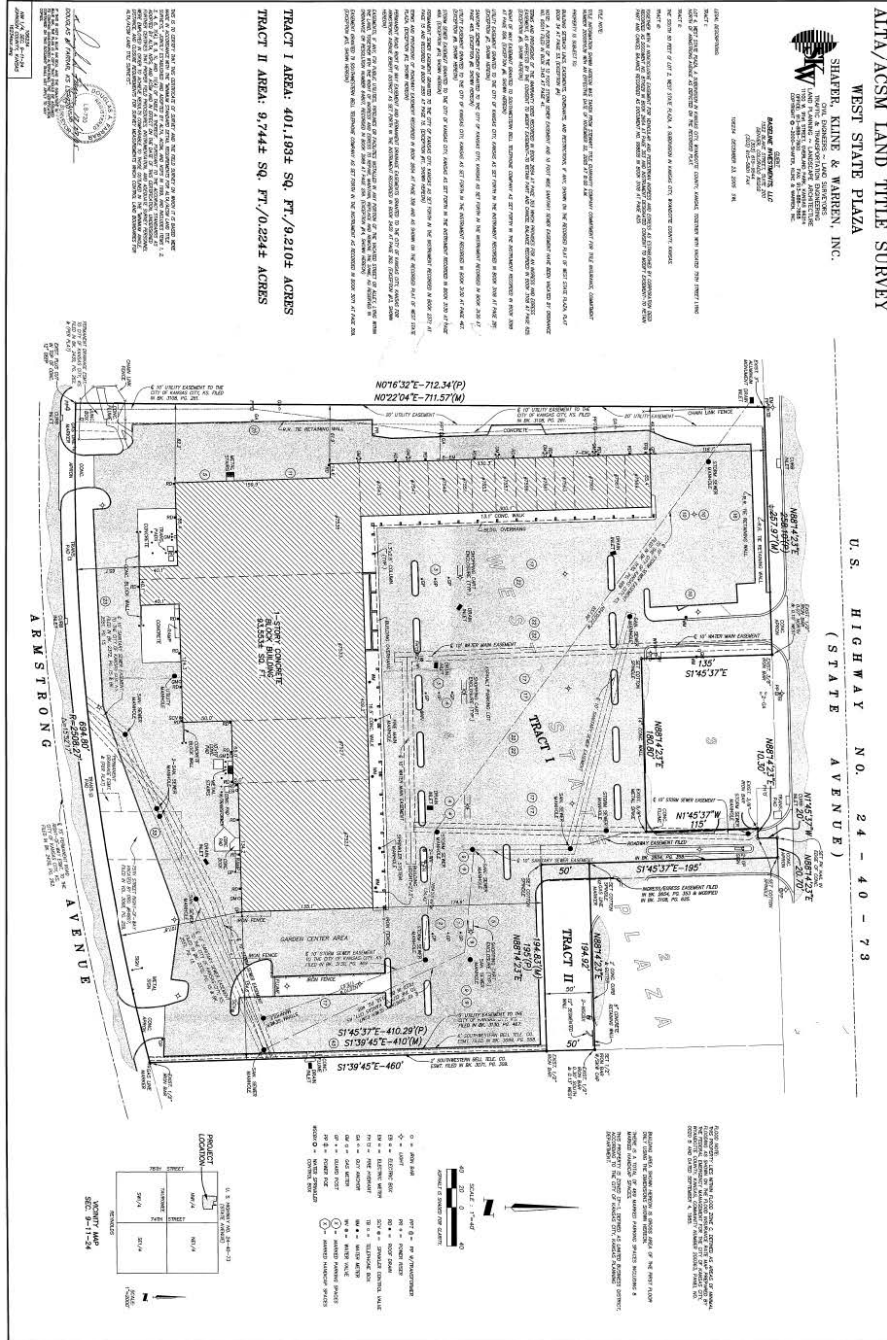
January 25, 2018

18

#SP-2020-36

July 30, 2020

19



#SP-2017-67

January 25, 2018

23

#SP-2020-36

July 30, 2020

21













Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: July 30, 2020
Re: Petition #SP-2020-38

GENERAL INFORMATION

Applicants:

Cristen Ryman and Kate Lynch

Status of Applicants:

Owners
2824 North 99th Terrace

Requested Action:

Renewal of a Special Use Permit
which expired on January 2, 2020.

Date of Application:

April 6, 2020

Purpose:

To continue the operation of a
Bed and Breakfast in the
applicant's primary residence.

Property Location:

2824 North 99th Terrace



Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Mike Kane

Existing Zoning: RP-1 Planned Single-Family District

Adjacent Zoning: **North:** RP-1 Planned Single Family District
South: RP-1 Planned Single Family District
East: RP-1 Planned Single Family District
West: RP-1 Planned Single Family District

Adjacent Uses: **North:** Residential Lot
South: Single Family Home
East: Residential Lot
West: Single Family Home

Total Tract Size: 0.2 Acres

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

Major Street Plan: The Major Street Plan classifies 99th Terrace as a Local Street.

Required Parking: Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport.

Advertisement: The Wyandotte Echo – May 14, 2020
Letters to Property Owner – May 14, 2020 and July 27, 2020

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

Public Opposition: None to date.

Public Support: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Cristen Ryman and Kate Lynch, are applying for the renewal of SP-2018-9. The renewal of this Special Use Permit will allow for the continued operation of a short-term rental in the applicants' primary residence. There have been no code violations on this property.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is a single-family subdivision with several still unbuilt parcels. It is not located near any schools or commercial corridors.

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

The zoning and uses of properties are set out above. The proposed use is compatible with the surrounding single-family houses if operated properly. Operating this property as a bed and breakfast has the potential to create issues related to noise, parking, and congestion. The fact that this property is the primary residence of the hosts and that there is only one (1) room being rented mitigates these concerns to a large extent.

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

This property is suitable for the use to which it has been restricted as it is a single-family home in a single-family subdivision. Removal of these restrictions may not detrimentally affect nearby property if the property is managed correctly. Potential detrimental effects such as noise and parking are mitigated to a large extent by the fact that this property is the primary residence of the hosts and only one (1) room is being rented.

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

The property is a single-family home that is currently occupied by the applicant.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use should not increase traffic to the point where it exceeds the capacity of the classified Local Street to accommodate it.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, but it does provide a public service. It will not; however,

substantially or permanently injure adjoining property because no new changes are being made to the exterior of the home.

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

Excessive noise is a concern frequently related to short-term rentals due to a higher number of transient people in the area. The applicants live in the home and have had no known complaints for noise or other issues. They have demonstrated the ability to mitigate this potential impact, as long as the applicant continues to properly manage the property.

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

If properly managed, the operation of a Bed and Breakfast should not pollute the air, land, or water as it operates within an existing and permitted single-family home.

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

The proposed use will operate within an existing structure in a built-out neighborhood. Therefore, no irreplaceable natural resource will be damaged or destroyed.

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

If properly managed, the proposed use has the potential to provide an asset to the public in the form of lodging for the traveling public. If denied, the property-owners will not be able to operate the Bed and Breakfast but will still be able to live in the home.

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

The proposed use does increase the amount of people in the area, albeit only intermittently. If managed properly, the land will not be overcrowded and an increase in concentration of population will be temporary.

PREVIOUS ACTIONS

SP-2018-9, which expired on January 2, 2020

NEIGHBORHOOD MEETING

Due to the COVID-19, the neighborhood meeting requirement has been suspended for the July applications. However, applicants were still required to send a letter about the proposal which included contact information. The applicants sent a letter on June 1, 2020. No response was received.

KEY ISSUES

Noise
On-Street Parking Only
Expired Special Use Permit (SP-2018-9)

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **#SP-2020-38**, subject to:

Planning and Urban Design Comments:

1. Please provide updated site photos and a floor plan.

Staff Comment: Applicant has provided updated photos and a floor plan. They are attached below.

2. How will you communicate with the neighbors if there is an issue?

Applicant Response: In person – we have a good relationship with our neighbors. Facebook or I have neighbor's phone numbers.

3. How will you pay appropriate lodging taxes?

Applicant Response: Will pay taxes if owed.

Staff Comment: How have you paid taxes in the past? For example, does AirBNB pay the appropriate taxes?

4. How many rooms are rented?

Applicant Response: One (1) room.

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

Applicant Response: Two (2) to three (3) people.

6. What is the maximum number of vehicles and where will they park? Please provide a site plan that indicates where parking is located.

Applicant Response: One (1) vehicle. Park on street or in front of our house.

Staff Comment: Applicant has provided a site plan/diagram indicating where parking is located. It is attached below.

7. How often are guests in the residence on average?

Applicant Response: 60% - 70%.

8. Please provide proof of a rental license from the Unified Government.

Applicant Response: Expired

Staff Comment: If approved, applicant will need to obtain the appropriate rental license from the Unified Government.

9. Provide a detailed description of the areas rented for AirBNB.

Applicant Response: One large bedroom located on the ground floor. This is the floor you enter in on as you come in through the garage. There are no stairs unless you go upstairs to use the kitchen or laundry area. You have your own bathroom which has a shower, toilet and sink. There is a lock on the bedroom door. Plenty of closet space. On street parking in front of the house on either side of the driveway.

10. Describe how you will maintain a safe environment including:

- a. Working smoke detectors in each bedroom plus each level of the unit/house

Applicant Response: Multiple smoke detectors throughout the house. All wired together.

- b. GFCI outlets required in bathrooms

Applicant Response: Yes

- c. Double keyed locks are not allowed

Applicant Response: No

- d. Copper cannot be used for gas supply lines

Applicant Response: No

- e. Windows must be operable, not blocked or boarded

Applicant Response: Yes

- f. Handrails are required at sets of 4 or more stairs/ risers

Applicant Response: Yes

- g. Hot water tank and furnace must be vented properly and operational

Applicant Response: Yes

- h. Electric panel and circuits must be safe

Applicant Response: Yes

- 11. Have you been in compliance with the stipulations outlined in SP-2018-9, which state:**

The maximum number of guests is limited to five (5) people.

Applicant Response: Yes

- 12. Please provide a guest manual that outlines the rules and regulations.**

Applicant Response:

- 1. The room is suitable for children two (2) to twelve (12) years old when accompanied by an adult.**
- 2. The listing is not suitable for pets.**
- 3. This is a non-smoking home.**
- 4. No parties or events are to occur on the premises.**
- 5. Please treat our house as your own. No smoking inside of the house. Smoking is allowed outside as long as you dispose appropriately of the butts. No pets allowed. If you are staying during the week, my spouse and I get up at 6:00a.m. and will need to exit through the garage. Please park on the street. No loud music or noise after 10:00p.m. No other guests except for the ones that have been approved are permitted.**
- 6. You must be able to climb stairs to get to your room. This home is not suitable for those with mobility issues.**

Business License Comments:

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

Planning Engineering Comments:

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

Conditions:

- 1) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;**
- 2) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning + Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**
- 3) All applicable conditions outlined in SP-2018-9 will apply, such as;**
 - a. The maximum number of guests is limited to five (5) people.**
- 4) Applicant must comply with all conditions outlined in the Home Occupation Special Use Permit petition, which state:**
 - a. No exterior advertising or identification signs will be erected;**
 - b. Only members of the immediate family residing on the premises will participate in the business;**
 - c. No outside display showing any non-residential use will be present on the property;**
 - d. No machinery will be used that will interfere with adjacent neighbor's radios or televisions;**
 - e. No heavy equipment or trucks of greater than 10,000 pounds GVWR shall be stored on the premises (only a single such truck) other than customary passenger vans or pick-up trucks shall be permitted;**
 - f. There will be no noise or odors that will adversely affect neighbors;**

- g. Only a phone number will be used for advertising, if any;
- h. No sales or merchandise will be conducted on premises, and no services rendered that will require customer presence; and
- i. That no inventory or storage other than that immediate samples, are stored on the premises.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-38 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Zoning Map
Site Photographs, provided by staff Dated May 11, 2020
Photography, Provided by Applicant
Floor Plan
Parking Diagram

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: Shana Shanteau
sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2020-38, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-38**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

Hearing starts at 3:45:50:

SPECIAL USE PERMIT APPLICATION #SP-2020-38 – CRISTEN RYMAN AND KATE LYNCH – SYNOPSIS: Renewal of a Home Occupation Special Use Permit (#SP-2018-9, expired 1/2/2020) for a short-term rental/AIRBNB at 2824 North 99th Terrace.

Detailed Outline of Requested Action: The applicants, Cristen Ryman and Kate Lynch, are applying for the renewal of SP-2018-9. The renewal of this Special Use Permit will allow for the continued operation of a short-term rental in the applicants' primary residence. There have been no code violations on this property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 14, 2020; and
7. The Notices to property owners dated May 14, 2020.

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

Present in Support:

- Kathleen Lynch, applicant, 2824 North 99th Terrace, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:49:50: Planning Director Hand stated that the staff did not see any issues and had not received any complaints or violations. The staff carried over the conditions from the previous approval and recommends approval for two (2) years. He stated that the staff has added a standard condition on all Special

Use Permit Applications for applicants to contact staff two (2) months prior to expiration of their special use permit in order to start the renewal process.

Motion and Vote starts at 3:51:13:

On motion by Ms. Huey, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application #SP-2020-38:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Planning and Urban Design Comments:

1. Please provide updated site photos and a floor plan.

Staff Comment: Applicant has provided updated photos and a floor plan. They are attached below.

2. How will you communicate with the neighbors if there is an issue?

Applicant Response: In person – we have a good relationship with our neighbors. Facebook or I have neighbor's phone numbers.

3. How will you pay appropriate lodging taxes?

Applicant Response: Will pay taxes if owed.

Staff Comment: How have you paid taxes in the past? For example, does AirBNB pay the appropriate taxes?

4. How many rooms are rented?

Applicant Response: One (1) room.

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

Applicant Response: Two (2) to three (3) people.

- 6. What is the maximum number of vehicles and where will they park? Please provide a site plan that indicates where parking is located.**

Applicant Response: One (1) vehicle. Park on street or in front of our house.

Staff Comment: Applicant has provided a site plan/diagram indicating where parking is located. It is attached below.

- 7. How often are guests in the residence on average?**

Applicant Response: 60% - 70%.

- 8. Please provide proof of a rental license from the Unified Government.**

Applicant Response: Expired

Staff Comment: If approved, applicant will need to obtain the appropriate rental license from the Unified Government.

- 9. Provide a detailed description of the areas rented for AirBNB.**

Applicant Response: One large bedroom located on the ground floor. This is the floor you enter in on as you come in through the garage. There are no stairs unless you go upstairs to use the kitchen or laundry area. You have your own bathroom which has a shower, toilet and sink. There is a lock on the bedroom door. Plenty of closet space. On street parking in front of the house on either side of the driveway.

- 10. Describe how you will maintain a safe environment including:**

- a. Working smoke detectors in each bedroom plus each level of the unit/house**

Applicant Response: Multiple smoke detectors throughout the house. All wired together.

- b. GFCI outlets required in bathrooms**

Applicant Response: Yes

- c. Double keyed locks are not allowed**

Applicant Response: No

d. Copper cannot be used for gas supply lines

Applicant Response: No

e. Windows must be operable, not blocked or boarded

Applicant Response: Yes

f. Handrails are required at sets of 4 or more stairs/ risers

Applicant Response: Yes

g. Hot water tank and furnace must be vented properly and operational

Applicant Response: Yes

h. Electric panel and circuits must be safe

Applicant Response: Yes

11. Have you been in compliance with the stipulations outlined in SP-2018-9, which state:

The maximum number of guests is limited to five (5) people.

Applicant Response: Yes

12. Please provide a guest manual that outlines the rules and regulations.

Applicant Response:

- 1. The room is suitable for children two (2) to twelve (12) years old when accompanied by an adult.**
- 2. The listing is not suitable for pets.**
- 3. This is a non-smoking home.**
- 4. No parties or events are to occur on the premises.**
- 5. Please treat our house as your own. No smoking inside of the house. Smoking is allowed outside as long as you dispose appropriately of the butts. No pets allowed. If you are staying during the week, my spouse and I get up at 6:00a.m. and will need to exit through the garage. Please park on the street. No loud music or noise after 10:00p.m. No other guests except for the ones that have been approved are permitted.**
- 6. You must be able to climb stairs to get to your room. This home is not suitable for those with mobility issues.**

Business License Comments:

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

Planning Engineering Comments:

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

Conditions:

- 1) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;**
- 2) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning + Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**
- 3) All applicable conditions outlined in SP-2018-9 will apply, such as;**
 - a. The maximum number of guests is limited to five (5) people.**
- 4) Applicant must comply with all conditions outlined in the Home Occupation Special Use Permit petition, which state:**
 - a. No exterior advertising or identification signs will be erected;**
 - b. Only members of the immediate family residing on the premises will participate in the business;**
 - c. No outside display showing any non-residential use will be present on the property;**
 - d. No machinery will be used that will interfere with adjacent neighbor's radios or televisions;**

- e. No heavy equipment or trucks of greater than 10,000 pounds GVWR shall be stored on the premises (only a single such truck) other than customary passenger vans or pick-up trucks shall be permitted;
- f. There will be no noise or odors that will adversely affect neighbors;
- g. Only a phone number will be used for advertising, if any;
- h. No sales or merchandise will be conducted on premises, and no services rendered that will require customer presence; and
- i. That no inventory or storage other than that immediate samples, are stored on the premises.



Staff Photo: Dated June 16, 2020:



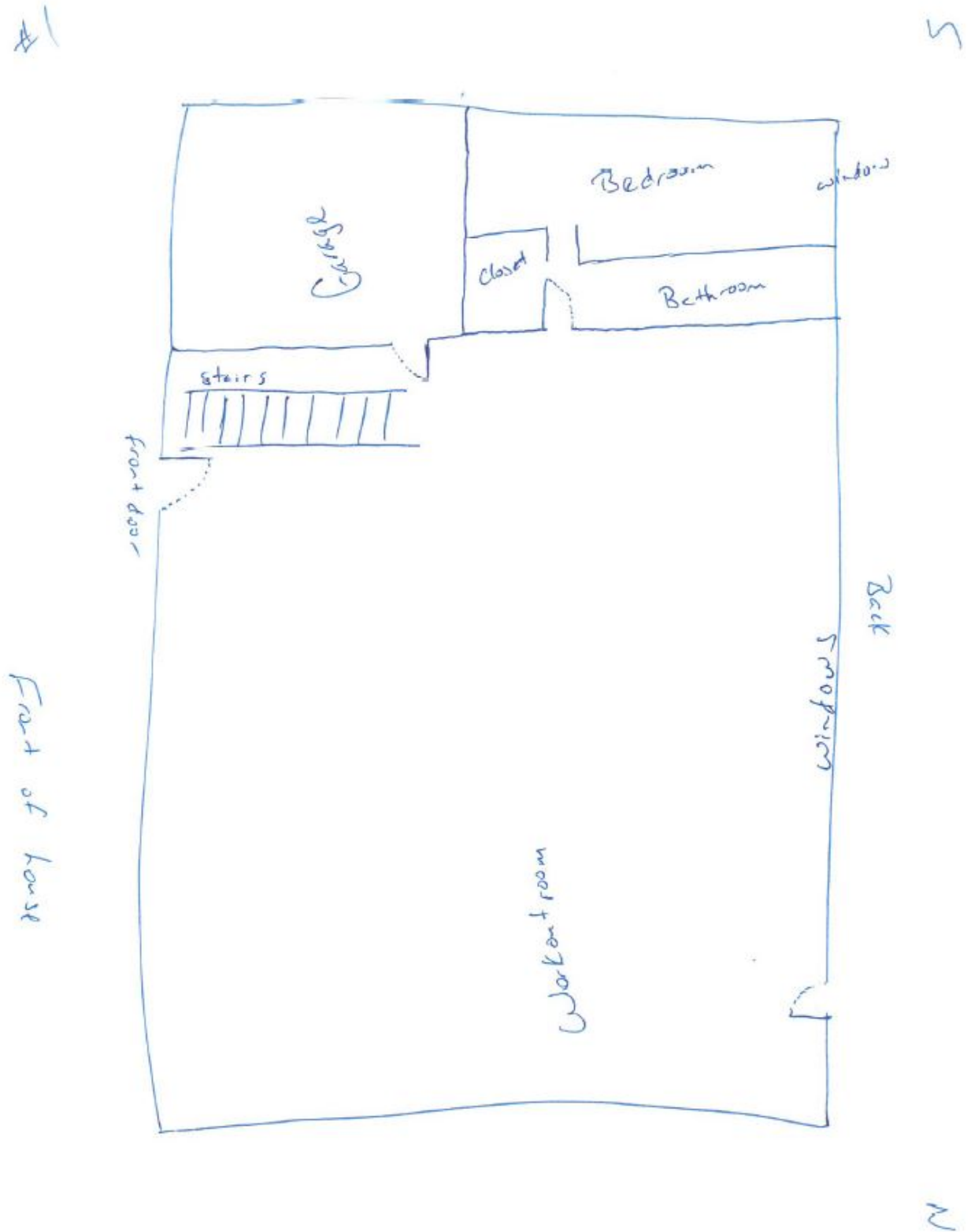
Applicant Photos, Provided on May 28, 2020:



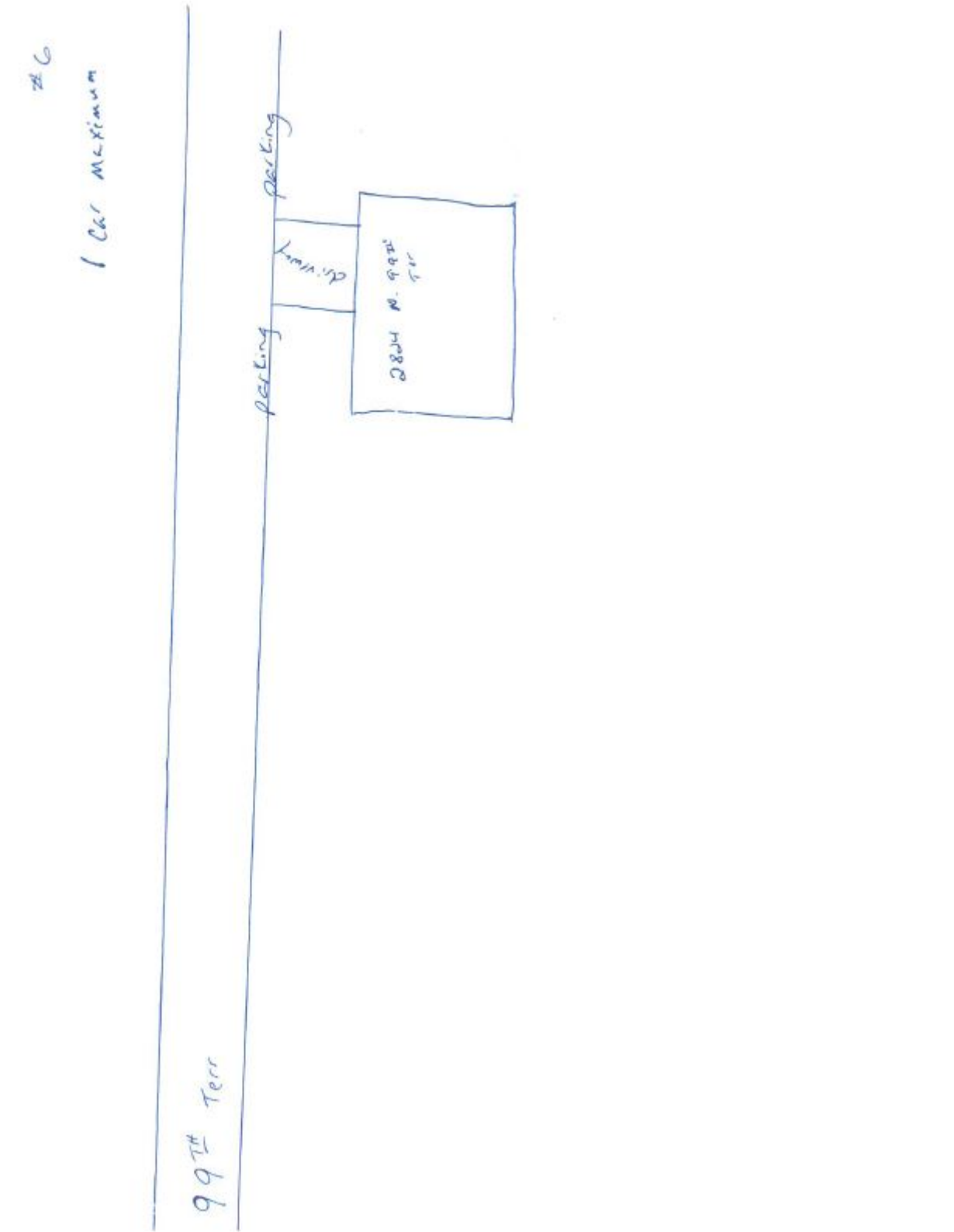




Floor Plan:



Parking Diagram:





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: July 30, 2020
Re: Petition #SP-2020-47

GENERAL INFORMATION

Applicant:
Patricia Soto

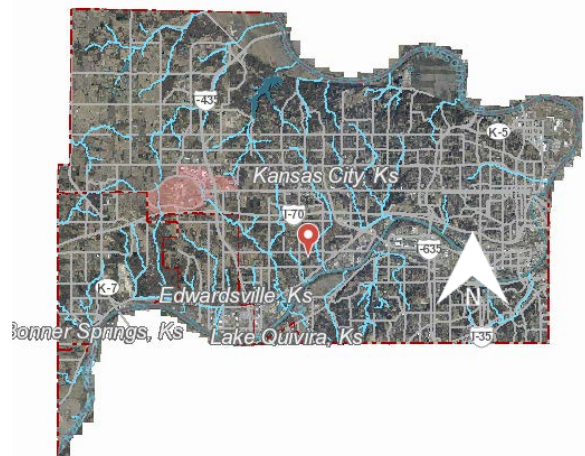
Status of Applicant:
Property Owner
741 South 76th Street
Kansas City, KS 66111

Requested Action:
Renewal of a Special Use Permit (SP-2017-57 expired 1/11/20).

Date of Application:
April 27, 2020

Purpose:
The applicant is seeking a Special Use Permit to keep a horse on their property.

Property Location:
741 South 76th Street



Commission Districts:	Commissioner At Large: Tom Burroughs District Commissioner: James F. Walters
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence West: Single Family Residence
Total Tract Size:	1.48 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property as Low Density Residential.
Major Street Plan:	The Major Street Plan designates 76 th Street and Kansas Avenue as Local Streets.
Advertisement:	<u>The Wyandotte Echo</u> – May 14, 2020 Letters to Property Owner – May 14, 2020 and July 27, 2020
Public Hearings:	July 13, 2020 and July 30, 2020
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Patricia Soto, has requested the renewal of a Special Use Permit (SP-2017-57 expired 1/11/20) for the purposes of keeping a horse at the address of 741 S 76th Street. The applicant lives on site and keeps the property well managed and clean in order to provide a safe, healthy, and habitable environment for the horse. The applicant has received no notices of violations since their previous approval.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This neighborhood is primarily residential in nature, comprised of single-family residences on large, rural lots. There is a mobile home park to the southeast.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible if properly maintained.

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

It is suitable to request a Special Use permit to keep a horse in a residential area. If a Special Use Permit was not required, and restrictions were removed the keeping of horse in a residential area may detrimentally affect nearby properties by damaging the visual quality of the neighborhood as well as the property values.

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

The property is an existing single-family home currently occupied by the applicant.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use will not increase the amount of vehicular traffic to the area and therefore will not exceed the accommodating capacity of the abutting Local Street.

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

The proposed use is not necessary for the convenience and welfare of the public and should not permanently injure the appropriate use, visual quality, or marketability of adjoining properties if properly maintained because this property is large and wooded, allowing for a horse to be adequately kept without encroaching upon neighboring properties.

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

Noise, vibration, illumination, and dust are not normally associated with the proposed use and therefore should not create problems for near-by properties.

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

The proposed use will not pollute the air, land, or water so long as it is properly maintained, and waste is removed regularly.

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

This is not applicable as it is an existing structure in a built-out neighborhood.

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

The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal. If denied, the applicant would have to move their horse to a different location.

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

The proposed use will not result in overcrowding of land or cause undue concentrations of population as it is a large property that could accommodate a single horse. No undue concentrations of population will occur as a result of this SUP.

PREVIOUS ACTIONS

SP-2015-44
SP-2017-57 (expired 1/11/20)

NEIGHBORHOOD MEETING

A Special Use Permit to keep a horse does not require a neighborhood meeting.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-47, subject to:

Planning and Urban Design Comments:

1. Please provide pictures of the current accommodations and practices that are being used to provide the horse with a healthy, safe, and habitable environment.
2. Please provide a building permit for the associated stable.
3. Listed are the conditions for approval per the previous Special Use Permit approval. Please detail what actions have been taken to achieve compliance:
 - Approval for five (5) years;
 - Removal of one (1) accessory structure within thirty (30) days of approval to validate the Special Use Permit;
 - Applying for a variance to allow two (2) accessory structures on the property is a second option, but a variance must be applied for by August 28, 2015. The validity of the Special Use Permit will then be dependent on approval of variance.
 - Application for a building permit and communication with Building Inspections Department to ensure stall's compliance with R-1 Single Family District accessory structure regulations;
 - Supplementation of grain and grass provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site;
 - Provide fresh water for the horse daily;
 - Application of additional seed/sod to the area to establish better ground cover; and
 - Obtainment of an Animal Control Permit for one (1) horse.

Applicant Response: We removed the excess structure and went through the permitting process for the existing structure back in 2017. We obtained a permit from Animal Control prior to putting the horse on the property.

1. Approval of the Special Use Permit is for five (5) years.
2. Special Use Permit is for one (1) horse.
3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

4. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Planning Engineering Comments:

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

Conditions:

1. Special Use Permit is for one (1) horse.
2. Approval of the Special Use Permit is for five (5) years;
3. Supplementation of grain and grass provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site;
4. Provide fresh water for the horse daily;
5. Application of additional seed/sod to the area to establish better ground cover;
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper; and
7. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-47 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Building Permit
Photographs Provided by the Applicant
Photographs Provided by Staff Dated 7/2/20
Aerial View

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2020-47, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2020-47, as it is not in compliance with the City Ordinances and as it will not promote the public

health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

Hearing starts at 3:54:25:

SPECIAL USE PERMIT APPLICATION #SP-2020-47 – PATRICIA SOTO –

SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-57, expired 1/11/2020) to keep one (1) horse at 741 South 76th Street. **Detailed Outline of Requested Action:** The applicant, Patricia Soto, has requested the renewal of a Special Use Permit (SP-2017-57 expired 1/11/20) for the purposes of keeping a horse at the address of 741 S 76th Street. The applicant lives on site and keeps the property well managed and clean in order to provide a safe, healthy, and habitable environment for the horse. The applicant has received no notices of violations since their previous approval.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 14, 2020; and
7. The Notices to property owners dated May 14, 2020.

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

Present in Support:

- Patricia Soto (and her daughter) applicant, 741 South 76th Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:57:50: Planning Director Hand stated that this is a request for one (1) horse and there have been no issues with the site. The applicant has had two (2) previous renewals, and the Commission could approve the application for five (5) years if so desired. The staff has carried over the previous conditions of approval and has added a condition concerning maintenance of the ground cover. The staff recommends approval for five (5) years subject to the conditions in the staff report.

Motion and Vote starts at 3:58:50:

On motion by Mr. Mohler, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application #SP-2020-47**:

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Planning and Urban Design Comments:

- 1. Please provide pictures of the current accommodations and practices that are being used to provide the horse with a healthy, safe, and habitable environment.**
- 2. Please provide a building permit for the associated stable.**
- 3. Listed are the conditions for approval per the previous Special Use Permit approval. Please detail what actions have been taken to achieve compliance:**
 - Approval for five (5) years;**
 - Removal of one (1) accessory structure within thirty (30) days of approval to validate the Special Use Permit;**
 - Applying for a variance to allow two (2) accessory structures on the property is a second option, but a variance must be applied for by August 28, 2015. The validity of the Special Use Permit will then be dependent on approval of variance.**
 - Application for a building permit and communication with Building Inspections Department to ensure stall's compliance with R-1 Single Family District accessory structure regulations;**
 - Supplementation of grain and grass provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site;**
 - Provide fresh water for the horse daily;**
 - Application of additional seed/sod to the area to establish better ground cover; and**
 - Obtainment of an Animal Control Permit for one (1) horse.**

Applicant Response: We removed the excess structure and went through the permitting process for the existing structure back in 2017. We obtained a permit from Animal Control prior to putting the horse on the property.

- 4. Approval of the Special Use Permit is for five (5) years.**
- 5. Special Use Permit is for one (1) horse.**
- 6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.**
- 7. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

Planning Engineering Comments:

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

Conditions:

- 1. Special Use Permit is for one (1) horse.**
- 2. Approval of the Special Use Permit is for five (5) years;**
- 3. Supplementation of grain and grass provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site;**
- 4. Provide fresh water for the horse daily;**
- 5. Application of additional seed/sod to the area to establish better ground cover;**
- 6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified**

- Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper; and**
- 7. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

BUILDING INSPECTION DIVISION
NEIGHBORHOOD RESOURCE CENTER
4953 STATE AVE.



Kansas City, Kansas 66102
913-573-8620

Building Permit

17300-01064

Permit No. 17300-01064
Date 12/08/2017

Builder **OWNER**

HORSE BARN

Job Address **741 S. 76TH ST.**

17300-

1064

This permit conveys no right to occupy any street, alley, or sidewalk, or any part thereof, either temporarily or permanently except that specifically provided for on back of permit. Street or alley grades may be obtained from the City Engineer's office. Depth and location of public sewers may be obtained from the Water Pollution office. The issuance of this permit does not release the applicant from the conditions of any applicable subdivision restrictions, Building Code, or Zoning Ordinances.

Approved plans must be retained on the job and this card kept posted until final inspection has been made.

Separate permits are required for Plumbing, Gas, Electrical & Mechanical installations, Sidewalks, and Driveways on City Property.

ALL REQUESTS FOR INSPECTIONS MUST BE ACCOMPANIED WITH A PERMIT NUMBER.

Post this card









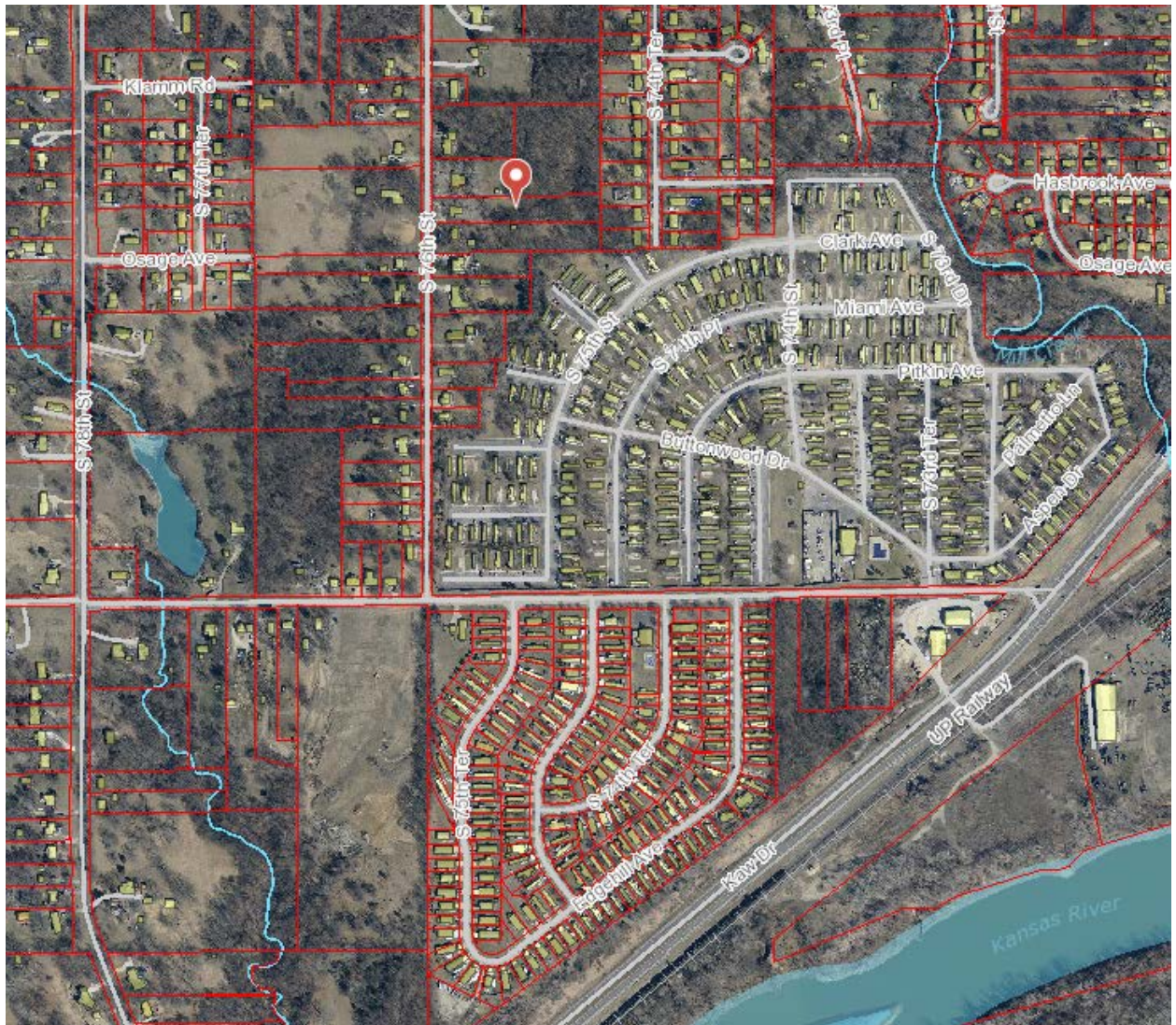














Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: July 30, 2020
Re: Petition #SP-2020-53

GENERAL INFORMATION

Applicant:
James Jackson

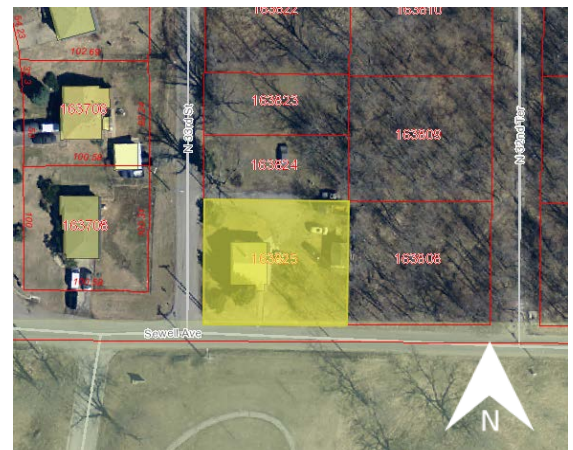
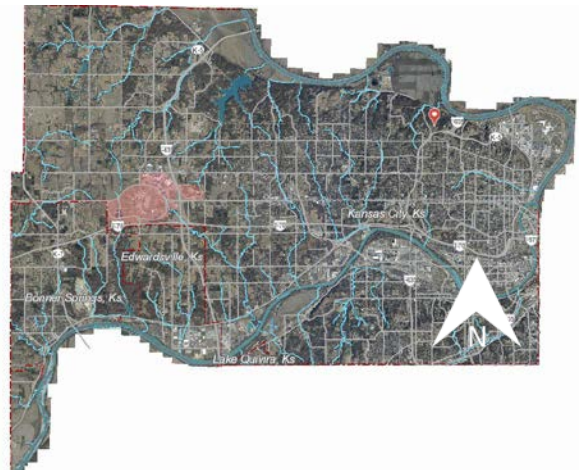
Status of Applicant:
Property Owner
Jackson Trucking
3232 Sewell Avenue
Kansas City, KS 66104

Requested Action:
Renewal of a Special Use Permit (expires 6/27/20).

Date of Application:
April 27, 2020

Purpose:
Temporary use of land to park two (2) dump trucks at a residential property.

Property Location:
3232 Sewell Avenue



Commission Districts:	Commissioner At Large: Melissa Bynum District Commissioner: Gayle Townsend
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single Family Residence South: Quindaro Park East: Single Family Residence West: Single Family Residence
Total Tract Size:	0.26 Acre
Master Plan Designation:	The City-Wide Master Plan designates this property as Low Density Residential.
Major Street Plan:	The Major Street Plan designates North 33 rd Street and Sewell Avenue as a Local Streets.
Advertisement:	<u>The Wyandotte Echo</u> – May 14, 2020 Letters to Property Owner – May 14, 2020 and July 27, 2020
Public Hearings:	June 8, 2020 and July 30, 2020
Public Opposition:	None to date.
Public Support:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, James Jackson with Jackson Trucking, has requested a Special Use Permit for the temporary use of land to park two (2) dump trucks at 3232 Sewell Avenue. No notices of violation have been issued by Code Enforcement since the previous approval.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, comprised of single-family homes. There are several empty lots and wooded areas in the neighborhood. Quindaro Park is directly south of the property in question, across Sewell Avenue.

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

The zoning and uses of properties nearby are laid out above. The primary concern would be compatibility with the residential properties on the opposite side of North 33rd Street and the public park access across Sewell Avenue, which could be impacted by visual hardship.

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

As restricted, the property is suitable for a detached, single-family residence in a livable neighborhood. The removal of the restrictions could detrimentally affect nearby properties as this is a corner lot and a significant amount of screening would be required to hide the trucks from the view of adjacent property owners.

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

The property is developed with a single-family home that is currently occupied by the applicant.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use will increase the amount of vehicular traffic to the area but will not exceed the accommodating capacity of the Local Streets. Generally, residential roads are not designed for daily truck traffic.

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

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

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

There is a potential for vibration and noise while trucks in operation. However, the proposed use is not expected to create problems for nearby properties.

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

The proposed use will not pollute the air, land, or water so long as it is properly maintained.

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

This is not applicable as it is an existing structure in a built-out suburban neighborhood.

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

There is no relative gain to public health, safety, or welfare as the potential use when not maintained properly could be the source of a potential nuisance/blight. The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal because if denied the landowner would have to park the trucks elsewhere.

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

The proposed use will not cause undue concentrations of population as it is for the storage of equipment on the property of an existing single-family home. As a small residential parcel, parking two (2) large dump trucks on site could overcrowd the property.

PREVIOUS ACTIONS

SP-2019-41 (expires 6/27/20)

NEIGHBORHOOD MEETING

Due to the COVID-19, the neighborhood meeting requirement was suspended for the July applications. However, the applicant was still required to send a letter (as detailed as possible about your proposal) to the properties specified by the Urban Planning and Land Use Department. The applicant sent out a letter on June 28, 2020 and received no responses.

KEY ISSUES

Traffic
Blight
Business License Application
Noise

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-53, subject to:

Urban Planning and Land Use Comments:

1. Please provide pictures of property and the proposed use.
2. Please review conservation district comments and provide a response.
3. Please describe how equipment is being stored.

Applicant Response: The trucks are stored in the rear of the property uncovered.

4. How often are the trucks on site?

Applicant Response: The trucks are stored there nightly. They leave at 8am and return at 5pm.

5. Detail how you have complied with conditions of approval from your previous approval:
 - Photos and aerial images appear to show that the applicant has paved more than the allowable amount in the rear yard (the north side of the property). Section 27-675 b (3) states that the rear yard may be improved for parking so long as the improved area includes less than 40 percent of the rear yard and less than 1,000 square feet in area. Staff believes the rear yard has been paved more than 40 percent and 1,000 square feet. To correct this issue, staff discussed with the applicant the possibility of combining the parcel at 3232 Sewell with the adjacent empty lot parcel to the north, 3431 North 33rd Street. This lot combination would provide a larger yard area and thus the 40 percent requirement could be met. The applicant was amenable to this suggestion. The applicant would also need to remove a portion of the paved area to bring it under 1,000 square feet. If the site issues are corrected, staff recommends approval for one (1) year.

Applicant Response: We have not paved more than 40 percent of our rear yard.

Staff Response: Provide a scaled site plan to confirm.

- 6. Approval of the Special Use Permit is for two (2) years.**
- 7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.**
- 8. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

Planning Engineering Comments:

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

Business License Comments:

- 1. We do not find that applicant has filed any application with this office for business activities. Comment was made when they made application for SUP that they would need to file application with this office for business activity.**

Staff Response: Applicant was directed to contact Business Licensing.

Conservation District Comments:

- 1. There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered erodible when the surface is denuded of a protective cover.**

2. Fluid spills need to be cleaned up as soon as they occur. In rainfall events the contamination can quickly be washed into the soil and end up in the streams.

Applicant Response: We have had no such problems but will clean up any fluid spills that might occur.

Conditions:

1. Acquire a business license to operate trucking business;
2. Require/confirm improved surface for truck storage and driveway via scaled site plan as related to concerns that greater than 40 percent of the lot is paved and related to concerns of erosion expressed by the Conservation District;
3. Approval of the Special Use Permit is for two (2) years;
4. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-53 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Neighborhood Meeting Information
Conservation District Comments
Letter from Applicant
Photographs Provided by Applicant
Photographs Provided by Staff Dated 7/2/2020
Aerial View

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-53**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-53**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-53 – IRVIN JACKSON JR. WITH JACKSON TRUCKING – SYNOPSIS: Renewal of a Special Use Permit (#SP-2019-41, expired 6/27/2020) for the Temporary Use of Land to park two (2) semi-trucks at 3232 Sewell Avenue. **Detailed Outline of Requested Action:** The applicant, James Jackson with Jackson Trucking, has requested a Special Use Permit for the temporary use of land to park two (2) dump trucks at 3232 Sewell Avenue. No notices of violation have been issued by Code Enforcement since the previous approval.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The ECHO for the Special Use Permits; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. Mr. Nick Tomasic III, 518 North Thompson, Kansas City, Kansas requested that Special Use Permit #SP-2020-56 be removed from the Consent Agenda.

On motion by Ms. Huey, seconded by Mr. Mohler, the Planning Commission voted as follows to **APPROVE** the remaining items on the Consent Agenda:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye
Motion to APPROVE Passed: 8 to 0	
Subject to:	

Urban Planning and Land Use Comments:

- 1. Please provide pictures of property and the proposed use.**
- 2. Please review conservation district comments and provide a response.**
- 3. Please describe how equipment is being stored.**

Applicant Response: The trucks are stored in the rear of the property uncovered.

- 4. How often are the trucks on site?**

Applicant Response: The trucks are stored there nightly. They leave at 8am and return at 5pm.

- 5. Detail how you have complied with conditions of approval from your previous approval:**

- Photos and aerial images appear to show that the applicant has paved more than the allowable amount in the rear yard (the north side of the property). Section 27-675 b (3) states that the rear yard may be improved for parking so long as the improved area includes less than 40 percent of the rear yard and less than 1,000 square feet in area. Staff believes the rear yard has been paved more than 40 percent and 1,000 square feet. To correct this issue, staff discussed with the applicant the possibility of combining the parcel at 3232 Sewell with the adjacent empty lot parcel to the north, 3431 North 33rd Street. This lot combination would provide a larger yard area and thus the 40 percent requirement could be met. The applicant was amenable to this suggestion. The applicant would also need to remove a portion of the paved area to bring it under 1,000 square feet. If the site issues are corrected, staff recommends approval for one (1) year.

Applicant Response: We have not paved more than 40 percent of our rear yard.

Staff Response: Provide a scaled site plan to confirm.

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Planning Engineering Comments:

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

Business License Comments:

1. We do not find that applicant has filed any application with this office for business activities. Comment was made when they made application for SUP that they would need to file application with this office for business activity.

Staff Response: Applicant was directed to contact Business Licensing.

Conservation District Comments:

1. There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered erodible when the surface is denuded of a protective cover.
2. Fluid spills need to be cleaned up as soon as they occur. In rainfall events the contamination can quickly be washed into the soil and end up in the streams.

Applicant Response: We have had no such problems but will clean up any fluid spills that might occur.

Conditions:

1. Acquire a business license to operate trucking business;
2. Require/confirm improved surface for truck storage and driveway via scaled site plan as related to concerns that greater than 40 percent

of the lot is paved and related to concerns of erosion expressed by the Conservation District;

3. Approval of the Special Use Permit is for two (2) years;
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5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Date: June 19, 2020

Name: Jackson Trucking (James Jackson)

Address: 3232 Swell Avenue

City/State/Zip: Kansas City Kansas 66104

SUBJECT: **Neighborhood Meeting**

I/We have filed an application with the Department of Urban Planning and Land Use # SP-2020-53 20402-00038. The purpose of this:

(please use all that applies)

? change of zone

?  special use permit 

? preliminary plan review

Is for a **SYNOPSIS: Special Use Permit for the Temporary Use of Land to park two-semi-trucks**

At the following address: 3232 Sewell Avenue.

I/We are having a neighborhood meeting on June 28, 2020 at 1:00 p.m at the following address 3232 Sewell Avenue, Kansas City, Kansas 66104.

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

James Jackson,
3232 Sewell Avenue, KCK, 66104
(913) 579-8974 work/cell – (816) 225-2289 - cell

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

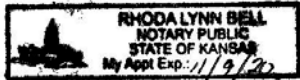
1. That I am the petitioner for Petition # **SP 2020-53-20402-00038**.
2. That I conducted a neighborhood meeting on June 28, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

James Jackson
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28 day of
June, 2020.

My commission expires 9th of Nov, 2020.



Rhoda Lynn Bell
Notary Public

MINUTES: June 28, 2020

Application Number SP-2020-53-20402-00038

Date and Location: June 28, 2020 – 3232 Sewell Avenue, KCK
66104

Meeting called to order at: 1:00 PM

Names of people in attendance:

James Jackson

Irvin Jackson

Rhoda Bell – Note Taker & Notary

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- ? Who asked question or gave comment – N/A
- ? What was the question or comment – N/A
- ? Who answered the question/comment - N/A
- ? What was the answer given - N/A

Meeting adjourned at: 2:00 PM

Minutes taken by: Rhoda Bell



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

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

May 12, 2020

RE: SP-2020-53 Irwin Jackson with Jackson Trucking park two semi-trucks 3232 Sewell Avenue

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of this site for SP-2020-53 Irwin Jackson with Jackson Trucking park two semi-trucks 3232 Sewell Avenue.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered erodible when the surface is denuded of a protective cover.
- Fluid spills need to be cleaned up as soon as they occur. In rainfall events the contamination can quickly be washed into the soil and end up in the streams.

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

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is

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

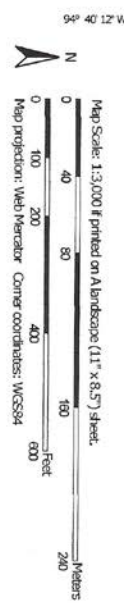
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

Map Unit Name—Wyandotte County, Kansas
(SP2050-53 3232 Sewell Ave)



USDA
Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Rating Polygons

Knox silt loam, 7 to 12 percent slopes

Not rated or not available

Soil Rating Lines

Knox silt loam, 7 to 12 percent slopes

Not rated or not available

Soil Rating Points

Knox silt loam, 7 to 12 percent slopes

Not rated or not available

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Wyandotte County, Kansas
Survey Area Date: Version 13, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 23, 2014—Sep 7, 2014

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7955	Knox silt loam, 7 to 12 percent slopes	Knox silt loam, 7 to 12 percent slopes	0.3	100.0%
Totals for Area of Interest			0.3	100.0%

Description

A soil map unit is a collection of soil areas or nonsoil areas (miscellaneous areas) delineated in a soil survey. Each map unit is given a name that uniquely identifies the unit in a particular soil survey area.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7955—Knox silt loam, 7 to 12 percent slopes

Component: Knox (80%)

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Welda (5%)

Generated brief soil descriptions are created for major soil components. The Welda soil is a minor component.

Component: Similar soil (5%)

Generated brief soil descriptions are created for major soil components. The Similar soil soil is a minor component.

Component: Armster, eroded (5%)

Generated brief soil descriptions are created for major soil components. The Armster, eroded soil is a minor component.

Component: Ladoga (5%)

Generated brief soil descriptions are created for major soil components. The Ladoga soil is a minor component.

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

5/4/2020
Page 2 of 2

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (K_{sat}), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Report--Soil Features

Soil Features--Wyandotte County, Kansas									
Map symbol and soil name	Kind	Restrictive Layer			Subsidence		Potential for frost action	Risk of corrosion	
		Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
7955--Knox silt loam, 7 to 12 percent slopes		Low-R/L High	Range		Low-High	Low-High			
Knox		In	In		In	In			
		—	—		—	—	High	Moderate	Low

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Data: Version 13, Sep 16, 2019

Roads and Streets, Shallow Excavations, and Lawns and Landscaping

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. This table shows the degree and kind of soil limitations that affect local roads and streets, shallow excavations, and lawns and landscaping.

The ratings in the table are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the table indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Local roads and streets have an all-weather surface and carry automobile and light truck traffic all year. They have a subgrade of cut or fill soil material; a base of gravel, crushed rock, or soil material stabilized by lime or cement; and a surface of flexible material (asphalt), rigid material (concrete), or gravel with a binder. The ratings are based on the soil properties that affect the ease of excavation and grading and the traffic-supporting capacity. The properties that affect the ease of excavation and grading are depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, depth to a water table, ponding, flooding, the amount of large stones, and slope. The properties that affect the traffic-supporting capacity are soil strength (as inferred from the AASHTO group index number), subsidence, linear extensibility (shrink-swell potential), the potential for frost action, depth to a water table, and ponding.

Shallow excavations are trenches or holes dug to a maximum depth of 5 or 6 feet for graves, utility lines, open ditches, or other purposes. The ratings are based on the soil properties that influence the ease of digging and the resistance to sloughing. Depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, the amount of large stones, and dense layers influence the ease of digging, filling, and compacting. Depth to the seasonal high water table, flooding, and ponding may restrict the period when excavations can be made. Slope influences the ease of using machinery. Soil texture, depth to the water table, and linear extensibility (shrink-swell potential) influence the resistance to sloughing.

Lawns and landscaping require soils on which turf and ornamental trees and shrubs can be established and maintained. Irrigation is not considered in the ratings. The ratings are based on the soil properties that affect plant growth and trafficability after vegetation is established. The properties that affect plant growth are reaction; depth to a water table; ponding; depth to bedrock or a cemented pan; the available water capacity in the upper 40 inches; the content of salts, sodium, or calcium carbonate; and sulfidic materials. The properties that affect trafficability are flooding, depth to a water table, ponding, slope, stoniness, and the amount of sand, clay, or organic matter in the surface layer.

Information in this table is intended for land use planning, for evaluating land use alternatives, and for planning site investigations prior to design and construction. The information, however, has limitations. For example, estimates and other data generally apply only to that part of the soil between the surface and a depth of 5 to 7 feet. Because of the map scale, small areas of different soils may be included within the mapped areas of a specific soil.

The information is not site specific and does not eliminate the need for onsite investigation of the soils or for testing and analysis by personnel experienced in the design and construction of engineering works.

Government ordinances and regulations that restrict certain land uses or impose specific design criteria were not considered in preparing the information in this table. Local ordinances and regulations should be considered in planning, in site selection, and in design.

Report—Roads and Streets, Shallow Excavations, and Lawns and Landscaping

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Roads and Streets, Shallow Excavations, and Lawns and Landscaping—Wyandotte County, Kansas							
Map symbol and soil name	Pct. of map unit	Lawns and landscaping		Local roads and streets		Shallow excavations	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7955—Knox silt loam, 7 to 12 percent slopes							
Knox	80	Somewhat limited		Very limited		Somewhat limited	
		Slope	0.16	Frost action	1.00	Slope	0.16
		Dusty	0.08	Low strength	1.00	Dusty	0.08
				Shrink-swell	0.91	Unstable excavation walls	0.01
				Slope	0.16		

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019

Date: April 22, 2020

Name: Jackson Trucking (James Jackson)

Address: 3232 Sewell Avenue

City/State/Zip: Kansas City, Kansas 66104

To whom it may concern

At this time changes made to Jackson Trucking are current from one 1yr ago.
Operation times continue to start at 8:00am to 5:00pm Monday thru Friday.

Jackson Trucking would like to make a request for a 2yr Special Use Permit to park two-semi-trucks at the following address: 3232 Sewell Avenue.

Also added are pictures of the two dump trucks.

Sincerely,

James Jackson

(913) 579-8974 work/cell - (816) 225-2289

Jackson, Irvin

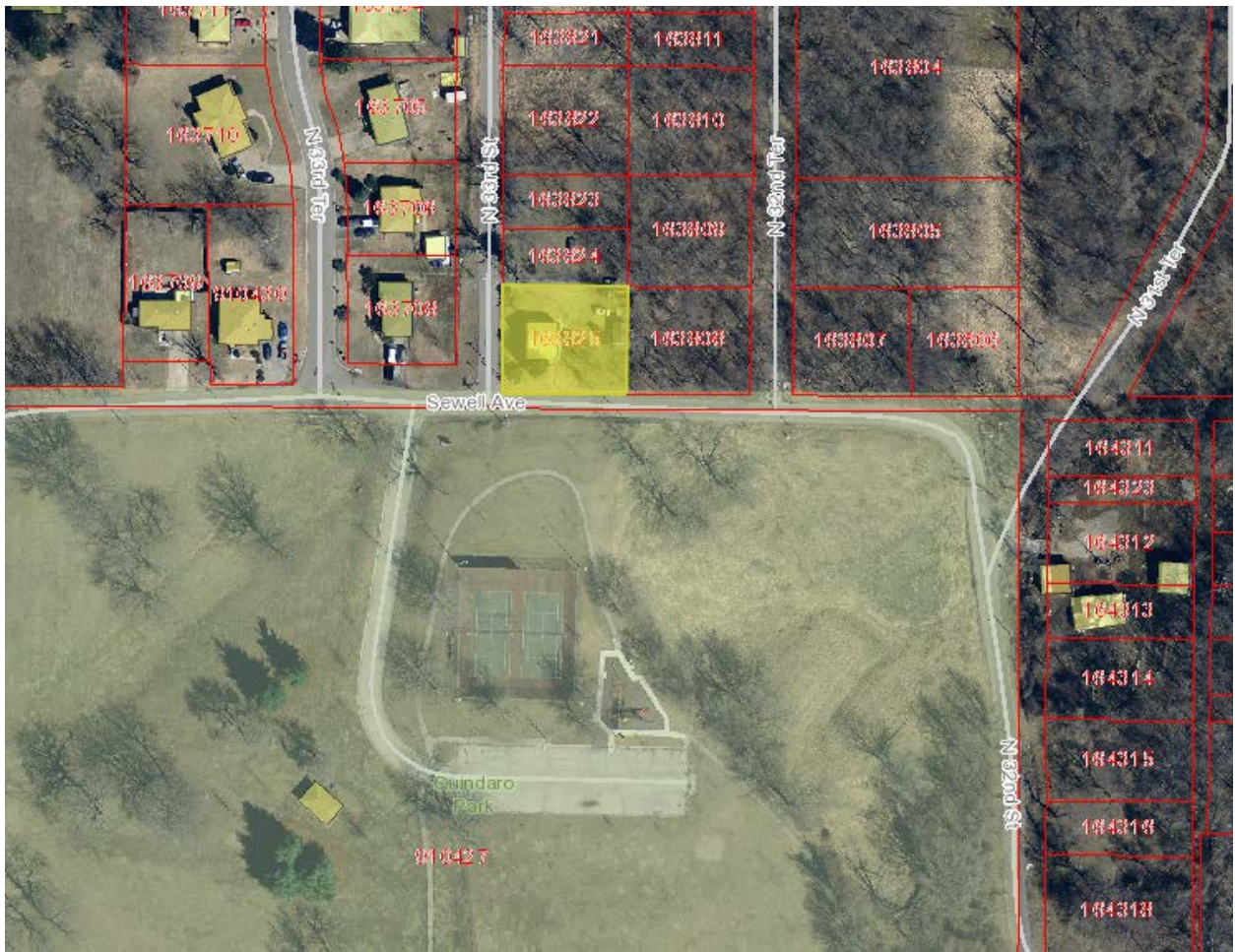
From: irvin jackson <jacksonirvin468@yahoo.com>
Sent: Thursday, April 16, 2020 11:38 AM
To: Jackson, Irvin
Subject: Jackson Trucking



Sent from my iPhone









Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: July 30, 2020
Re: Petition #SP-2020-54

GENERAL INFORMATION

Applicant:
Ronda Dumovich

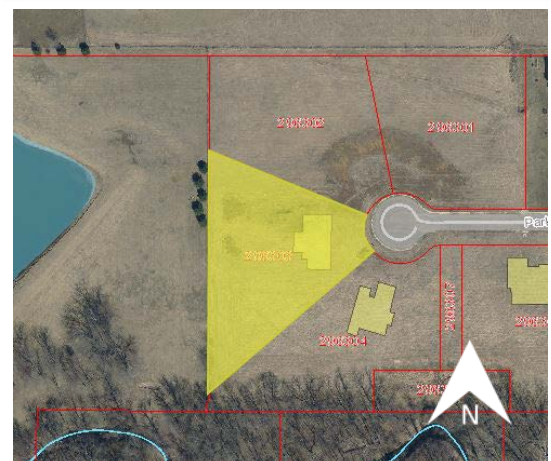
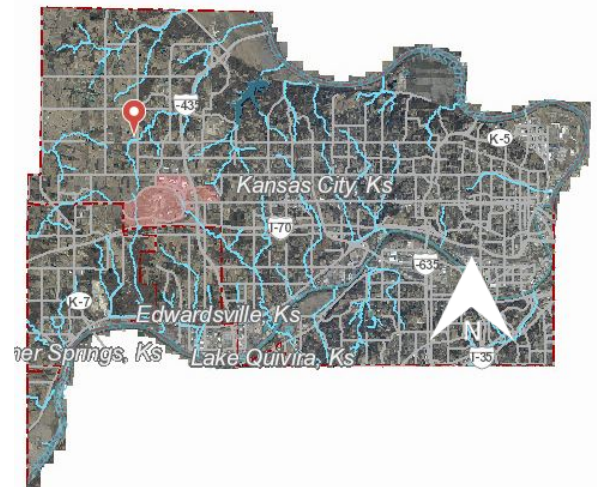
Status of Applicant:
Property Owner
11552 Parkview Ave
Kansas City, KS 66109

Requested Action:
A Special Use Permit for the purpose of marketing and assembly as related to their business.

Date of Application:
May 29, 2020

Purpose:
To store parts and assemble products related to the applicant's business.

Property Location:
11552 Parkview Avenue



Commission Districts:	Commissioner At Large: Melissa Bynum District Commissioner: Mike Kane								
Existing Zoning:	CP-1 Planned Limited Business District								
Adjacent Zoning:	<table> <tr> <td>North:</td><td>R-1 Single Family District</td></tr> <tr> <td>South:</td><td>R-1 Single Family District</td></tr> <tr> <td>East:</td><td>R-1 Single Family District</td></tr> <tr> <td>West:</td><td>R-1 Single Family District</td></tr> </table>	North:	R-1 Single Family District	South:	R-1 Single Family District	East:	R-1 Single Family District	West:	R-1 Single Family District
North:	R-1 Single Family District								
South:	R-1 Single Family District								
East:	R-1 Single Family District								
West:	R-1 Single Family District								
Adjacent Uses:	<table> <tr> <td>North:</td><td>Vacant Lot</td></tr> <tr> <td>South:</td><td>Single Family Residence</td></tr> <tr> <td>East:</td><td>Single Family Residence</td></tr> <tr> <td>West:</td><td>Agricultural Land</td></tr> </table>	North:	Vacant Lot	South:	Single Family Residence	East:	Single Family Residence	West:	Agricultural Land
North:	Vacant Lot								
South:	Single Family Residence								
East:	Single Family Residence								
West:	Agricultural Land								
Total Tract Size:	1.02 Acres								
Master Plan Designation:	The City-Wide Master Plan designates this property as Low Density Residential.								
Major Street Plan:	The Major Street Plan designates Parkview Avenue as a Local Street.								
Advertisement:	<u>The Wyandotte Echo</u> – June 18, 2020 Letters to Property Owner – June 19, 2020 and July 27, 2020								
Public Hearings:	July 13, 2020 and July 30, 2020								
Public Support:	Two (2) people appeared in support at the July 13, 2020 City Planning Commission meeting.								
Public Opposition:	None to date.								

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ronda Dumovich, has applied for a Special Use Permit for the purpose of assembly, marketing, and storage as related to their business. The applicant has stated that there are no employees nor customers on the premise. The desired use will utilize machinery, but no chemicals and the applicant will be assembling steel and aluminum parts to create tools which are used to round the corners on paper products. The applicant takes the finished product to a UPS Store for shipping.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This neighborhood is primarily residential in nature with agricultural land uses to the West and to the North.

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

The zoning and uses of properties nearby are set out above. Given the residential nature of the area, the proposed use is not considered to be compatible. If properly managed, however, the use could be made compatible.

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

Assembly is not a suitable use for single-family homes without a Special Use Permit. The removal of restrictions has the ability to detrimentally affect nearby properties as commercial uses in a residential neighborhood may lead to increased traffic, unsightly storage, parking issues, and noise.

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

The property is not vacant but is a single-family home in a nearly built-out subdivision.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use should not result in the increase of traffic to the point where it would exceed the capacity of the Local Street. There are no employees nor customers coming to the property and shipment of the products happens off-site.

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

The proposed use presents no convenience for the welfare of the public and should not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining properties if managed properly as it is proposed to occur wholly within the single-family home.

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

Noise is a potential issue that may arise from an assembly operation, particularly one that utilizes machinery. If managed properly the proposed use should not cause any problems.

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

The proposed use will not pollute the air, land or water because the proposed use is being conducted within the applicant's permitted residence.

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

This is not applicable as the proposed use takes place in a single-family residence in a nearby built-out subdivision.

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

The proposed use has the potential to be a source of noise. If this Special Use Permit is denied however, the landowner will be forced to conduct their business elsewhere. The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal because the proposed use is not seen as necessary relative to public gain. If denied, the applicant will have to find a commercial space to conduct their business.

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

The proposed use will not result in overcrowding of land as no employees nor customers will come to the site and shipment of finished products takes place off-site.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Due to the COVID-19, the neighborhood meeting requirement was suspended for the July applications. However, the applicant was still required to send a letter (as detailed as possible about your proposal) to the properties specified by the Urban Planning and Land Use Department. The applicant sent out a letter on June 18, 2020 and received no responses.

KEY ISSUES

Storage
Parking
Noise

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-54, subject to:

Planning and Urban Design Comments:

1. Please provide updated pictures of your site and operation. Please include a floor plan indicating where assembly and storage are to happen.
2. Please detail your operation. You may provide a business plan.

Applicant Response: Kustom Corners is a one-man operation; no employees. No machinery and no chemicals. I assemble steel and aluminum parts with screws to create an 8" x 13" manual tool which rounds the corner of paper products. I sell 1 or 2 units a month, dropping them off at the UPS store for shipping.

3. Please detail your intended hours of operation.

Applicant Response: Hours are sporadic as orders are infrequent and I also work around my part-time bookkeeping position.

4. How and where will the necessary materials and machinery be stored? Will it require off-street parking?

Applicant Response: The applicant shared a floor plan of the basement where the operation will take place. No off-street parking will be required as there are no employees and no in-person contact with customers.

5. What steps will be taken to minimize noise?

Applicant Response: The only "machinery" is a battery-operated drill.

6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

7. Approval of the Special Use Permit is for two (2) years.

8. No signs.
9. No employees other than members of the immediate family residing on the premises.
10. Hours of operation being 8:00 a.m. to 5:00 p.m.
11. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Planning Engineering Comments:

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

Business License Comments:

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

Conditions:

1. No signs;
2. No employees other than members of the immediate family residing on the premises;
3. Hours of operation being 8:00 a.m. to 5:00 p.m.;
4. Approval of the Special Use Permit is for two (2) years;
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper; and
6. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-54 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Neighborhood Meeting Information
Response to Staff Comments and Suggestions
Floor Plan
Photographs Provided by Applicant
Site Photographs Provided by Staff Dated 6/23/20
Aerial View

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2020-54, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-54**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

Hearing starts at 4:04:20:

SPECIAL USE PERMIT APPLICATION #SP-2020-54 – RONDA DUMOVICH –

SYNOPSIS: Special Use Permit for a small marketing and assembly business at 11552 Parkview Avenue. **Detailed Outline of Requested Action:** The applicant, Ronda Dumovich, has applied for a Special Use Permit for the purpose of assembly, marketing, and storage as related to their business. The applicant has stated that there are no employees nor customers on the premise. The desired use will utilize machinery, but no chemicals and the applicant will be assembling steel and aluminum parts to create tools which are used to round the corners on paper products. The applicant takes the finished product to a UPS Store for shipping.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated June 18, 2020; and
7. The Notices to property owners dated June 18, 2020.

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

Present in Support:

- Ronda Dumovich, applicant, 11552 Parkview Avenue, Kansas City, Kansas 66109
- Chuck Colbert, 11530 Parkview Avenue, Kansas City, Kansas 66109
- Byron Dickey, 3200 North 115th Street, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:08:05: Planning Director Hand stated that this application came to the staff through the Business License Department because they have storage on the property, which requires a special use permit. The staff does not see any issues with this request and recommends approval for two (2) years subject to the conditions in the staff report.

Motion and Vote starts at 4:08:35:

On motion by Ms. Huey, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application #SP-2020-54:**

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

Motion to recommend APPROVAL Passed: 8 to 0
Subject to:

Planning and Urban Design Comments:

- 1. Please provide updated pictures of your site and operation. Please include a floor plan indicating where assembly and storage are to happen.**
- 2. Please detail your operation. You may provide a business plan.**

Applicant Response: Kustom Corners is a one-man operation; no employees. No machinery and no chemicals. I assemble steel and aluminum parts with screws to create an 8" x 13" manual tool which rounds the corner of paper products. I sell 1 or 2 units a month, dropping them off at the UPS store for shipping.

- 3. Please detail your intended hours of operation.**

Applicant Response: Hours are sporadic as orders are infrequent and I also work around my part-time bookkeeping position.

- 4. How and where will the necessary materials and machinery be stored? Will it require off-street parking?**

Applicant Response: The applicant shared a floor plan of the basement where the operation will take place. No off-street parking will be required as there are no employees and no in-person contact with customers.

5. What steps will be taken to minimize noise?

Applicant Response: The only “machinery” is a battery-operated drill.

6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

7. Approval of the Special Use Permit is for two (2) years.

8. No signs.

9. No employees other than members of the immediate family residing on the premises.

10. Hours of operation being 8:00 a.m. to 5:00 p.m.

11. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Planning Engineering Comments:

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

1) None.

B) Items that are conditions of approval:

1) None.

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

2) None

Business License Comments:

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

Conditions:

- 1. No signs;**
- 2. No employees other than members of the immediate family residing on the premises;**
- 3. Hours of operation being 8:00 a.m. to 5:00 p.m.;**
- 4. Approval of the Special Use Permit is for two (2) years;**
- 5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper; and**
- 6. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

6.18.20

Daniel (Bo) and Ronda Dumovich
11552 Parkview Ave
Kansas City, KS 66109

WILLIS, BRENDA R
707 WEST ST
TONGANOXIE, KS 66086

Subject: Special Use Permit

Due to the COVID-19, the neighborhood meeting is being conducted through the information in this letter with comment/questions by email, text and/or phone call.

Daniel and I have filed an application with the Department of Urban and Land Use
#SP-2020-54

We originally thought we could file for a home occupation permit, but, because we store inventory, we had to file for a special use permit at 11552 Parkview Ave, Kansas City, KS 66109.

My father passed away in March of 2018 and left his corner rounding business which he ran out of his single-car garage for nine years. We have averaged the sale of one machine a month. While we do have extra parts for assembly, we currently have five 8" x 8" x 13" machines in our basement. We were conducting business out of an 8' x 8' office in Lenexa until Covid-19 required us to make a change.

"This is a one-man operation; no employees. No machinery and no chemicals. I assemble steel and aluminum parts with screws to create a tool which rounds the corner on paper products. I drop the units off at The UPS Store for shipping."

This business is virtually invisible as we use a UPS mailbox for the address and would not have moved any part of it to our house if we thought it could have any negative effect on the value of our home.

If you have any questions or concerns, please contact me by email at rdumovich@gmail.com or by text/phone 913.940.9919.

Sincerely,

MINUTES:

Application Number #SP-2020-54

Date of mailing: June 18, 2020

Number of mailings: 11

Forms of contact provided: email, phone and/or text

Responses requested by: June 26, 2020

Presentation by applicant: (Letter attached.)

Questions and answers: NONE

Minutes taken by: Bonda K. Dimerich

Contacts Names and Addresses
for Petition: #SP-20402-00039 (Ref: SP-2020-54)

continued

Special Use Permit/ Home Occupation

Contacts

Within 200 Feet of Property(B)
WAYLONIS, RALPH J.
11606 LEAVENWORTH RD
KANSAS CITY, KS 66109

Within 200 Feet of Property(B)
WILLIS, BRENDA R
707 WEST ST
TONGANOXIE, KS 66086

Number of contacts: 20

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #SP-2020-54.
2. That I contacted our neighbors by mailing the attached letter to the names and addresses on the attached list. Letters were sent via USPS with certificate of mailing on June 18, 2020 and labeled, "Please respond by June 26, 2020."
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Ronda K. Dumovich
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200__.

My commission expires _____ of _____, 200__.

Notary Public

Re: #SP-2020-54 - Draft Staff Report



Ronda Dumovich <contact@kustomcorners.com>

To: EDR

Cc: Parker, Janet; Pellegrino, Jacob

 You replied to this message on 6/29/2020 8:57 AM.



IMG_1718.JPG
JPG File



IMG_1720.JPG
JPG File



IMG_1717.JPG
JPG File



KC SUP Basement Usage.pdf
.pdf File

 Reply  Reply All  Forward 

Sun 6/28/2020 7:16 PM

Kustom Corners is a one-man operation; no employees. No machinery and no chemicals. I assemble steel and aluminum parts with screws to create an 8" x 8" x 13" manual tool which rounds the corner on paper products. I sell 1 or 2 units a month, dropping them off at The UPS Store for shipping. Hours are sporadic as orders are infrequent and I also work around my part-time bookkeeping position.

Re: Key Issues

Storage-See attached photos.

Parking-N/A No employees and no in-person contact with customers.

Noise-The only "machinery" is a battery-operated drill.

Please advise when the \$125 fee for publication and application for occupation tax are due, as well as, any other documents necessary.

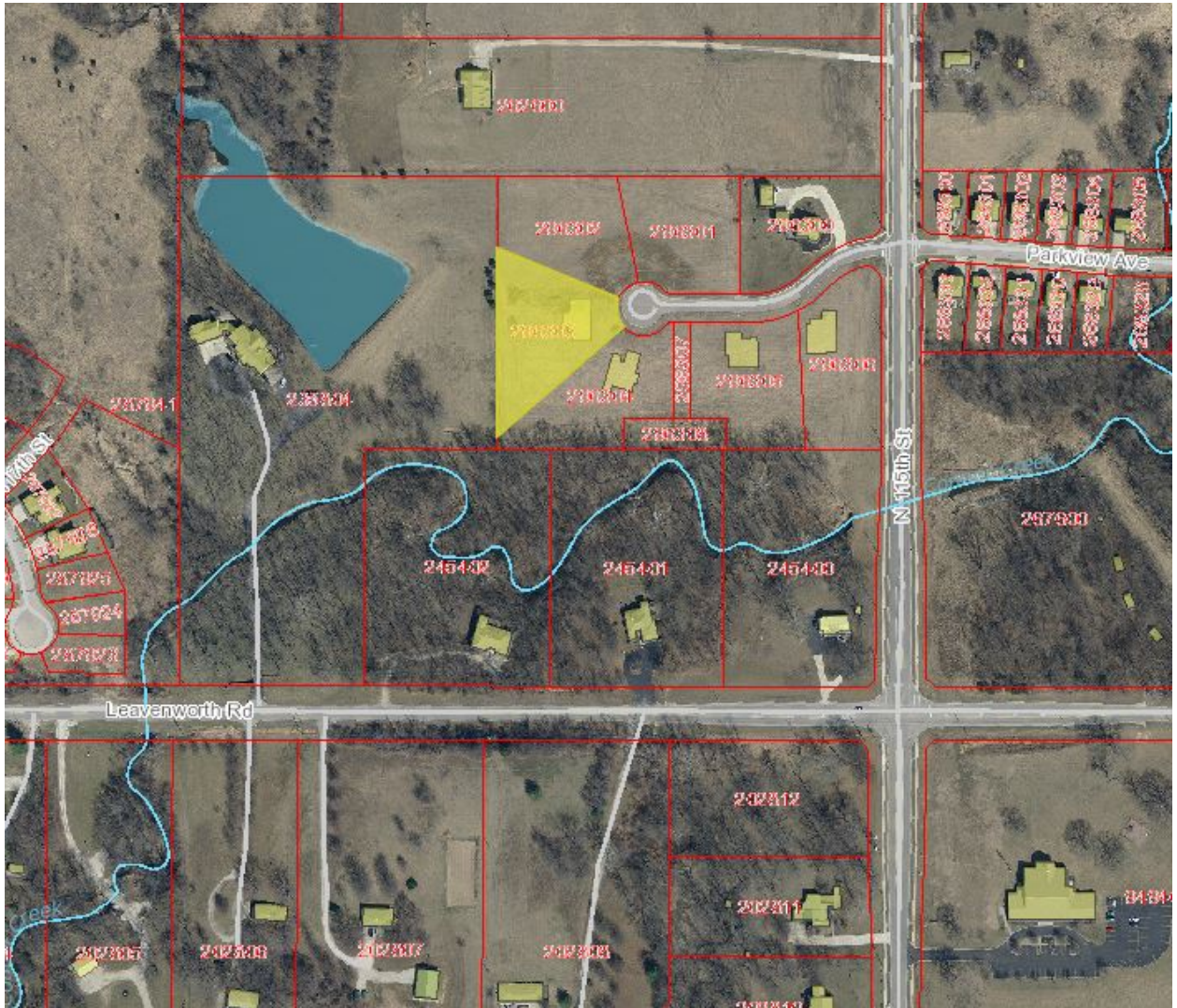
Thank you,
Ronda Dumovich













Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: July 30, 2020

Re: Petition #SP-2020-55

GENERAL INFORMATION

Applicant:
Jacob S. Patton

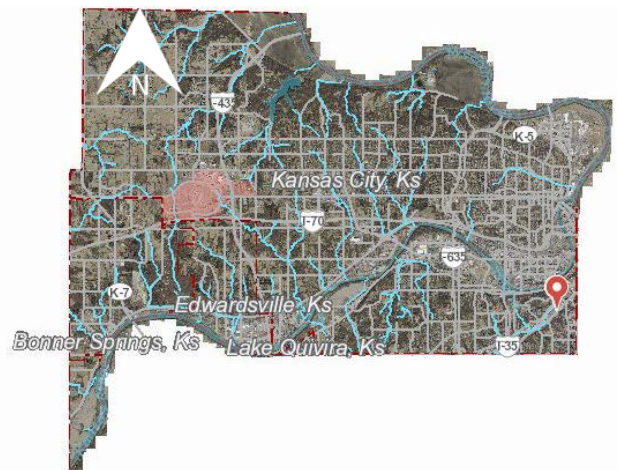
Status of Applicant:
Owner
819 Southwest Boulevard
Kansas City, Kansas 6603

Requested Action:
Renewal of Special
Use Permit SP-2019-75 (expires
7/25/2020)

Date of Application:
May 29, 2020

Purpose:
To continue to operate an AirBnb unit
in the applicant's primary residence.

Property Location:
819 Southwest Boulevard



Commission Districts:	1. Commissioner At Large: Tom Burroughs 2. District Commissioner: Christian Ramirez
Existing Zoning:	R-2(B) Two Family Residential District
Adjacent Zoning:	North: M-2 General Industrial District South: R-1(B) Single Family District East: M-2 General Industrial District West: M-2 General Industrial District
Adjacent Uses:	North: Warehouse/Office South: Single Family Homes East: Single Family Homes West: Warehouse Distribution
Total Tract Size:	0.17 Acre
Master Plan Designation:	The City-Wide Master Plan designates this area as Mixed Use.
Major Street Plan:	The Major Street Plan classifies Southwest Boulevard as a Class C Thoroughfare.
Parking Requirement:	Two off-street parking spaces shall be provided on the premises for each dwelling unit, at least one of which shall be in a garage or carport. When no more than two off-street parking spaces are provided for each dwelling unit on the premises, and when the lot has less than 20 feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measured from the front lot line to the garage door shall be not less than 36 feet, and space shall be provided in the drive for the parking of two passenger cars for each dwelling unit.
Advertisement:	The Wyandotte Echo – June 18, 2020 Letters to Property Owner – June 18, 2020 and July 27, 2020
Public Hearings:	July 13, 2020 and July 30, 2020
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jacob S. Patton, is seeking renewal of SP-2019-75 (which expires July 25, 2020). This allows for the operation of a

short-term rental in one (1) unit of a duplex at 819 Southwest Boulevard. This is now the applicant's primary residence. There have been no Notices of Violation issued on this property during its time of being operated as a short-term rental.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is comprised of mixed uses, including residential, industrial, retail, and Rosedale Middle School.

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

The zoning and uses are set out above. The proposed use is expected to be compatible with nearby properties if managed properly.

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

The property is suitable for the proposed use because this is a large duplex with sufficient off-street parking. The removal of restrictions will not detrimentally affect nearby property due to the existing mixed-use nature of the community.

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

The property is an existing duplex that operates as a short-term rental and is not vacant.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use will not result in the increase of vehicular traffic to the point where it exceeds the capacity of the Class C Thoroughfare to accommodate it, so long as the property is managed properly.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, but it will not substantially or permanently injure the appropriate

use, visual quality or marketability of adjoining property because the use occurs within an existing two-family home.

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

Excessive noise is a problem that is frequently related to short-term rentals/AirBnb's, however, there have been no noise complaints during the time the property has been used as a short-term rental. Vibration, dust, and illumination are not expected to be issues for nearby property owners.

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

The proposed use will not pollute the air, land, or water as it is an existing permitted duplex.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing duplex.

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

The relative gain to the public health, safety, and welfare to the public is minimal as it provides temporary accommodations. If denied, the applicant could not use the property as a short-term rental, but could use it as a long-term rental, second home, primary residence, or sell the property.

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

The proposed use does increase the amount of people in the area intermittently. If managed properly, the land will not be overcrowded and an increase in concentration of population will be temporary.

PREVIOUS ACTIONS

Change of Zone #3160 from M-2 General Industrial to R-2(B) Two Family District. SP-2019-75 (expires 7/25/2020).

NEIGHBORHOOD MEETING

Due to the COVID-19, the applicant hosted an online neighborhood meeting via Zoom on June 29, 2020. No one was in attendance. Documentation is provided below.

KEY ISSUES

Noise
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #**SP-2020-55**, subject to:

Planning and Urban Design Comments:

1. Please provide updated site pictures of the property.

Staff Comment: Applicant has provided pictures of the property. They are attached below.

2. Provide a dimensioned site plan. Indicate parking areas for guests.

Staff Comment: Applicant has provided site plan which includes area for parking. It is attached below.

3. Provide a dimensioned floor plan.

Staff Comment: Applicant has provided dimensioned floor plans. They are attached below.

4. How will you communicate with the neighbors if there are any issues?

Applicant Response: We intend to give out our contact information at the neighborhood meeting as well as times that we meet neighbors face to face. We will also provide out contact information in the mailers for notification of the neighborhood meeting.

5. How will you pay appropriate lodging taxes?

Applicant Response: We will list our home through services that collect appropriate taxes for us i.e. AirBNB and VRBO.

6. How many rooms are rented?

Staff Comment: This property is a duplex. Applicant has stated that one (1) unit will be owner-occupied and the other will be listed. Each unit consists of three (3) bedrooms and two (2) full bathrooms.

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

Applicant Response: We would prefer to list the maximum occupancy at six (6) people.

8. What is the maximum number of vehicles and where will they park?

Applicant Response: We will request that guests bring no more than two (2) vehicles. We have three (3) parking spaces available in our driveway which would require one (1) vehicle to be parked on the street if the maximum number of vehicles are at the property.

9. How often are guests in the residence?

Applicant Response: Guests are in the residence several times per week.

10. Do you have a rental license from the Unified Government?

Applicant Response: Yes

11. Provide a detailed description of the areas rented for AirBNB.

Applicant Response: The unit at 819 Southwest Boulevard consists of three (3) bedrooms, a kitchen, living room, dining room and entry. Each bedroom has its own closet and each bathroom has a shower and vanity. The interior of the property has been completely remodeled to provide the modern amenities for safety and comfort. The only shared space between the two (2) units is on the exterior including the yard, deck and private parking spaces attached to the home. Each unit has its own private entry with a coded, automatic deadbolt.

12. 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; and,
- h. Electric panel and circuits must be safe

Applicant Response: This property has undergone a full remodel. Building permits were pulled for the project and the building has been brought up to current building code requirements. Some updates include hardwired smoke detectors and CO2 detectors installed throughout the house per current code. GFCI outlets have been installed in kitchens and bathrooms. Exterior doors are not double keyed. All copper gas lines have been removed from the property and replaced with steel gas lines. All windows throughout the house have been refurbished so that they are operable, and all broken glass has been replaced. Handrails have been installed in appropriate locations. Each hot water tank and furnace have been recently serviced and proper venting has been verified. Each unit has had a brand-new electric service panel installed per current code.

- 13. Please provide a guest manual that lists rules and regulations, including the language “no parties are allowed”.**

Staff Comment: Applicant has provided a guest manual that lists rules and regulations. It is attached below.

- 14. Describe how you have been in compliance with the conditions outlined in SP-2019-75 which state;**

- a. Lodging taxes to be paid;
- b. Two units to be rented, each consisting of three bedrooms and two bathrooms;
- c. Maximum occupancy for each unit of 6 people;
- d. Maximum vehicle allowance of two (2) per unit, with availability for one three to park in the drive and one on the street;
- e. Host may or may not be onsite. If not on site, the host will likely be at their residence, approximately 8 minutes away.

Applicant Response: Lodging taxes are without and submitted by AirBNB. I monitor the remaining guidelines below and make sure all guests are aware of the guideline. Regarding guideline “e.” below, this unit will now be owner occupied.

- 15. Upon approval, an ordinance publication fee of \$125 will be required.**

Planning Engineering Comments:

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

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

Business License Comments:

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

Conditions;

- 1) If approved, the Special Use Permit will be valid for two (2) years;
- 2) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
- 3) All conditions applicable to SP-2019-75 will still apply, which include;
 - a. Lodging taxes to be paid;
 - b. Maximum occupancy for the rented unit of six (6) people;
 - c. Maximum vehicle allowance of two (2) for the unit, with availability for three (3) to park in the drive and one (1) on the street; and
- 4) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning + Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 5) Applicant must comply with all conditions outlined in the Home Occupation Special Use Permit petition, which state:
 - a. No exterior advertising or identification signs will be erected;
 - b. Only members of the immediate family residing on the premises will participate in the business;
 - c. No outside display showing any non-residential use will be present on the property;
 - d. No machinery will be used that will interfere with adjacent neighbor's radios or televisions;

- e. No heavy equipment or trucks of greater than 10,000 pounds GVWR shall be stored on the premises (only a single such truck) other than customary passenger vans or pick-up trucks shall be permitted;
- f. There will be no noise or odors that will adversely affect neighbors;
- g. Only a phone number will be used for advertising, if any;
- h. No sales or merchandise will be conducted on premises, and no services rendered that will require customer presence; and
- i. That no inventory or storage other than that immediate samples, are stored on the premises.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-55 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
 Zoning Map
 Interior Photos Provided by the Applicant
 Photos Provided by Staff, Dated June 16, 2020
 Site Plan
 Floor Plans
 Manual of Rules and Regulations
 Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: Shana Shanteau
sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2020-55 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-55** , as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-55 – JACOB S. PATTON –

SYNOPSIS: Renewal of a Special Use Permit (#SP-2019-75 – expires 07/25/2020) for a short-term rental/AIRBNB at 819 Southwest Boulevard. **Detailed Outline of Requested Action:** The applicant, Jacob S. Patton, is seeking renewal of SP-2019-75 (which expires July 25, 2020). This allows for the operation of a short-term rental in one (1) unit of a duplex at 819 Southwest Boulevard. This is now the applicant's primary residence. There have been no Notices of Violation issued on this property during its time of being operated as a short-term rental.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The ECHO for the Special Use Permits; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. Mr. Nick Tomasic III, 518 North Thompson, Kansas City, Kansas requested that Special Use Permit #SP-2020-56 be removed from the Consent Agenda.

On motion by Ms. Huey, seconded by Mr. Mohler, the Planning Commission voted as follows to **APPROVE** the remaining items on the Consent Agenda:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye
Motion to APPROVE Passed: 8 to 0	
Subject to:	

Planning and Urban Design Comments:

1. Please provide updated site pictures of the property.

Staff Comment: Applicant has provided pictures of the property. They are attached below.

2. Provide a dimensioned site plan. Indicate parking areas for guests.

Staff Comment: Applicant has provided site plan which includes area for parking. It is attached below.

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- b. GFCI outlets required in bathrooms;**
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Planning Engineering Comments:

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

Business License Comments:

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

Conditions;

- 1) If approved, the Special Use Permit will be valid for two (2) years;**
- 2) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;**
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- 5) Applicant must comply with all conditions outlined in the Home Occupation Special Use Permit petition, which state:**
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- b. Only members of the immediate family residing on the premises will participate in the business;**
- c. No outside display showing any non-residential use will be present on the property;**
- d. No machinery will be used that will interfere with adjacent neighbor's radios or televisions;**
- e. No heavy equipment or trucks of greater than 10,000 pounds GVWR shall be stored on the premises (only a single such truck) other than customary passenger vans or pick-up trucks shall be permitted;**
- f. There will be no noise or odors that will adversely affect neighbors;**
- g. Only a phone number will be used for advertising, if any;**
- h. No sales or merchandise will be conducted on premises, and no services rendered that will require customer presence; and**
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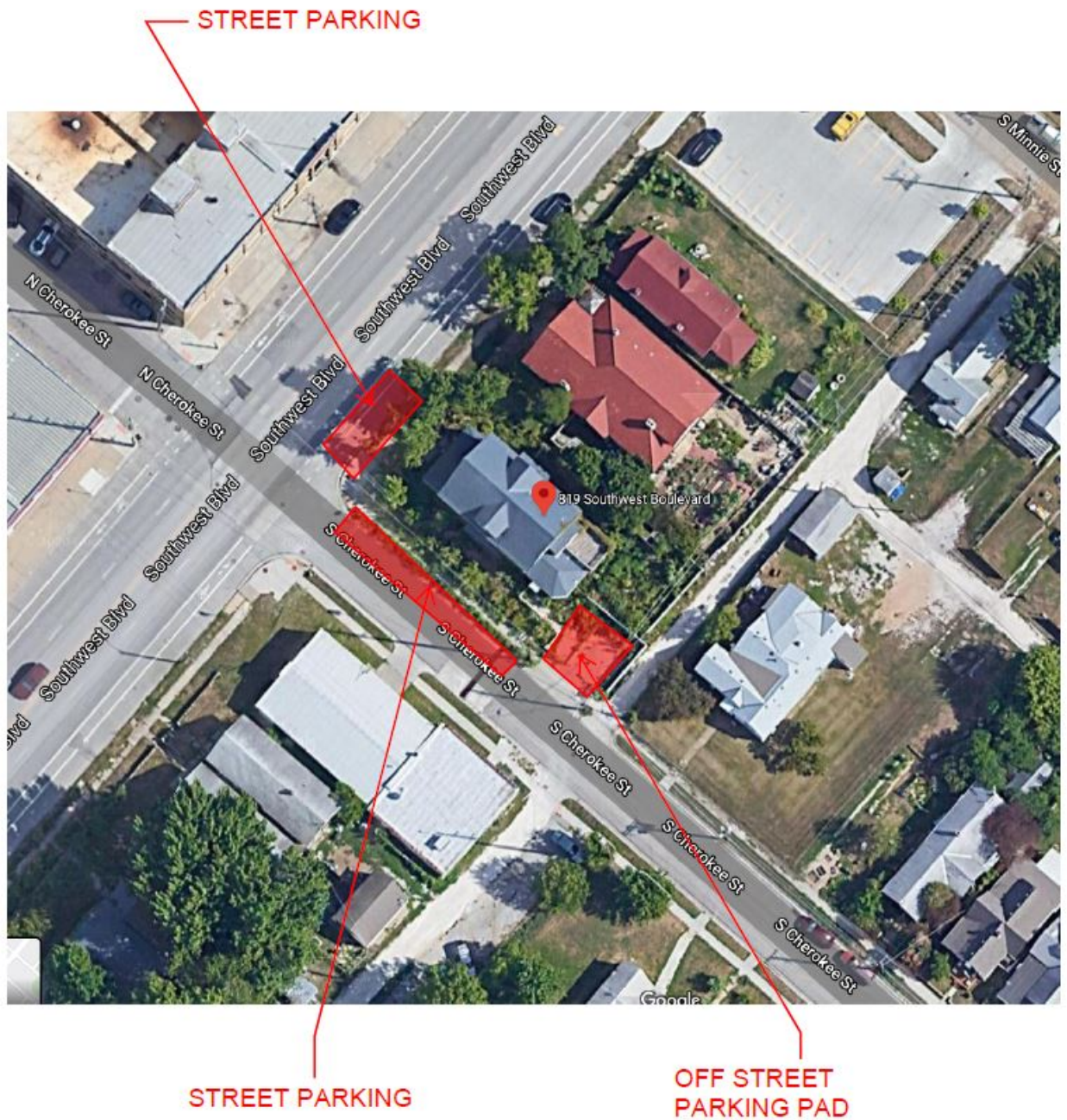


Photos Provided by Staff, Dated June 16, 2020



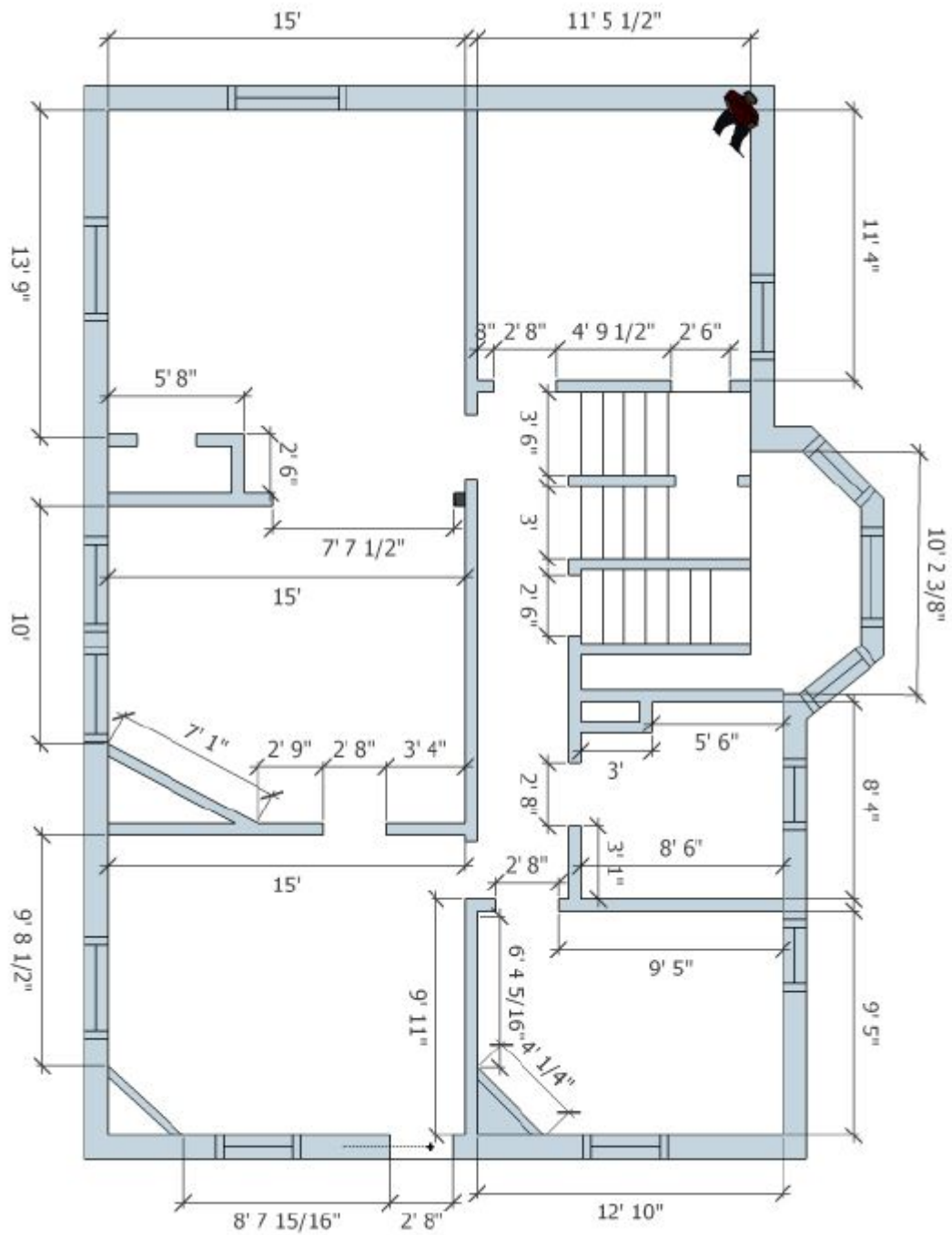






Floor Plans:





Check In Instructions & Rules

-Absolutely NO SMOKING.

-Quiet hours are from 10:00 PM to 8:00 AM and is strictly enforced. The units here are close together so please be respectful regarding noise. If you have a complaint regarding a noisy guest please let me know!

-Do not use butlers staircase in the kitchen- It leads to a separate apartment.

-No unauthorized guests unless otherwise approved. If you're planning to have more guests than your reservation states, please reach out.

-In the master closet you'll find the steamer/iron. Paper towels and toilet paper are underneath the designated sinks.

-Netflix / Amazon Prime / Disney + movies are available for your use. Please use guest account.

-Feel free to park on the street or in the designated parking spaces next to the house.

-Wifi Password: philosophy

-If everything doesn't look perfect or if you need assistance please do not hesitate to reach out to me directly at 816.645.9470 - Enjoy your stay!

6/18/2020

Jake Patton

819 Southwest Boulevard

Kansas City, Kansas 66103

Neighborhood Meeting

I have filed an application for renewal with the Department of Urban Planning and Land Use #SP-2020-55. The purpose of this Special Use Permit is for a Short-Term Rental at the following address: 819 Southwest Boulevard, Kansas City, Kansas 66103.

I am having a neighborhood meeting on June 29th, 2020 at 6:00 PM. This meeting will be held via Zoom Videoconferencing due to social distancing recommendations. The meeting invitation is as follows:

Join Zoom Meeting

<https://us04web.zoom.us/j/73230767093?pwd=SzZSMdI6Uk1HRXZmRnJOZWVhvaDc0UT09>

Meeting ID: 732 3076 7093

Password: 5CAdzY

The purpose of this meeting is to explain the proposed renewal application and to answer any questions/concerns you have.

I look forward to seeing you on the Zoom meeting. If you are unable to attend, please contact me at the phone number listed below.

Sincerely,

Jake Patton

816-872-9619

MINUTES:

Application Number __SP-2020-55__

Date and Location: __6/29/2020 ZOOM videoconference__

Meeting called to order at: __6:00PM__

Names of people in attendance:

Jake Patton (applicant)

Thomas Morgan (co-owner of property)

Minutes:

No other guests attended the conference call. The call was held open from 5:55PM until 6:30PM to allow for late arrivals.

Meeting adjourned at: 6:30 PM

Minutes taken by: __JAKE PATTON__



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: July 30, 2020
Re: Petition #SP-2020-57

GENERAL INFORMATION

Applicant:
Merritt Bold and Tom Elliot

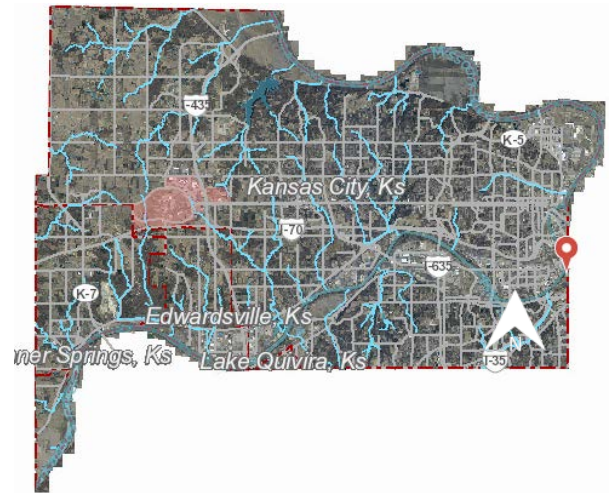
Status of Applicant:
Representatives
Bold Management, LLC
15321 Larsen St
Kansas City, KS 66221

Requested Action:
Renewal of a Special Use Permit (SP-2018-58
expires 7/26/2020).

Date of Application:
June 1, 2020

Purpose:
To continue to sell used semi-trailers.

Property Location:
2230 State Line Road



Commission Districts:	Commissioner At Large: Tom Burroughs District Commissioner: Christian Ramirez
Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District East: Kansas City, MO West: M-3 Heavy Industrial District
Adjacent Uses:	North: Industrial Use South: Industrial Use East: Kansas City, MO West: Industrial Use and Kansas River
Total Tract Size:	2.13 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property as Industrial.
Major Street Plan:	The Major Street Plan designates State Line Road as a Local Street.
Advertisement:	<u>The Wyandotte Echo</u> – June 18, 2020 Letters to Property Owner – June 19, 2020 and July 27, 2020
Public Hearings:	July 13, 2020 and July 30, 2020
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Merritt Bold and Tom Elliot, have applied for the renewal of a Special Use Permit (SP-2018-58 expires 7/27/2020) for the purpose of continuing the operation of a business to sell semi-trailers. Since their previous approval the applicants have received no Notices of Violation from the Code Enforcement Department.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This neighborhood is primarily industrial in nature.

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

The zoning and uses of properties nearby are set out above. Given the industrial nature of the area the proposed use is compatible.

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

The property is industrial in nature and suitable for the proposed commercial use. The removal of restrictions has the ability to detrimentally affect nearby properties as the commercial use could increase noise and traffic.

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

The property is not vacant, but is an existing industrial building surrounded by other industrial uses.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use inherently results in the increase of vehicular traffic. The vehicular traffic incurred, however, is not expected to result in an increase of traffic to the point where it would exceed the capacity of the Local Street.

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

The proposed use presents no convenience for the welfare of the public. It should not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining properties if managed properly.

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

The proposed use has the potential to be the source of noise. The surrounding area is primarily industrial in nature, however, so the noise that is produced is not expected to create problems for nearby properties.

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

The proposed should not pollute the air, land or water if managed properly.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource if managed properly. The property is, however, adjacent to the Kansas River. Run off from the property is a potential concern if not managed properly.

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

The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal because the proposed use is not seen as necessary relative to public gain. If this Special Use Permit is denied the landowner will be forced to conduct their business elsewhere.

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

The proposed use should not result in the overcrowding of land as space is ample on the property and, and there is no undue concentration of population as the proposed use is commercial in nature.

PREVIOUS ACTIONS

SP-2018-58 (Expires on 7/26/2020)

NEIGHBORHOOD MEETING

Due to the COVID-19, the neighborhood meeting requirement was suspended for the July applications. However, the applicant was still required to send a letter (as detailed as possible about your proposal) to the properties specified by the Urban Planning and Land Use Department. The applicant sent out a letter on June 24, 2020 and received no responses.

KEY ISSUES

Floodplain
Runoff

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-57, subject to:

Planning and Urban Design Comments:

1. Please provide updated pictures of your site and operation.
2. Provide a scaled site plan.
3. Please detail your operation and any capacity in which it has changed since your previous approval.

Applicant Response: Operation has not changed in any capacity.

4. Please describe how you have been in compliance with the conditions outlined in SP-2018-58, which state:
 - The special use permit requires final site plans prepared by a Professional Engineer licensed in the state of Kansas. Provide a final site plan showing property lines, dimensions to existing building, proposed parking spaces, drive aisles, utilities, contours and/or elevations, etc., in accordance with UG standards and criteria. Further discussion or a meeting with staff may be needed prior to a resubmittal.
 - The existing parcel is with FEMA floodplain. Show existing floodplain lines, base flood elevation, and floodplain note referencing FEMA map number and applicable information, and existing building floor elevation, etc., on the site plan.
 - Please coordinate with Kim Portillo, CFM regarding UG floodplain requirements, as applicable.
 - On the site plan, indicate the existing and proposed impervious areas in SF, and indicate net increase in impervious area, even if it is zero or negative SF.
 - Any proposed land disturbance activities shall be indicated on the site plan, with the area and SF depicted on the plan or a note indicating no land disturbance activities. If land will be disturbed, indicate applicable erosion control bmp's on the site plan, in accordance with UG standards and criteria.
 - Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
 - Please detail your operation and any capacity in which it has changed since your previous approval.

Applicant Response: See engineering plans from previous application.

5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.
6. Approval of the Special Use Permit is for two (2) years.
7. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Planning Engineering Comments:

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

Business License Comments:

1. Applicant has filed and maintained a current business occupation tax application at 2330 State Line Rd.

Conditions:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper;
2. Approval for two (2) years; and
3. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process.

Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2020-57** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Neighborhood Meeting Information
Engineering Plans from Previous Application – Compliance per Staff Comments
Scaled Site Plan
Photographs Provided by Applicant
Site Photographs Provided by Staff Dated 6/23/20
Aerial View

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-57**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-57**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-57 – TOM ELLIOTT AND MERRITT BOLD WITH ALL AMERICAN TRAILER, LLC – SYNOPSIS: Renewal of a Special Use Permit (#SP-2018-58 – expires 7/26/2020) for sales of semi-trailers at 2330 State Line Road. **Detailed Outline of Requested Action:** The applicants, Merritt Bold and Tom Elliot, have applied for the renewal of a Special Use Permit (SP-2018-58 expires 7/27/2020) for the purpose of continuing the operation of a business to sell semi-trailers. Since their previous approval the applicants have received no Notices of Violation from the Code Enforcement Department.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The ECHO for the Special Use Permits; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. Mr. Nick Tomasic III, 518 North Thompson, Kansas City, Kansas requested that Special Use Permit #SP-2020-56 be removed from the Consent Agenda.

On motion by Ms. Huey, seconded by Mr. Mohler, the Planning Commission voted as follows to **APPROVE** the remaining items on the Consent Agenda:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye

Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to APPROVE Passed: 8 to 0
Subject to:

Planning and Urban Design Comments:

1. Please provide updated pictures of your site and operation.
2. Provide a scaled site plan.
3. Please detail your operation and any capacity in which it has changed since your previous approval.

Applicant Response: Operation has not changed in any capacity.

4. Please describe how you have been in compliance with the conditions outlined in SP-2018-58, which state:
 - The special use permit requires final site plans prepared by a Professional Engineer licensed in the state of Kansas. Provide a final site plan showing property lines, dimensions to existing building, proposed parking spaces, drive aisles, utilities, contours and/or elevations, etc., in accordance with UG standards and criteria. Further discussion or a meeting with staff may be needed prior to a resubmittal.
 - The existing parcel is with FEMA floodplain. Show existing floodplain lines, base flood elevation, and floodplain note referencing FEMA map number and applicable information, and existing building floor elevation, etc., on the site plan.
 - Please coordinate with Kim Portillo, CFM regarding UG floodplain requirements, as applicable.
 - On the site plan, indicate the existing and proposed impervious areas in SF, and indicate net increase in impervious area, even if it is zero or negative SF.
 - Any proposed land disturbance activities shall be indicated on the site plan, with the area and SF depicted on the plan or a note indicating no land disturbance activities. If land will be disturbed, indicate applicable erosion control bmp's on the site plan, in accordance with UG standards and criteria.
 - Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
 - Please detail your operation and any capacity in which it has changed since your previous approval.

Applicant Response: See engineering plans from previous application.

- 5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.**
- 6. Approval of the Special Use Permit is for two (2) years.**
- 7. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

Planning Engineering Comments:

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

Business License Comments:

- 1. Applicant has filed and maintained a current business occupation tax application at 2330 State Line Rd.**

Conditions:

- 1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper;**
- 2. Approval for two (2) years; and**
- 3. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for**

renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Application Number__SP-2020-57__
Date and Location: __Email or Phone__

Meeting called to order at: __N/A__

Names of people in attendance:None

Introductions:None

No emails or no phone calls

Meeting adjourned at:n/A

Minutes taken by: __Tom Elliott__

SIGN IN SHEET FOR NEIGHBORHOOD MEETING SP-2020-57

1. - None
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

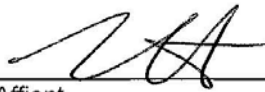
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP-2020-57
2. That I conducted a neighborhood meeting on n/A Email + phone
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant 6/30/2020

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200__.

My commission expires _____ of _____, 200__.

Notary Public

DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY
PROPERTY INFORMATION FORM

O.M.B. NO. 1660-0015
Expires February 28, 2014

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 1.63 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and submitting the form. This collection is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20598-3005, Paperwork Reduction Project (1660-0015). **NOTE: Do not send your completed form to this address.**

This form may be completed by the property owner, property owner's agent, licensed land surveyor, or registered professional engineer to support a request for a Letter of Map Amendment (LOMA), Conditional Letter of Map Amendment (CLOMA), Letter of Map Revision Based on Fill (LOMR-F), or Conditional Letter of Map Revision Based on Fill (CLOMR-F) for existing or proposed, single or multiple lots/structures. In order to process your request, all information on this form must be completed *in its entirety*, unless stated as optional. **Incomplete submissions will result in processing delays.** Please check the item below that describes your request:

☒ LOMA	A letter from DHS-FEMA stating that an existing structure or parcel of land that has not been elevated by fill (natural grade) would not be inundated by the base flood.
☐ CLOMA	A letter from DHS-FEMA stating that a proposed structure that is not to be elevated by fill (natural grade) would not be inundated by the base flood if built as proposed.
☐ LOMR-F	A letter from DHS-FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.
☐ CLOMR-F	A letter from DHS-FEMA stating that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

Fill is defined as material from any source (including the subject property) placed that raises the ground to or above the Base Flood Elevation (BFE). The common construction practice of removing unsuitable existing material (topsoil) and backfilling with select structural material is not considered the placement of fill if the practice does not alter the existing (natural grade) elevation, which is at or above the BFE. **Fill that is placed before the date of the first National Flood Insurance Program (NFIP) map showing the area in a Special Flood Hazard Area (SFHA) is considered natural grade.**

Has fill been placed on your property to raise ground that was previously below the BFE?

☐ Yes ☒ No

If yes, when was fill placed?

mm/dd/yyyy

Will fill be placed on your property to raise ground that is below the BFE?

☐ Yes* ☒ No

If yes, when will fill be placed?

mm/dd/yyyy

* If yes, Endangered Species Act (ESA) compliance must be documented to FEMA prior to issuance of the CLOMR-F determination (please refer page 4 to the MT-1 instructions).

1. Street Address of the Property (if request is for multiple structures or units, please attach additional sheet referencing each address and enter street names below):

2330 State Line Rd., Kansas City, Kansas 66103

2. Legal description of Property (Lot, Block, Subdivision or abbreviated description from the Deed):

Tax Parcel No. 901500, BEG NE COR L1: BUNKERS, W A SUB; W 458.77FT, NELY CUR LT-216.39FT, E 169.67FT, N 47.81FT, E 85.8FT, N 20.5FT, E 24.67F

3. Are you requesting that a flood zone determination be completed for (check one):

- ☒ Structures on the property? What are the dates of construction? +/- 05/1979 (MM/YYYY)
☐ A portion of land within the bounds of the property? (A certified metes and bounds description and map of the area to be removed, certified by a licensed land surveyor or registered professional engineer, are **required**. For the preferred format of metes and bounds descriptions, please refer to the MT-1 Form 1 Instructions.)
☐ The entire legally recorded property?

4. Is this request for a (check one):

- ☐ Single structure
☐ Single lot
☒ Multiple structures (How many structures are involved in your request? List the number: 3)
☐ Multiple lots (How many lots are involved in your request? List the number:)

In addition to this form (MT-1 Form 1), please complete the checklist below. **ALL** requests must include one copy of the following:

- ☐ Copy of the effective FIRM panel on which the structure and/or property location has been accurately plotted (property inadvertently located in the NFIP regulatory floodway will require Section B of MT-1 Form 3)
- ☐ Copy of the Subdivision Plat Map for the property (with recordation data and stamp of the Recorder's Office)
- OR
- ☐ Copy of the Property Deed (with recordation data and stamp of the Recorder's Office), accompanied by a tax assessor's map or other certified map showing the surveyed location of the property relative to local streets and watercourses. The map should include at least one street intersection that is shown on the FIRM panel.
- ☐ Form 2 – Elevation Form. If the request is to remove the structure, and an Elevation Certificate has already been completed for this property, it may be submitted in lieu of Form 2. If the request is to remove the entire legally recorded property, or a portion thereof, the lowest lot elevation must be provided on Form 2.
- ☐ Please include a map scale and North arrow on all maps submitted.

For LOMR-Fs and CLOMR-Fs, the following must be submitted in addition to the items listed above:

- ☐ Form 3 – Community Acknowledgment Form

For CLOMR-Fs, the following must be submitted in addition to the items listed above:

- ☐ Documented ESA compliance, which may include a copy of an Incidental Take Permit, an Incidental Take Statement, a "not likely to adversely affect" determination from the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (USFWS), or an official letter from NMFS or USFWS concurring that the project has "No Effect" on proposed or listed species or designated critical habitat. Please refer to the MT-1 instructions for additional information.

Please do not submit original documents. Please retain a copy of all submitted documents for your records.

DHS-FEMA encourages the submission of all required data in a digital format (e.g. scanned documents and images on Compact Disc [CD]). Digital submissions help to further DHS-FEMA's Digital Vision and also may facilitate the processing of your request.

Incomplete submissions will result in processing delays. For additional information regarding this form, including where to obtain the supporting documents listed above, please refer to the MT-1 Form Instructions located at http://www.fema.gov/plan/prevent/fhm/dl_mt-1.shtm.

Processing Fee (see instructions for appropriate mailing address; or visit http://www.fema.gov/fhm/frm_fees.shtm for the most current fee schedule)

Revised fee schedules are published periodically, but no more than once annually, as noted in the **Federal Register**. Please note: single/multiple lot(s)/structure(s) LOMAs are fee exempt. The current review and processing fees are listed below:

Check the fee that applies to your request:

- ☐ \$325 (single lot/structure LOMR-F following a CLOMR-F)
- ☐ \$425 (single lot/structure LOMR-F)
- ☐ \$500 (single lot/structure CLOMA or CLOMR-F)
- ☐ \$700 (multiple lot/structure LOMR-F following a CLOMR-F, or multiple lot/structure CLOMA)
- ☐ \$800 (multiple lot/structure LOMR-F or CLOMR-F)

Please submit the Payment Information Form for remittance of applicable fees. Please make your check or money order payable to:
National Flood Insurance Program.

All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Applicant's Name (required): Merritt Bold	Company (if applicable): Bold Transportation, Inc.
Mailing Address (required): 2330 State Line Rd., Kansas City, KS 66103	Daytime Telephone No. (required): (816) 559-8350
E-Mail Address (optional): ☐ By checking here you may receive correspondence electronically at the email address provided:	Fax No. (optional):

Date (required) **03/30/2017**

Signature of Applicant (required)

DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY
ELEVATION FORM

O.M.B. NO. 1660-0015
Expires February 28, 2014

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 1.25 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and submitting the form. This collection is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20598-3005, Paperwork Reduction Project (1660-0015). **NOTE: Do not send your completed form to this address.**

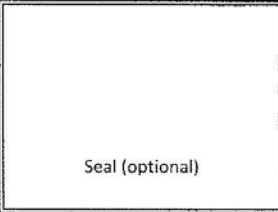
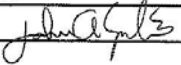
This form must be completed for requests and must be completed and signed by a registered professional engineer or licensed land surveyor. **A DHS - FEMA National Flood Insurance Program (NFIP) Elevation Certificate may be submitted in lieu of this form for single structure requests.**

For requests to remove a structure on natural grade OR on engineered fill from the Special Flood Hazard Area (SFHA), submit the lowest adjacent grade (the lowest ground touching the structure), **including an attached deck or garage**. For requests to remove an entire parcel of land from the SFHA, provide the lowest lot elevation; or, if the request involves an area described by metes and bounds, provide the lowest elevation within the metes and bounds description. All measurements are to be rounded to nearest tenth of a foot. In order to process your request, all information on this form must be completed **in its entirety**. Incomplete submissions will result in processing delays.

1. NFIP Community Number: 200363 Property Name or Address: 2330 State Line Rd., Kansas City, Kansas 66103
2. Are the elevations listed below based on ☒ existing or ☐ proposed conditions? (Check one)
3. For the existing or proposed structures listed below, what are the types of construction? (check all that apply)
☐ crawl space ☒ slab on grade ☐ basement/enclosure ☒ other (explain) office building with elevated first floor and skirting enclosure
4. Has DHS - FEMA identified this area as subject to land subsidence or uplift? (see instructions) ☐ Yes ☒ No
If yes, what is the date of the current re-leveling? / (month/year)
5. What is the elevation datum? ☐ NGVD 29 ☒ NAVD 88 ☐ Other (explain)
If any of the elevations listed below were computed using a datum different than the datum used for the effective Flood Insurance Rate Map (FIRM) (e.g., NGVD 29 or NAVD 88), what was the conversion factor?
Local Elevation +/- ft. = FIRM Datum
6. Please provide the Latitude and Longitude of the most upstream edge of the **structure** (in decimal degrees to the nearest fifth decimal place):
Indicate Datum: ☐ WGS84 ☒ NAD83 ☐ NAD27 Lat. 39.08493 N Long. 94.60759 W
Please provide the Latitude and Longitude of the most upstream edge of the **property** (in decimal degrees to the nearest fifth decimal place):
Indicate Datum: ☐ WGS84 ☒ NAD83 ☐ NAD27 Lat. 39.08488 N Long. 94.60650 W

Address	Lot Number	Block Number	Lowest Lot Elevation*	Lowest Adjacent Grade To Structure	Base Flood Elevation	BFE Source
2330 State Line Rd.				754.80	751.00	FIRM
2330 State Line Rd.				756.40	751.00	FIRM

This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name: John A. Copelin	License No.: PS 1658	Expiration Date: 03/31/2018
Company Name: Kaw Valley Engineering, Inc.	Telephone No.: 816-468-5858	
Email: copelin@kveng.com	Fax No.: 816-458-6851	
Signature: 	Date: 03/30/2017	

* For requests involving a portion of property, include the lowest ground elevation within the metes and bounds description.
Please note: If the Lowest Adjacent Grade to Structure is the only elevation provided, a determination will be issued for the structure only.

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS
Continuation Page

OMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 2330 State Line Rd.			Policy Number:
City Kansas City	State Kansas	ZIP Code 66103	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

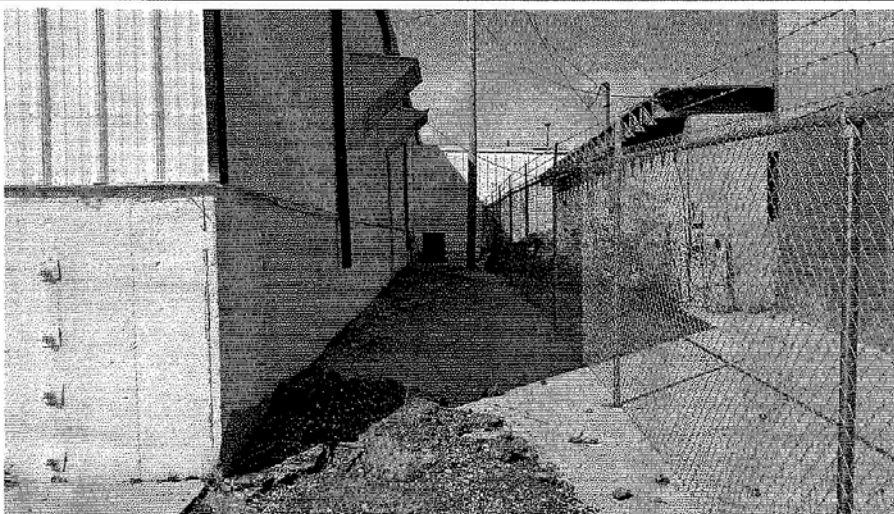


Photo Three

Photo Three Caption NORTHEAST CORNER LOOKING ALONG NORTH SIDE OF BUILDING

Clear Photo Three

Photo Four

Photo Four Caption

Photo Four

Clear Photo Four

FEDERAL EMERGENCY MANAGEMENT AGENCY
PAYMENT INFORMATION FORM

Community Name: _____

Project Identifier: _____

THIS FORM MUST BE MAILED, ALONG WITH THE APPROPRIATE FEE, TO THE ADDRESS BELOW OR FAXED TO THE FAX NUMBER BELOW.

Please make check or money order payable to the National Flood Insurance Program.

Type of Request:

- ☒ MT-1 application }
☐ MT-2 application }

LOMC Clearinghouse
847 South Pickett Street
Alexandria, VA 22304-4605
Attn.: LOMC Manager

- ☐ EDR application }

FEMA Project Library
847 South Pickett Street
Alexandria, VA 22304-4605
FAX (703) 212-4090

Request No. (if known): _____ Check No.: _____ Amount: _____

☐ INITIAL FEE* ☐ FINAL FEE ☐ FEE BALANCE** ☐ MASTER CARD ☐ VISA ☐ CHECK ☐ MONEY ORDER

*Note: Check only for EDR and/or Alluvial Fan requests (as appropriate).

**Note: Check only if submitting a corrected fee for an ongoing request.

COMPLETE THIS SECTION ONLY IF PAYING BY CREDIT CARD

CARD NUMBER

EXP. DATE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----

Month	Year
-------	------

Date _____

Signature _____

NAME (AS IT APPEARS ON CARD): _____
(please print or type)

ADDRESS: _____
(for your
credit card
receipt-please
print or type)

DAYTIME PHONE: _____

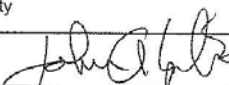
ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Merritt Bold				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 2330 State Line Rd.				Company NAIC Number:	
City Kansas City		State Kansas		ZIP Code 66103	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Tax Parcel No. 901500					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Commercial</u>					
A5. Latitude/Longitude: Lat. <u>N39-05-05.92930</u> Long. <u>W94-36-26.98115</u> Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>6</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>N/A</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A8.b <u>N/A</u> sq in					
d) Engineered flood openings? ☐ Yes ☒ No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>N/A</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A9.b <u>N/A</u> sq in					
d) Engineered flood openings? ☐ Yes ☒ No					
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number Kansas City, City of			B2. County Name Wyandotte		B3. State Kansas
B4. Map/Panel Number 200363	B5. Suffix E	B6. FIRM Index Date 11-02-2011	B7. FIRM Panel Effective/ Revised Date 02-05-2014	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 751.00
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in item B9: ☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____					
B11. Indicate elevation datum used for BFE in item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No Designation Date: _____ ☐ CBRS ☐ OPA					

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE																			
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 2330 State Line Rd.			Policy Number:																			
City Kansas City	State Kansas	ZIP Code 66103	Company NAIC Number																			
SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)																						
C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction *A new Elevation Certificate will be required when construction of the building is complete. C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters. Benchmark Utilized: <u>Penn / PID: KE1461</u> Vertical Datum: <u>NAVD 1988</u> Indicate elevation datum used for the elevations in items a) through h) below. ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____ Datum used for building elevations must be the same as that used for the BFE. <table style="width: 100%; border-collapse: collapse;"><thead><tr><th></th><th style="text-align: right;">Check the measurement used.</th></tr></thead><tbody><tr><td>a) Top of bottom floor (including basement, crawlspace, or enclosure floor) _____</td><td style="text-align: right;">758.00 ☒ feet ☐ meters</td></tr><tr><td>b) Top of the next higher floor _____</td><td style="text-align: right;">758.80 ☒ feet ☐ meters</td></tr><tr><td>c) Bottom of the lowest horizontal structural member (V Zones only) _____</td><td style="text-align: right;">N/A ☐ feet ☐ meters</td></tr><tr><td>d) Attached garage (top of slab) _____</td><td style="text-align: right;">N/A ☐ feet ☐ meters</td></tr><tr><td>e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) _____</td><td style="text-align: right;">N/A ☐ feet ☐ meters</td></tr><tr><td>f) Lowest adjacent (finished) grade next to building (LAG) _____</td><td style="text-align: right;">754.80 ☒ feet ☐ meters</td></tr><tr><td>g) Highest adjacent (finished) grade next to building (HAG) _____</td><td style="text-align: right;">755.20 ☒ feet ☐ meters</td></tr><tr><td>h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support _____</td><td style="text-align: right;">755.16 ☒ feet ☐ meters</td></tr></tbody></table>						Check the measurement used.	a) Top of bottom floor (including basement, crawlspace, or enclosure floor) _____	758.00 ☒ feet ☐ meters	b) Top of the next higher floor _____	758.80 ☒ feet ☐ meters	c) Bottom of the lowest horizontal structural member (V Zones only) _____	N/A ☐ feet ☐ meters	d) Attached garage (top of slab) _____	N/A ☐ feet ☐ meters	e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) _____	N/A ☐ feet ☐ meters	f) Lowest adjacent (finished) grade next to building (LAG) _____	754.80 ☒ feet ☐ meters	g) Highest adjacent (finished) grade next to building (HAG) _____	755.20 ☒ feet ☐ meters	h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support _____	755.16 ☒ feet ☐ meters
	Check the measurement used.																					
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g) Highest adjacent (finished) grade next to building (HAG) _____	755.20 ☒ feet ☐ meters																					
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support _____	755.16 ☒ feet ☐ meters																					
SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION																						
This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001. Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.																						
Certifier's Name John A. Copelin		License Number LS1658																				
Title Land Surveyor																						
Company Name Kaw Valley Engineering, Inc.																						
Address 8040 N. Oak. Trfy.																						
City Kansas City	State Missouri	ZIP Code 64118																				
Signature 	Date 3/27/2017	Telephone (816) 468-5858	Ext.																			
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.																						
Comments (including type of equipment and location, per C2(e), if applicable)																						

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 2330 State Line Rd.			Policy Number:	
City Kansas City	State Kansas	ZIP Code 66103	Company NAIC Number	
SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)				
For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters. E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG). a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG. E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG. E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.				
SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION				
The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.				
Property Owner or Owner's Authorized Representative's Name				
Address		City	State	ZIP Code
Signature		Date	Telephone	
Comments				
☐ Check here if attachments.				

FEMA Form 086-0-33 (7/15)

Replaces all previous editions.

Form Page 3 of 6

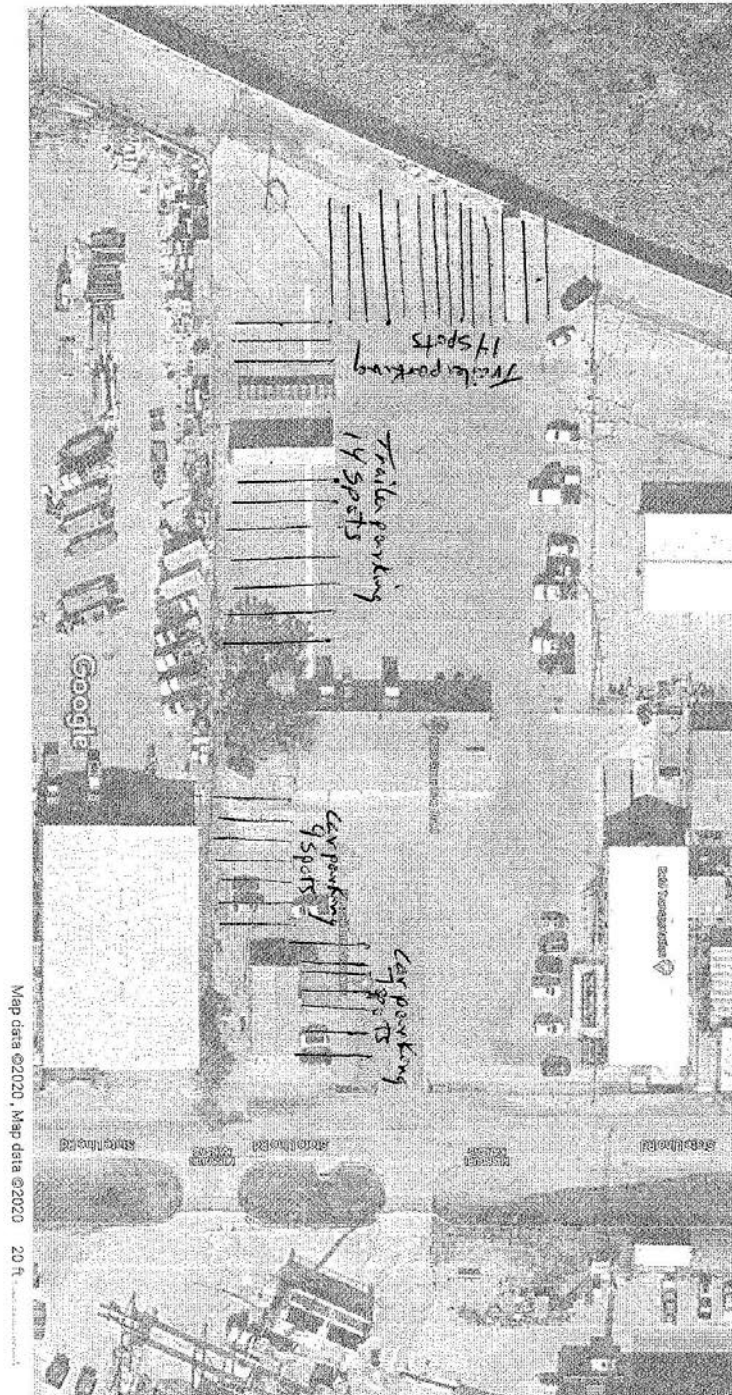
ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2018

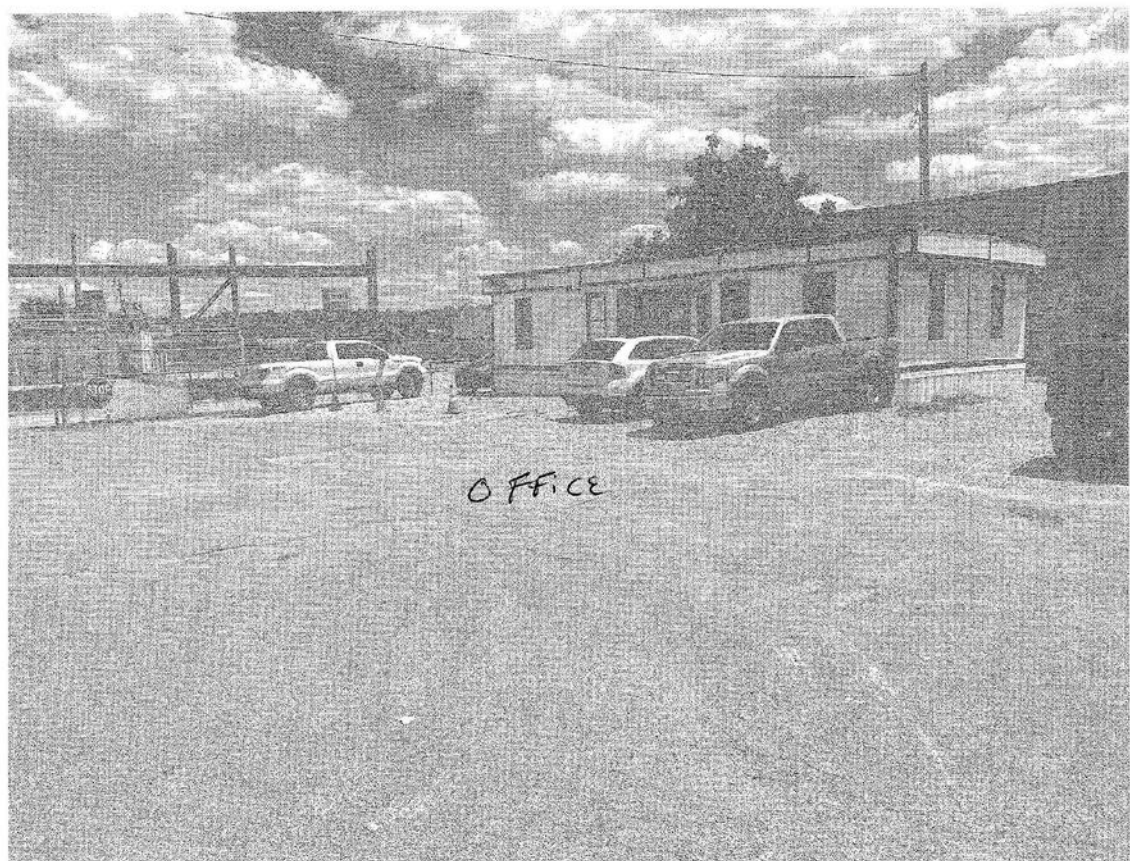
IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 2330 State Line Rd.			Policy Number:	
City Kansas City	State Kansas	ZIP Code 66103	Company NAIC Number	
SECTION G – COMMUNITY INFORMATION (OPTIONAL)				
The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.				
G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)				
G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.				
G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.				
G4. Permit Number		G5. Date Permit Issued		G6. Date Certificate of Compliance/Occupancy Issued
G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement				
G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____				
G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____				
G10. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____				
Local Official's Name			Title	
Community Name			Telephone	
Signature			Date	
Comments (including type of equipment and location, per C2(e), if applicable)				
☐ Check here if attachments.				

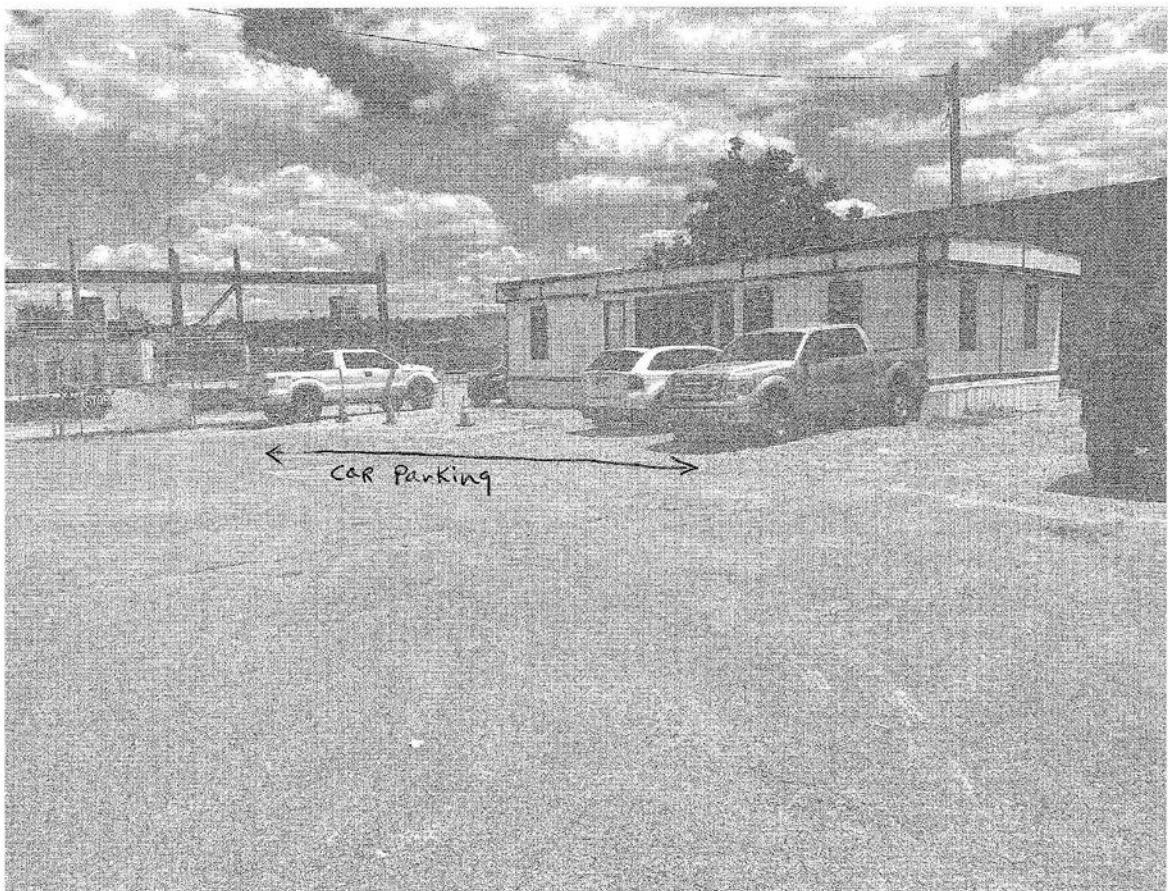
FEMA Form 086-0-33 (7/15)

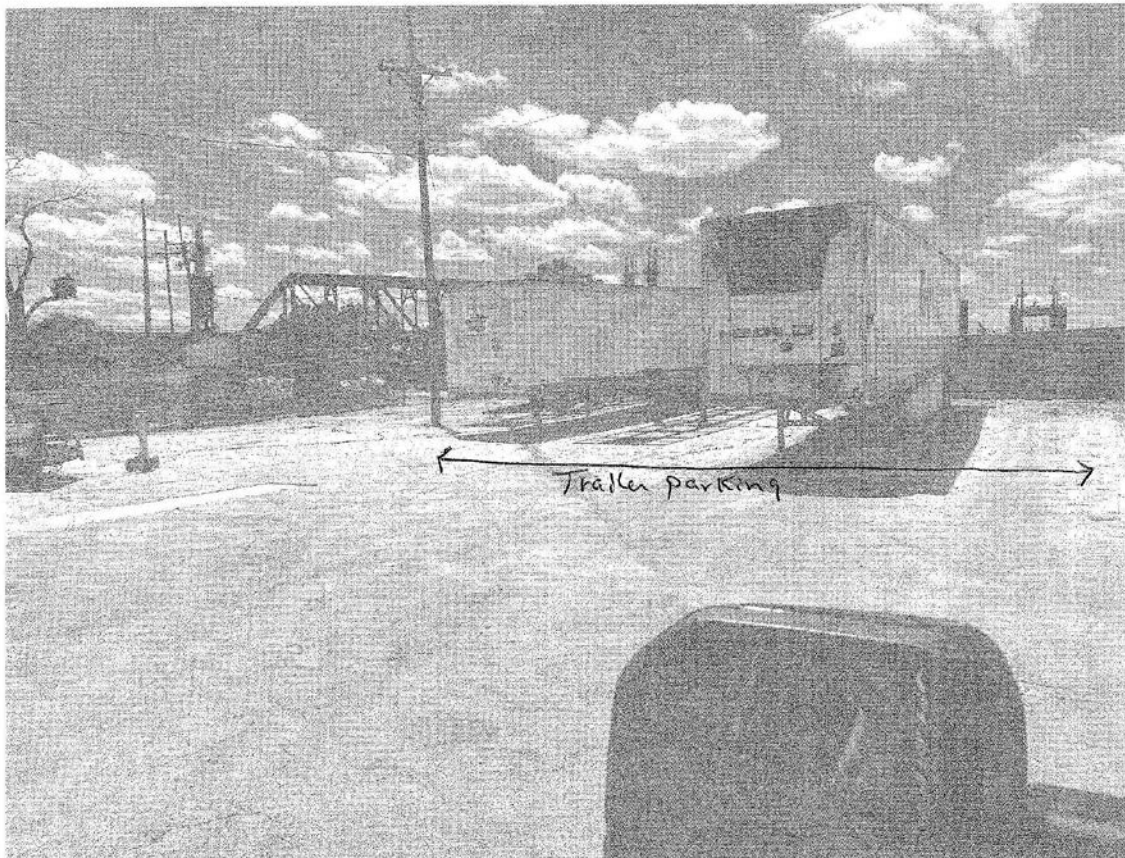
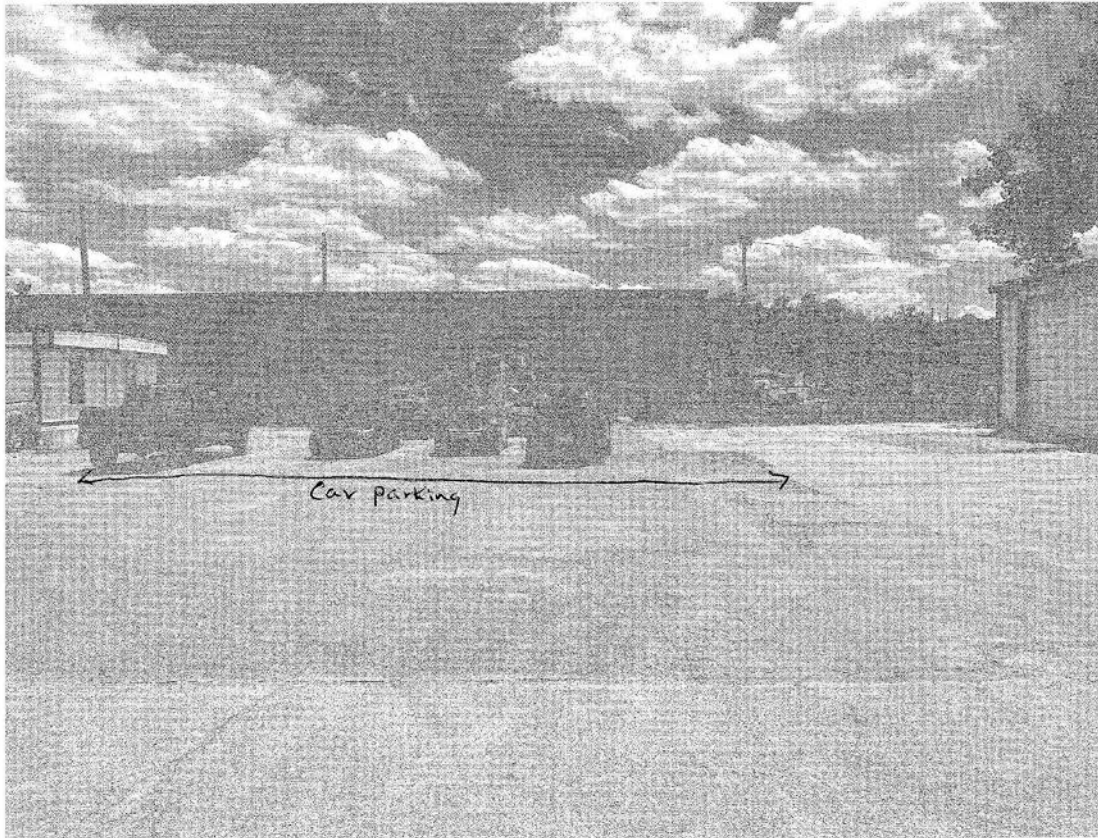
Replaces all previous editions.

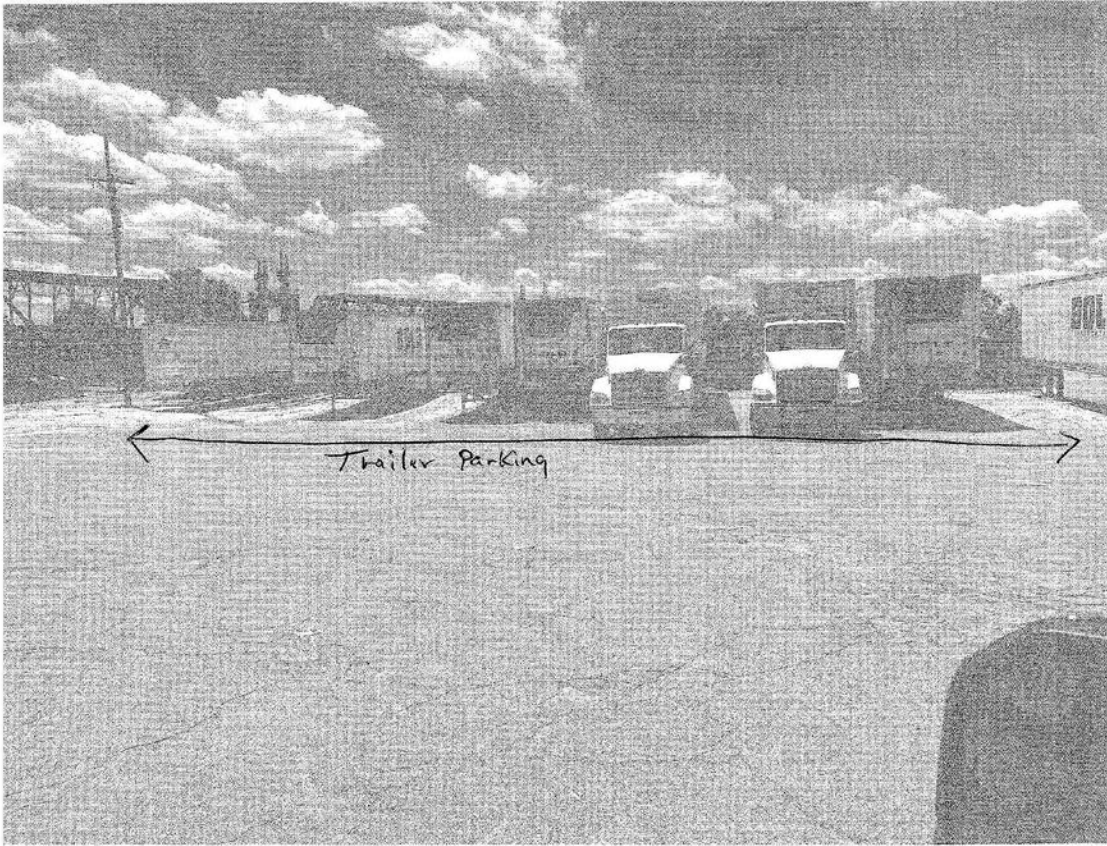
Form Page 4 of 6

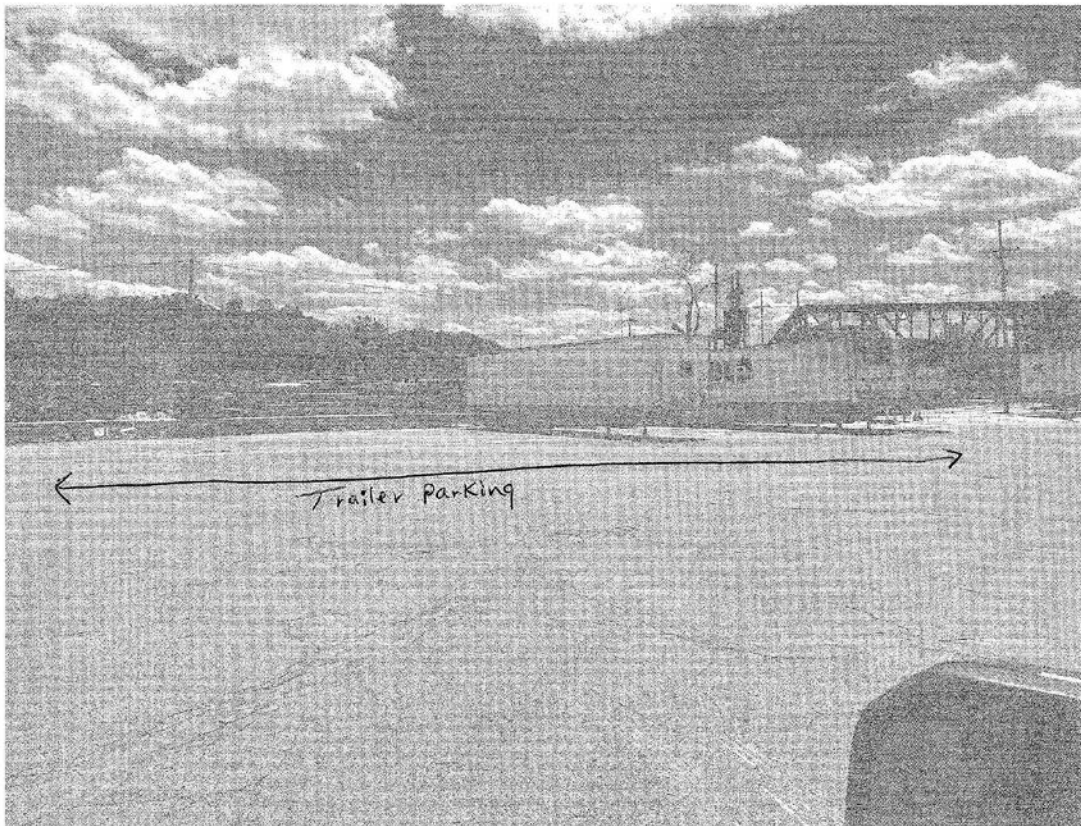
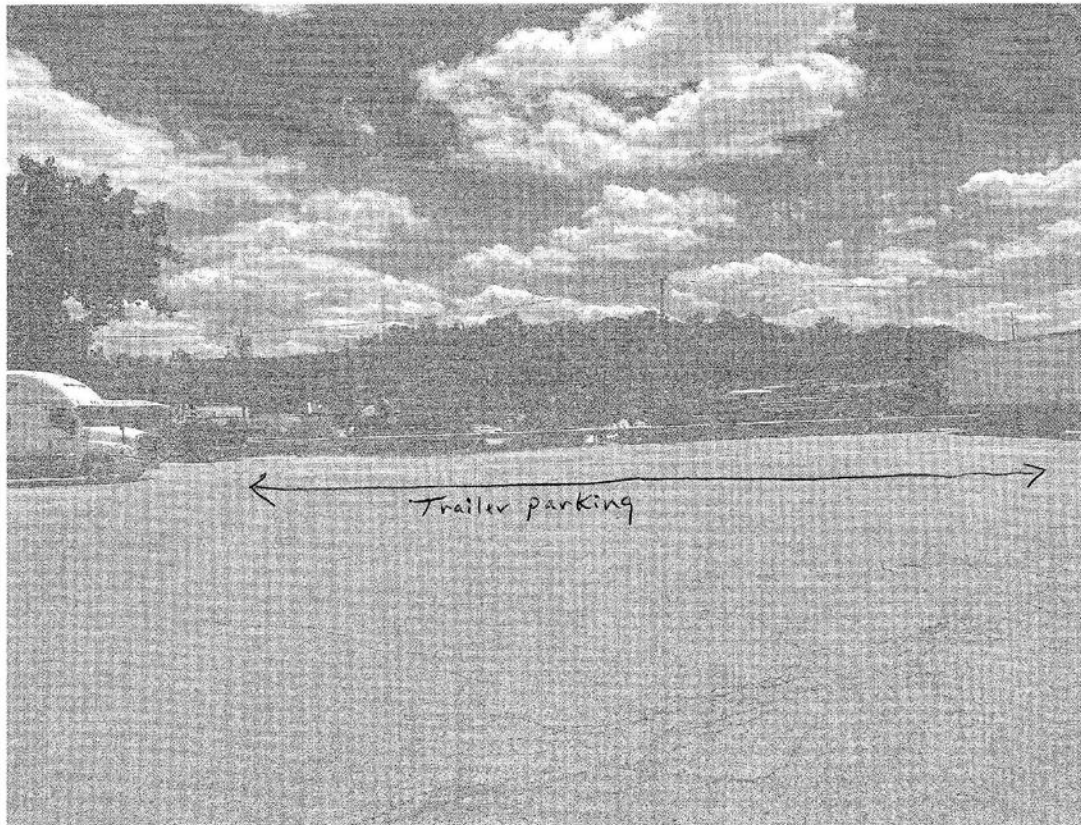






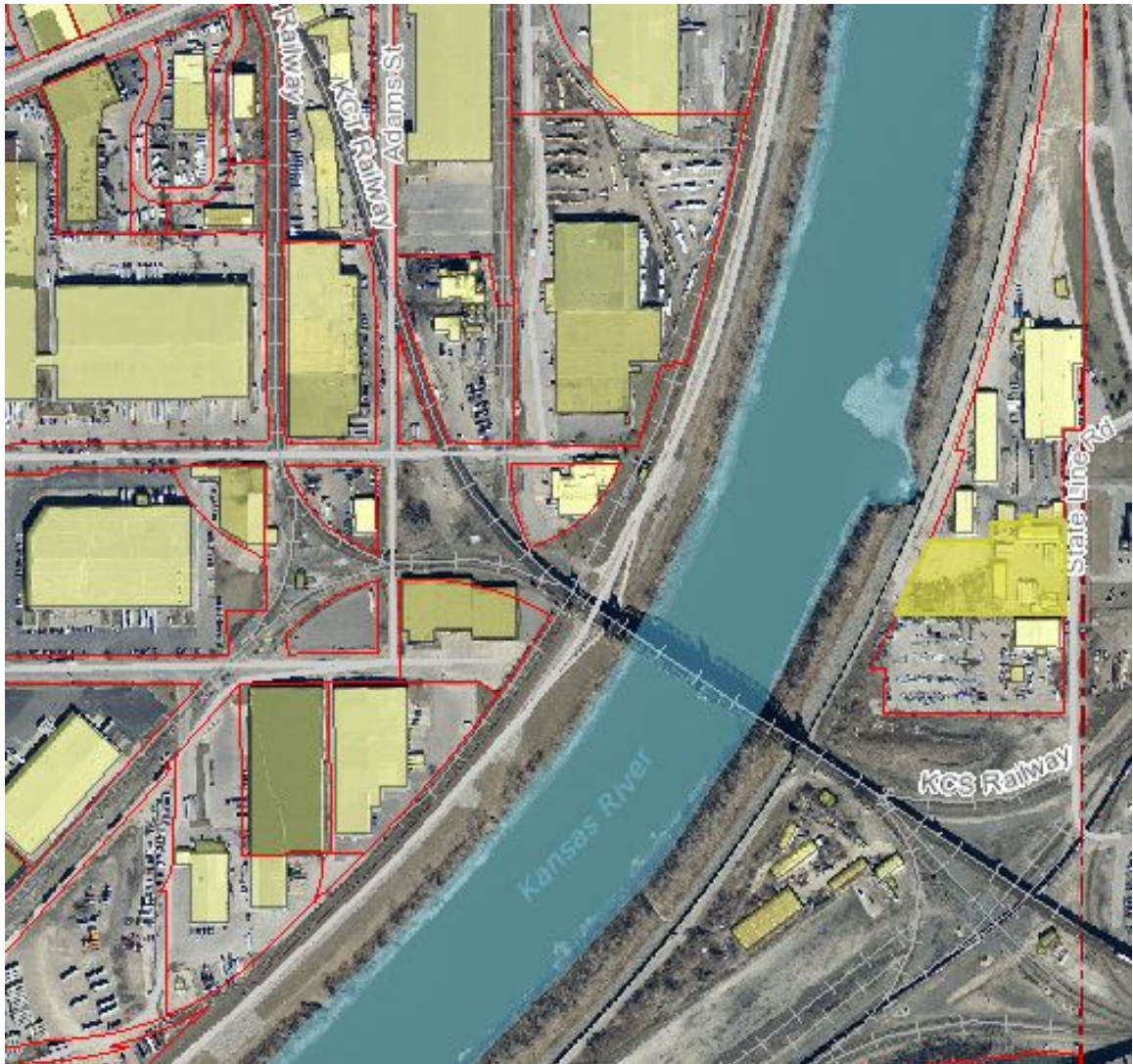














Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: July 30, 2020
Re: Petition #SP-2020-61

GENERAL INFORMATION

Applicant:

Katelyn Kok and Pavel Razumovsky

Status of Applicant:

Representative
Motor Co LLC
2930 S 44th Street
Kansas City, KS 66106

Requested Action:

A Special Use Permit for the purpose of
operating a used car dealership.

Date of Application:

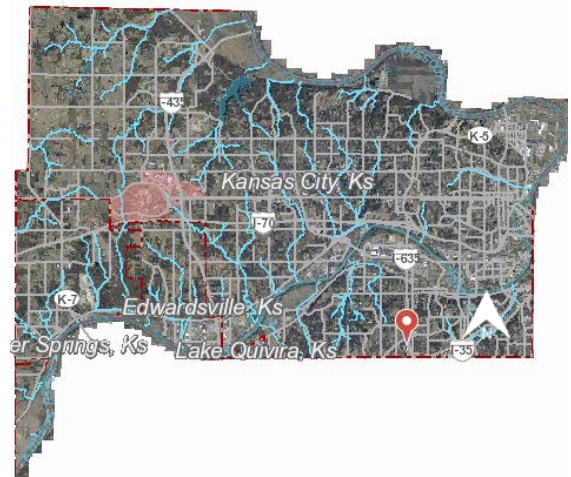
June 1, 2020

Purpose:

To operate a used auto dealership.

Property Location:

2930 South 44th Street



Commission Districts:	Commissioner At Large: Tom Burroughs District Commissioner: Angela Markley
Existing Zoning:	MP-1 Planned Light Industrial and Industrial Park District
Adjacent Zoning:	North: MP-1 Planned Light Industrial and Industrial Park District South: MP-1 Planned Light Industrial and Industrial Park District East: I-635; R-1 Single Family District West: MP-1 Planned Light Industrial and Industrial Park District
Adjacent Uses:	North: Industrial Use (Magna-Plus) South: Commercial/Industrial Use (Lighthouse Auto Sales) East: I-635; Single Family Residences West: Industrial Use (Plano Technicians Guild)
Total Tract Size:	3.05 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property as Business Park.
Major Street Plan:	The Major Street Plan designates Pawnee Avenue as a Local Street.
Advertisement:	<u>The Wyandotte Echo</u> – June 18, 2020 Letters to Property Owner – June 19, 2020 and July 27, 2020
Public Hearings:	July 13, 2020 and July 30, 2020
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Katelyn Kok and Pavel Razumovsky, are seeking the approval of a Special Use Permit for the purpose of operating a boutique used auto dealership. The applicant has stated that all cars will be operable and that the operation is in conjunction with an existing business, Greentec Hybrid Batteries. The applicant has received no Notices of Violation.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This neighborhood is primarily industrial in nature. This particular parcel is buffered by industrial uses to the North, West, and South and I-635 to the West. Beyond those buffers to the East and West are single family residences.

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

The zoning and uses of properties nearby are set out above. Given the industrial nature of the surrounding properties, the proposed use is compatible if managed properly.

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

The removal of restrictions has the ability to detrimentally affect nearby properties. As the proposed operation is relatively small and the surrounding uses are Industrial in nature, however, such problems are not anticipated if the cars and site are maintained properly.

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

The property is not vacant, but is an industrial site surrounded by industrial and commercial uses.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use inherently results in the increase of vehicular traffic. The vehicular traffic incurred by the proposed use is not expected to result in the increase of traffic to the point where it would exceed the capacity of the Local Street.

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

The proposed use presents no convenience nor welfare to the public. It should not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining properties if managed properly.

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

Given that the surrounding area is primarily industrial in nature, any noise, vibration, dust, or illumination normally associated with the proposed use is not expected to create problems for near-by properties.

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

The proposed use should not pollute the air, land or water if managed properly.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is an existing commercial use in an existing inner-urban area.

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

If this Special Use Permit is denied the landowner will be forced to conduct their business elsewhere. The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal as it is a private business.

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

The proposed use should not result in the overcrowding of land or the undue concentration of population because it is not residential. There is potential to overcrowd the site as it is shared with another business.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Due to the COVID-19, the neighborhood meeting requirement was suspended for the July applications. However, the applicant was still required to send a letter (as detailed as possible about your proposal) to the properties specified by the Urban Planning and Land Use Department. The applicant sent out a letter on June 24, 2020 and received no responses.

KEY ISSUES

Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-61, subject to:

Planning and Urban Design Comments:

1. Please provide pictures of your site as well as a scaled site plan.
2. Please detail your operation. You may provide a business plan.

Applicant Response: Motor Co is striving to become a small, high quality used car dealer in Kansas City, Kansas. We will only carry a small quantity of inventory at one time, between 3-7 cars. We intend to operate Monday to Friday 9am-5pm, except for major bank holidays. Mostly our customer interactions will be by appointment. Our staging area at the proposed location is quite large for what we are planning. The space we have is 150ft x 60ft and contains 29 parking spots. This will allow plenty of parking for patrons and inventory. There is a full security system that includes full coverage surveillance cameras and the parking lot is well lit. We do not plan to grow any larger than a 10-car inventory and would rather be small than 5 cars. We are about the customer experience and cars are our passion.

3. What are your intended hours of operation?

Applicant Response: We intend to operate Monday to Friday 9am-5pm, except for major bank holidays.

4. How many cars do you intend to keep in your inventory? How many spots are being designated to stage inventory?

Applicant Response: We will only carry a small quantity of inventory at one time, between 3-7 cars. Our staging area at the proposed location is quite large for what we are planning. The space we have is 150ft x 60ft and contains 29 parking spots. This will allow plenty of parking for patrons and inventory. We do not plan to grow any larger than a 10-car inventory and would rather be small than 5 cars. We are about the customer experience and cars are our passion.

5. No auto repair or servicing is allowed on-site.
6. No inoperable vehicles are allowed on-site.

7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.
8. Approval of the Special Use Permit for two (2) years.
9. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Planning Engineering Comments:

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

Business License Comments:

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

Conditions:

1. No auto repair or servicing is allowed on-site;
2. No inoperable vehicles are allowed on-site;
3. No more than 10 cars parked on site at a single time;
4. Approval for two (2) years;
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper; and
6. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months

prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-61 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Neighborhood Meeting Information
Response to Staff Comments
Site Plan
Photographs Provided by Applicant
Site Photographs Provided by Staff Dated 6/23/20
Aerial View

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2020-61 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-61**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

Hearing starts at 4:09:27:

SPECIAL USE PERMIT APPLICATION #SP-2020-61 – KATELYN KOK WITH MOTOR COMPANY LLC. – SYNOPSIS: Special Use Permit for auto sales at 2930 South 44th Street. **Detailed Outline of Requested Action:** The applicants, Katelyn Kok and Pavel Razumovsky, are seeking the approval of a Special Use Permit for the purpose of operating a boutique used auto dealership. The applicant has stated that all cars will be operable and that the operation is in conjunction with an existing business, Greentec Hybrid Batteries. The applicant has received no Notices of Violation.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated June 18, 2020; and
7. The Notices to property owners dated June 18, 2020.

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

Present in Support:

- Katelyn Kok, applicant, 2930 South 44th Street, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:12:22: Planning Director Hand stated that this is an appointment-only operation. The applicant is co-locating with an existing business. The staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion and Vote starts at 4:12:57:

On motion by Mr. Mohler, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application #SP-2020-61:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Planning and Urban Design Comments:

- 1. Please provide pictures of your site as well as a scaled site plan.**
- 2. Please detail your operation. You may provide a business plan.**

Applicant Response: Motor Co is striving to become a small, high quality used car dealer in Kansas City, Kansas. We will only carry a small quantity of inventory at one time, between 3-7 cars. We intend to operate Monday to Friday 9am-5pm, except for major bank holidays. Mostly our customer interactions will be by appointment. Our staging area at the proposed location is quite large for what we are planning. The space we have is 150ft x 60ft and contains 29 parking spots. This will allow plenty of parking for patrons and inventory. There is a full security system that includes full coverage surveillance cameras and the parking lot is well lit. We do not plant to grow any larger than a 10-car inventory and would rather be small than 5 cars. We are about the customer experience and cars are our passion.

- 3. What are your intended hours of operation?**

Applicant Response: We intend to operate Monday to Friday 9am-5pm, except for major bank holidays.

- 4. How many cars do you intend to keep in your inventory? How many spots are being designated to stage inventory?**

Applicant Response: We will only carry a small quantity of inventory at one time, between 3-7 cars. Our staging area at the proposed location is quite large for what we are planning. The space we have is 150ft x 60ft and

contains 29 parking spots. This will allow plenty of parking for patrons and inventory. We do not plan to grow any larger than a 10-car inventory and would rather be small than 5 cars. We are about the customer experience and cars are our passion.

5. No auto repair or servicing is allowed on-site.
6. No inoperable vehicles are allowed on-site.
7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.
8. Approval of the Special Use Permit for two (2) years.
9. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Planning Engineering Comments:

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

Business License Comments:

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

Conditions:

1. No auto repair or servicing is allowed on-site;
2. No inoperable vehicles are allowed on-site;
3. No more than 10 cars parked on site at a single time;
4. Approval for two (2) years;

5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper; and
6. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Paul Razumovsky
Katelyn Kok
Motor Co LLC
916-802-7256

Application Number: #SP-20402-00046 (Ref: SP-2020-61)

6/24/2020
2930 S 44th St
Kansas City, Kansas 66106

Meeting Called to Order at: 7:00 PM

Names of People in attendance:

no one arrived

Introductions:

waited till 7:30pm

Questions:

Meeting Adjourned at:

7:30 PM

Meeting Minutes taken by:

Katelyn Kok

Katlyn Kok

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:
Johnson

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

1. That I am the petitioner for Petition # SP 20402-00046
2. That I conducted a neighborhood meeting on 6/24/2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

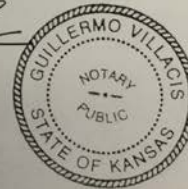
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24th day of June, 200th 2020

My commission expires 15 of February, 2006⁶. 2021


Notary Public



Neighborhood Meeting Sign In Sheet
For Motor Co LLC Special Use Permit
#SP-2020-61 - 2930 South 44th Street

1. Paul Razumovsky
2. Katelyn Kok
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.

Motor Co is striving to become a small, high quality used car dealer in Kansas City, Kansas. We will only carry a small quantity of inventory at one time, between 3-7 cars. We intend to operate Monday to Friday 9am-5pm, except major bank holidays. Mostly our customer interactions will be by appointment. Our staging area at the proposed location is quite large for what we are planning. The space we have is 150ft x 60ft and contains 29 parking spots. This will allow plenty of parking for patrons and inventory. There is a full security system that includes full coverage surveillance cameras and the parking lot is well lit. We do not plan to grow any larger than 10 car inventory and would rather be small than 5 cars. We are about the customer experience and cars are our passion.



additional customer parking



Inventory Staging area (View from front door)



Staging to the left addition parking to the right



Side parking lot (not used by Motor Co)





Office for Motor Co

Edge of staging area to left, side parking lot to right



Additional customer parking (view from front door)



Front Door



Front of building (view from street)



Inventory staging area, trucks will be relocated upon zoning and license approval.











Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: July 30, 2020
Re: Petition #SP-2020-62

GENERAL INFORMATION

Applicant:
Jacob Lee

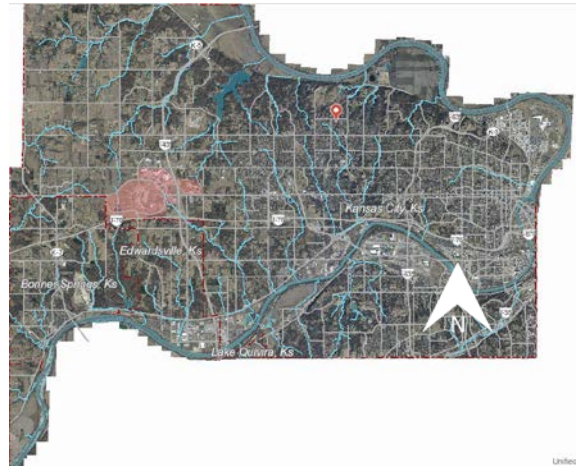
Status of Applicant:
Property Owner
6135 Sloan Avenue
Kansas City, KS 6614

Requested Action:
The approval of a Special Use Permit.

Date of Application:
May 29, 2020

Purpose:
Home Occupation Special Use
Permit for a gym and personal
training.

Property Location:
6135 Sloan Avenue



Commission Districts:	Commissioner At Large: Melissa Bynum District Commissioner: Dr. Jane Winkler Philbrook
Existing Zoning:	R-1 Single Family Residential District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence West: Single Family Residence
Total Tract Size:	0.43 Acre
Master Plan Designation:	The City-Wide Master Plan designates this area as Single Family Residential.
Major Street Plan:	The Major Street Plan classifies Sloan Avenue as a Local Street.
Required Parking:	Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport.
Advertisement:	<u>The Wyandotte Echo</u> – June 18, 2020 Letters to Property Owner – June 18, 2020 and July 27, 2020
Public Hearings:	July 13, 2020 and July 30, 2020
Public Opposition:	None to date.
Public Support:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jacob Lee, would like to operate a personal training business and gym in the basement of his home for one-on-one training sessions. The applicant foresees having approximately 3 to 4 clients per day.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is residential in nature. It is comprised of single-family homes.

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

The zoning and uses of the properties nearby are laid out above. The proposed use is compatible if managed properly.

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

The property could be suitable for the uses to which it has been restricted if the clientele is kept to a minimum. The proposed use will not detrimentally affect nearby property if managed properly.

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

The property is not vacant. It is the applicant's primary residence.

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

The Master Plan does not address Special Use Permits.

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

The proposed use will not result in an increase of vehicular traffic to the point where it exceeds the capacity of the Local Street to accommodate it.

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

The proposed use provides a service to the community in the form of health and fitness. It will not injure the appropriate use, visual quality, or marketability of adjoining property as it will occur within a single-family residence with minimal traffic.

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

The proposed use will not create issues of noise, vibration, dust, or illumination

for nearby properties as it is an interim use in the basement of an existing single-family residence.

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

The proposed use will not pollute the air, land, or water as it is an existing single-family residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out neighborhood.

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

The relative gain to the public health, safety, and welfare is minimal. If denied, the applicant would not be able to operate a personal training business in his home but would have to find a different location where such a use is allowed.

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

The proposed use would result in an increase of people in the area, but if clientele is kept to less than four (4) people daily, it would not result in undue concentrations of population. It will not result in overcrowding as it will occur within the existing structure on the property.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Due to the COVID-19, the neighborhood meeting requirement has been suspended for the July applications. However, applicants were still required to send a letter including contact information, as detailed as possible about your proposal, to neighboring property owners. The applicant held an online neighborhood meeting via Zoom on June 26th. One neighbor, Rick Kalebaugh, expressed support via email before the meeting. Documentation is attached below.

KEY ISSUES

Traffic
Health and Safety of Clients
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application **#SP-2020-62**, subject to:

Planning and Urban Design Comments:

1. Please provide photos of the site. Provide a scaled floor plan.

Staff Comment: Applicant has provided photos of the property and a scaled diagram. They are attached below.

2. Approximately how many clients will you have per day?

Applicant Response: I don't foresee having more than three (3) to four (4) per day.

3. If approved, what would be your hours of operation?

Applicant Response: Proposed hours of operation would be from 7:00am to 9:00pm. The reason I would potentially be working so late is because many people would only be able to do sessions after work.

4. If approved, where will your clients park? Provide a scaled site plan.

Applicant response: There would only be one client at a time. They would park in the driveway.

Staff Comment: Applicant has provided a scaled site plan. It is attached below.

5. Please describe the process you will go through to clean and sanitize equipment. How often will these procedures be done?

Applicant Response: I am planning on using Lysol to disinfect equipment as recommended by NASM. Before cleaning and disinfecting, I will wash my hands, spray down equipment piece by piece and wipe down. The equipment will be cleaned after every session. The rubber gym flooring will be swept and mopped daily.

6. Do you have a business license from the Unified Government?

Applicant Response: I do not have a business license yet.

7. What certifications or licenses do you have for personal training?

Applicant Response: I am certified through NASM and am currently in class for further accreditations through NASM.

8. Are you currently certified in CPR? If so, when does that certification expire?

Applicant Response: I am certified in CPR through the American Red Cross which expires on October 9, 2020.

9. Describe the types of workouts you would have your clients do. Is there equipment?

Applicant Response: In previous emails I have uploaded pictures of the equipment. The types of workouts will depend mostly on the clients' goals. The types of workouts I am anticipating will be corrective exercises to help muscle imbalances and posture, cardio for fat loss and weightlifting for aiding in strength.

10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Engineering Comments:

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

Business License Comments:

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

Conditions:

- 1) If approved, the Special Use Permit will be valid for two (2) years.
- 2) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

- 3) Only one (1) client is allowed at a time.
- 4) Parking must be off-street in the provided driveway.
- 5) No more than four (4) appointments per day are allowed.
- 6) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning + Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 7) If approved, applicant must obtain a business license.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-62 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
 Zoning Map
 Photos Provided by Applicant
 Photo Provided by Staff Dated June 16, 2020
 Gym Floor Plan
 Driveway Diagram
 Letter to Neighbors
 Documentation of Support from One (1) Neighbor

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: Shana Shanteau
sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-62** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-62**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

Hearing starts at 4:13:53:

SPECIAL USE PERMIT APPLICATION #SP-2020-62 – JACOB LEE – SYNOPSIS:
Home Occupation Special Use Permit for a personal trainer and gym at 6135 Sloan Avenue. **Detailed Outline of Requested Action:** The applicant, Jacob Lee, would like to operate a personal training business and gym in the basement of his home for one-on-one training sessions. The applicant foresees having approximately 3 to 4 clients per day.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated June 18, 2020; and
7. The Notices to property owners dated June 18, 2020.

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

Present in Support:

- Jacob Lee, applicant, 6135 Sloan Avenue, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:16:11: Planning Director Hand stated that this is another case that came from Business License because the applicant is having people come to his house. He stated that the staff noted that there should be only one (1) person at a time, and clients should park off-street in the driveway. He stated that the staff report recommends approval for one (1) year but can be approved for two (2) years if so desired by the Commission.

Motion and Vote starts at 4:17:16:

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application #SP-2020-62 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Planning and Urban Design Comments:

- 1. Please provide photos of the site. Provide a scaled floor plan.**

Staff Comment: Applicant has provided photos of the property and a scaled diagram. They are attached below.

- 2. Approximately how many clients will you have per day?**

Applicant Response: I don't foresee having more than three (3) to four (4) per day.

- 3. If approved, what would be your hours of operation?**

Applicant Response: Proposed hours of operation would be from 7:00am to 9:00pm. The reason I would potentially be working so late is because many people would only be able to do sessions after work.

- 4. If approved, where will your clients park? Provide a scaled site plan.**

Applicant response: There would only be one client at a time. They would park in the driveway.

Staff Comment: Applicant has provided a scaled site plan. It is attached below.

- 5. Please describe the process you will go through to clean and sanitize equipment. How often will these procedures be done?**

Applicant Response: I am planning on using Lysol to disinfect equipment as recommended by NASM. Before cleaning and disinfecting, I will wash my hands, spray down equipment piece by piece and wipe down. The equipment will be cleaned after every session. The rubber gym flooring will be swept and mopped daily.

- 6. Do you have a business license from the Unified Government?**

Applicant Response: I do not have a business license yet.

- 7. What certifications or licenses do you have for personal training?**

Applicant Response: I am certified through NASM and am currently in class for further accreditations through NASM.

- 8. Are you currently certified in CPR? If so, when does that certification expire?**

Applicant Response: I am certified in CPR through the American Red Cross which expires on October 9, 2020.

- 9. Describe the types of workouts you would have your clients do. Is there equipment?**

Applicant Response: In previous emails I have uploaded pictures of the equipment. The types of workouts will depend mostly on the clients' goals. The types of workouts I am anticipating will be corrective exercises to help muscle imbalances and posture, cardio for fat loss and weightlifting for aiding in strength.

- 10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30**

days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Engineering Comments:

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

Business License Comments:

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

Conditions:

- 1) If approved, the Special Use Permit will be valid for two (2) years.
- 2) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
- 3) Only one (1) client is allowed at a time.
- 4) Parking must be off-street in the provided driveway.
- 5) No more than four (4) appointments per day are allowed.
- 6) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning + Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 7) If approved, applicant must obtain a business license.



Photos Provided by Applicant:













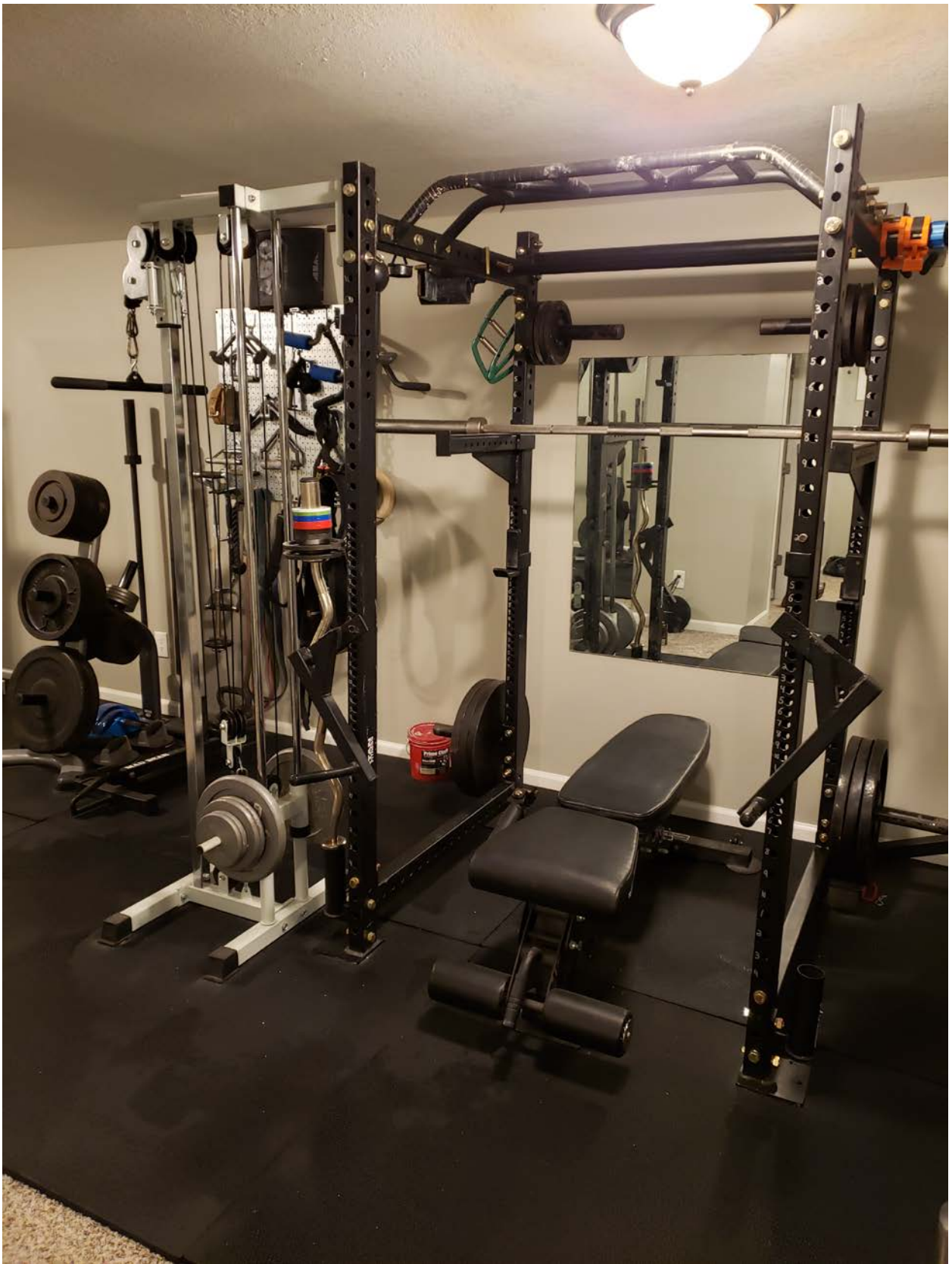


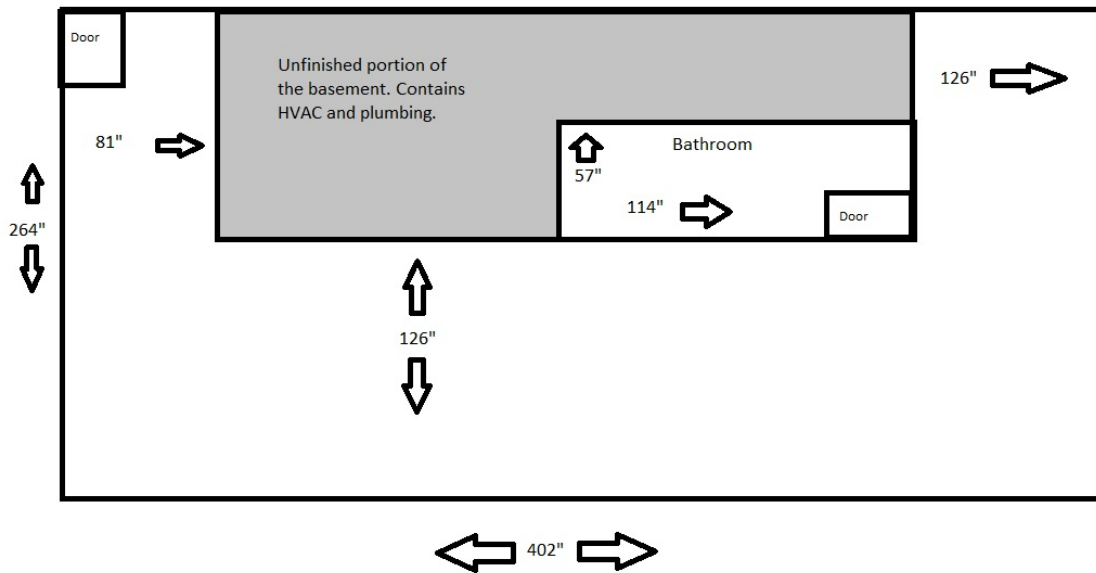
Photo Provided by Staff, Dated June 16, 2020



Staff Comment: Parking is not allowed in this location.

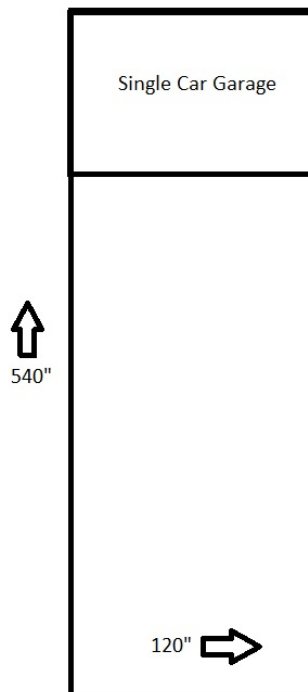
Gym Floor Plan:

SP-2020-62
Gym Floor Plan



Driveway Diagram:

SP-2020-62
Driveway



Letter to Neighbors:

To whom it may concern

I am writing this letter to inform you that I am attempting to open a personal training gym in my basement, located at 6135 Sloan Avenue Kansas City Kansas 66104. As part of the application process I must notify anyone that lives within 200 feet of my property and host a discussion for neighbors to voice opinions or concerns. With the current pandemic, I have decided to host the meeting on an App called Zoom, which will allow for a discussion online to avoid any unnecessary contact. The meeting is scheduled for Friday, June 26 at 6pm. The meeting ID is 6108554343 and the Password is 8FjdNU (exactly as shown here with the lower case d). If you are unable to attend the meeting or need help with Zoom, feel free to call or email, my contacts are listed below.

I will list as much necessary information as possible in order to answer any possible questions you may have. I will only ever have one client in my home at a time and they will never be parked on the street. The additional traffic flow will be very minimal as I will be doing this part time, only seeing 3 or 4 clients a day at the maximum. Hours would be between 7 A.M. to 9 P.M. Since we would be working in my basement there would never be a disturbance to any neighbors and no sounds would be heard. I believe that I could help promote wellness and health in our community with virtually zero negative impact on the neighborhood. I appreciate your time and look forward to hearing from the community.

Jacob Lee

816-210-2395

Jacobalee8425@gmail.com

Department of Urban Planning and Land Use # SP-2020-62

The screenshot displays an email thread with four messages. The first message is from Rick Kalebaugh to Jacobalee8425, dated Fri, Jun 19, 10:04 AM (8 days ago). The second message is from Jake Lee to Rick, dated Fri, Jun 19, 10:46 AM (8 days ago). The third message is from Rick Kalebaugh to Jake, dated Fri, Jun 19, 11:21 AM (8 days ago). The fourth message is from Jake Lee to Rick, dated Fri, Jun 19, 11:22 AM (8 days ago). At the bottom of the thread, there is a 'Comments Update' button and a 'Show all' link. Below the email thread, there are two file attachments: 'affaditowmer.neig....doc' and '200626 Minutes of....pdf'.

Rick Kalebaugh <theroadking99@gmail.com> to Jacobalee8425
Jacob, my wife, Shannon and I, have no problems or concerns regarding your plan to work from your home. Best of luck to you!!
Rick & Shannon Kalebaugh

Jake Lee <jacobalee8425@gmail.com> to Rick
Thank you for your support! If I have your approval, would I be able to attach this email to the report I have to give the city? Also, theres really no need to attend the zoom meeting since you already gave feedback.Thanks again for your time!

Rick Kalebaugh to Jake
Yes, I approve.
Rick Kalebaugh

Jake Lee <jacobalee8425@gmail.com> to Rick
Thank you sir, enjoy your weekend.

Comments Update

affaditowmer.neig....doc 200626 Minutes of....pdf



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: July 30, 2020
Re: Petition #SP-2020-63

GENERAL INFORMATION

Applicant:
Luke Olenick

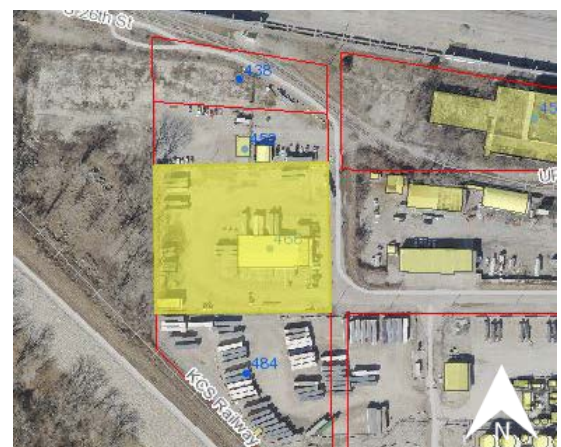
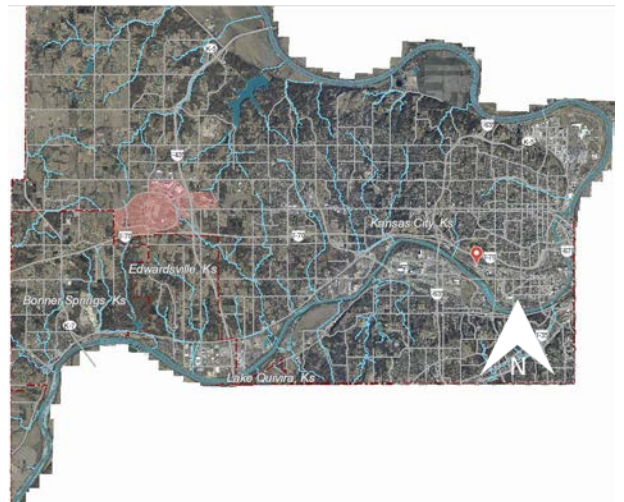
Status of Applicant:
Owner
Sunflower Tow Service LLC
452 South 26th Street
Kansas City, Kansas 66105

Requested Action:
Renewal of Special Use Permit SP-2018-57
(expires 7/26/2020).

Date of Application:
May 29, 2020

Purpose:
The continued use of a modular office trailer.

Property Location:
452 South 26th Street



Commission Districts:	Commissioner At Large: Tom Burroughs District Commissioner: Brian McKiernan
Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: No Designation – KCS Railway
Adjacent Uses:	North: Vacant Industrial Lot, UP Railway South: Industrial Use East: Industrial Use West: KCS Railway, Kansas River
Total Tract Size:	1.06 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property as Employment.
Major Street Plan:	The Major Street Plan classifies 26 th Street as a Local Street.
Required Parking:	Not less than one space for each 500 square feet of building area be provided.
Advertisement:	<u>The Wyandotte Echo</u> – June 18, 2020 Letters to Property Owner – June 19, 2020 and July 27, 2020
Public Hearings:	July 13, 2020 and July 30, 2020
Public Opposition:	None to date
Public Support:	None to date

PROPOSAL

Detailed Outline of Requested Action: The applicant, Luke Olenick, is requesting the renewal of Special Use Permit SP-2018-57 (expires 7/26/2020), which allows for the use of a modular structure to be used as an office trailer. This will be a temporary solution until a future plan is developed.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is industrial in nature. The property is surrounded by other industrial uses and railways.

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

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

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

This property is zoned industrial and in a built out industrial area. The removal of the restrictions will not detrimentally affect nearby property.

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

The property is not vacant. It is presently used for the operation of a tow lot.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the Local Street to accommodate it.

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

The temporary office provides a waiting area for customers of the tow lot, so it would provide a benefit to the public. It will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property because neighboring land uses consist of a railroad and other activities that are industrial in nature.

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

The renewal of this Special Use Permit will not create any noise, vibration, illuminations, or dust issues as it is for the continued operation of a modular office trailer within the tow lot.

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

The proposed use may pollute stream water runoff if proper measures are not taken to clean up toxic spills.

Applicant Comment: We have an EPA compliant spill cleanup procedure in place to mitigate any runoff pollution or toxic spills. It is notable that there are no storm sewers within several thousand feet, thus nearly eliminating pollution runoff possibilities. Using the modular office trailer does not present any chances itself of toxic runoff or pollution.

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

The proposed use may damage or destroy an irreplaceable natural resource. If not managed properly the proposed use could empty into the Kansas River.

Applicant Comment: The modular office unit uses a regularly pumped septic storage tank as there is no sanitary sewer within several thousand feet. This was a requirement of the original special use permit, and we continue to follow through with it. There is negligible chance of pollution to the Kansas river from the use of the modular office unit because of it. Our neighbors at B&H freight lines (468 s. 26th Street) also are on a septic storage tank system as there is no sanitary sewer within several thousand feet.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If denied, the applicant would have to remove the trailer.

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

The proposed use may result in overcrowding of land depending on the number of the cars in the lot. The proposed use will not cause undue concentrations of population as it is commercial in nature.

PREVIOUS ACTIONS

Special Use Permit #SP-2018-57

NEIGHBORHOOD MEETING

The applicant hosted a neighborhood meeting on June 25, 2020. Two (2) people were in attendance. Comments and questions recorded related to the conditions of the road, not directly related to the continuation of the Special Use Permit. Documentation is attached below.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #**SP-2020-63**, subject to:

Urban Planning and Land Use Comments:

1. What is the plan for the construction of a permanent office structure on the property?

Applicant Response: The special use permit allowing us to use the modular office unit is needed for the next period allowable, as we will not be in a position to build a larger permanent office and shop structure for at least another 3-4 years, both because we want to do so in a fiscally responsible way, but also because the Covid-19 pandemic has slowed down all business and fiscal progress.

2. Approximately how many people come to the office each week?

Applicant Response: Three (3) full-time employees work from this office every day, and approximately six (6) – eight (8) customers a week visit the office to release or pick up their vehicles.

3. Have the EPA Compliant Spill Clean Up Procedures that were outlined in SP-2018-57 been followed? This includes:

For Minor Spills:

- a. Protect yourself and alert others: Avoid contact with the spilled material. Wear appropriate PPE. Treat all chemicals as if they are hazardous.
- b. Contain the spill and secure the area: Use chemical absorbent boom to surround the spill area. Do not walk through or allow others to walk through spilled material.
- c. Cover liquid spills with absorbent floor dry. Use a scoop and broom to sweep up spill after it has been absorbed. Place spill material in plastic bag or compatible container and label to identify contents.

Further decontaminate the area as needed with mop or paper towels if appropriate.

- d. Clean up. Wash hands and replace items used out of spill kit (i.e. floor dry, gloves, towels disposable PPE)
- e. Contact Metro Accident Support Services 816-985-1349 to arrange pickup of waste. Notify supervisor of spill, and the clean-up procedure followed.

For Major Spills:

- a. Protect yourself and others: Shut off any sources of ignition and stop the sources of the spill, if you can do so without endangering yourself or others.
- b. Evacuate the area immediate area.
- c. Call the fire department if:
 - a. The spill causes a reaction that creates a fire.
 - b. Fumes or gasses re causing concern of fire.
 - c. Call the Metro Accident Support Services 816-985-1349 to arrange immediate response to the spill. Notify your supervisor of the spill immediately.

Applicant Response: Yes. We have these procedures displayed in prominent areas throughout the modular office unit and the storage lot so that anyone that is there will know what to do in case of a spill. We have not had a major spill at all, or a minor spill of any OSHA deemed hazardous materials.

- 4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Staff Comment: Applicant has agreed to these terms and has agreed to mail a check immediately upon approval.

Planning Engineering Comments:

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

Business License Comments:

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

Conditions:

- 1) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) within 30 days of the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
- 2) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning + Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 3) All previous conditions outlined in SP-2018-57, such as the EPA Compliant Spill Clean Up Procedures, are to be adhered to.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2020-63** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Zoning Map
Letter from Applicant
Photos Provided by Applicant
Photos Provided by Staff, Dated June 16, 2020
Site Plan

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: Shana Shanteau
sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-63** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-63** , as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-63 – LUKE OLENICK WITH SUNFLOWER TOW SERVICE LLC - SYNOPSIS: Renewal of a Special Use Permit (#SP-2018-57 – expires 7/26/2020) for the Temporary Use of Land for a modular office at 452 South 26th Street. **Detailed Outline of Requested Action:** The applicant, Luke Olenick, is requesting the renewal of Special Use Permit SP-2018-57 (expires 7/26/2020), which allows for the use of a modular structure to be used as an office trailer. This will be a temporary solution until a future plan is developed.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The ECHO for the Special Use Permits; and,

7. The notices to property owners.

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

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. Mr. Nick Tomasic III, 518 North Thompson, Kansas City, Kansas requested that Special Use Permit #SP-2020-56 be removed from the Consent Agenda.

On motion by Ms. Huey, seconded by Mr. Mohler, the Planning Commission voted as follows to **APPROVE** the remaining items on the Consent Agenda:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye
Motion to APPROVE Passed: 8 to 0	
Subject to:	

Urban Planning and Land Use Comments:

1. What is the plan for the construction of a permanent office structure on the property?

Applicant Response: The special use permit allowing us to use the modular office unit is needed for the next period allowable, as we will not be in a position to build a larger permanent office and shop structure for at least another 3-4 years, both because we want to do so in a fiscally responsible way, but also because the Covid-19 pandemic has slowed down all business and fiscal progress.

2. Approximately how many people come to the office each week?

Applicant Response: Three (3) full-time employees work from this office every day, and approximately six (6) – eight (8) customers a week visit the office to release or pick up their vehicles.

3. Have the EPA Compliant Spill Clean Up Procedures that were outlined in SP-2018-57 been followed? This includes:

For Minor Spills:

- a. Protect yourself and alert others: Avoid contact with the spilled material. Wear appropriate PPE. Treat all chemicals as if they are hazardous.
- b. Contain the spill and secure the area: Use chemical absorbent boom to surround the spill area. Do not walk through or allow others to walk through spilled material.
- c. Cover liquid spills with absorbent floor dry. Use a scoop and broom to sweep up spill after it has been absorbed. Place spill material in plastic bag or compatible container and label to identify contents. Further decontaminate the area as needed with mop or paper towels if appropriate.
- d. Clean up. Wash hands and replace items used out of spill kit (i.e. floor dry, gloves, towels disposable PPE)
- e. Contact Metro Accident Support Services 816-985-1349 to arrange pickup of waste. Notify supervisor of spill, and the clean-up procedure followed.

For Major Spills:

- a. Protect yourself and others: Shut off any sources of ignition and stop the sources of the spill, if you can do so without endangering yourself or others.
- b. Evacuate the area immediate area.
- c. Call the fire department if:
 - a. The spill causes a reaction that creates a fire.
 - b. Fumes or gasses re causing concern of fire.
 - c. Call the Metro Accident Support Services 816-985-1349 to arrange immediate response to the spill. Notify your supervisor of the spill immediately.

Applicant Response: Yes. We have these procedures displayed in prominent areas throughout the modular office unit and the storage lot so that anyone that is there will know what to do in case of a spill. We have not had a major spill at all, or a minor spill of any OSHA deemed hazardous materials.

4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Staff Comment: Applicant has agreed to these terms and has agreed to mail a check immediately upon approval.

Planning Engineering Comments:

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

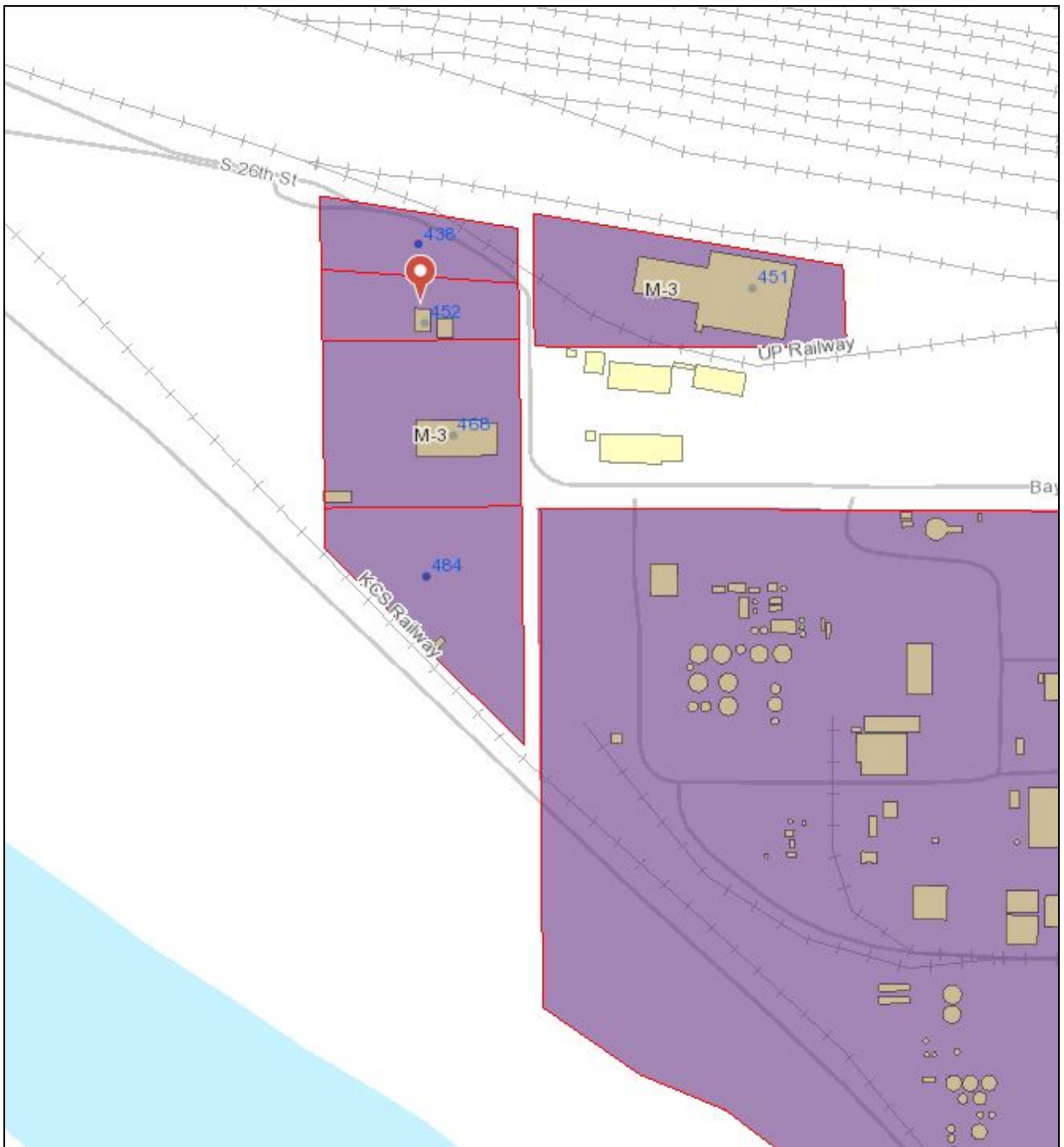
- 1) None.
- B) Items that are conditions of approval:
 - 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Business License Comments:

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

Conditions:

- 1) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) within 30 days of the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
- 2) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning + Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
- 3) All previous conditions outlined in SP-2018-57, such as the EPA Compliant Spill Clean Up Procedures, are to be adhered to.



Sunflower Tow Service LLC
452 S. 26th Street
Kansas City, KS 66105
913-777-9300

5/15/2020

SP-2018-57 Renewal

Current operation letter

Greetings!

We continue to use the temporary modular office unit as our primary office space. We have completed the stipulations of it's use, including the addition of trees and native grasses along the roadway entrance, an ADA compliant ramp and adequate paved parking that is properly marked. Our business has remained steady, and we 2 full time office staff, and 7 full time drivers. Having a staffed office at our storage lot has allowed us to build good relationships with the Kansas Highway Patrol, Leawood Police Department, Merriam Police Department, and Shawnee Police Department, and have been granted a spot on each of their towing rotations, including a spot on the Wyandotte County area of the Kansas Highway Patrol service area. This directly benefits the people and tax payers in Wyandotte County, as we provide timely and efficient service to the entire county.

The special use permit allowing us to use the modular office unit is needed for the next period allowable, as we will not be in a position to build a larger permanent office and shop structure for at least another 3-4 years, both because we want to do so in a fiscally responsible way, but also because the Covid-19 pandemic has slowed down all business and fiscal progress. With less cars on the road as a result of the stay at home orders, there has been much less business for us as a whole. We predict that by mid next year for business to be near "normal," and that we will be able to continue with our originally proposed time line of 5-8 years for a permanent new shop / office structure.

We have spoken to our one physical neighbor, B&H Freight Company if they have any complaints or concerns about our operations, and they reported that they have zero issues, and appreciate having us next door. They are the neighbor to the south of us. The neighbor to the north of us is Union Pacific railway, and they have not contacted us at all, so I can only assume that they have no issue with our operations. We have not had any contact with Union Pacific since we have owned the property.

The pictures attached to this email are as follows: SUP1.jpg shows the trees and grasses planted, SUP2.jpg shows the marked parking spots and ADA compliant ramp and entryway stairs.

Please contact us with any concerns. Thank you.

Luke Olenick
Owner, Sunflower Tow Service LLC

"SUP1.jpg"



“SUP2.jpg”



Photos Provided by Staff, Dated June 16, 2020:



Letter to Neighbors:

Date: 06/16/2020

RE: #SP-2020-63 - 452 South 26th Street

Sunflower Tow Service LLC
452 S. 26th Street
Kansas City, KS 66105

SUBJECT: Neighborhood Meeting

You are receiving this letter because you are either an interested party, have property within 200 feet of the address above, or are listed as an agent of an interested party.

We have filed an application with the Department of Urban Planning and Land Use, application #SP-2020-63. The purpose of this special use permit is to use a temporary modular office unit as office space at the following address: 452 S. 26th Street, Kansas City, KS 66105.

We are having a neighborhood meeting on June 25th at 5p.m. at the following address: Sunflower Tow Service, 452 S. 26th Street, Kansas City, KS 66105. We will be observing standard social distancing practices of at least 6 feet separation between attendees and face masks will be required. We will meet at the concrete customer parking area immediately in front of the modular office unit.

If you do not feel comfortable attending in person, you may email any questions or concerns to: sunflowertow@yahoo.com and use "Question SP-2020-63" as the email subject line. You also may call during business hours and ask for myself, Luke Olenick, and I will be happy to answer any questions and concerns. You may also mail any questions to the address above. All questions we receive outside of the in-person meeting will be answered immediately, and then brought to everyone's attention during the in-person meeting for full transparency. If you require any kind of assistance at the in-person meeting please let us know.

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below. When you call, if I am not immediately available please leave a message with my secretary. Thank you for your time!

Sincerely,

Lucas Olenick
Owner, Sunflower Tow Service LLC
913-777-9300

MINUTES:

Application Number: SP-2020-63

Date and Location: 6/25/2020, 5:00pm, 452 S. 26th Street, Kansas City, KS

Meeting called to order at: 5:01pm.

Names of people in attendance: 2

Introductions: Lucas Olenick, owner Sunflower Tow Service
Laure Tribble, office manager Sunflower Tow Service

Lucas Olenick read aloud the letter that was sent to the interested parties, explained aloud what the special use permit would be allowing the business to do.

Questions and answers:

Lauren asked "Will the city do anything about the condition of the road (south 26th street) if the permit is approved? We have been sending complaints about the nearly unpassable road to the UG's 311 system for days." Lucas responded: "I am not sure, but I will follow up with the UG about the poor and nearly impassable condition of the road leading to the business."

No other questions were asked.

Meeting adjourned at: 5:35pm. No other interested parties presented themselves in this time.

Minutes taken by: Lauren Tribble





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: July 30, 2020
Re: Petition #S-2020-9

GENERAL INFORMATION

Applicant:
Lorenzo Garcia

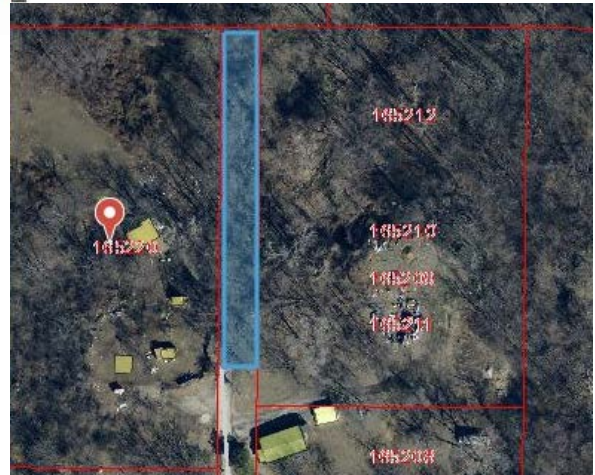
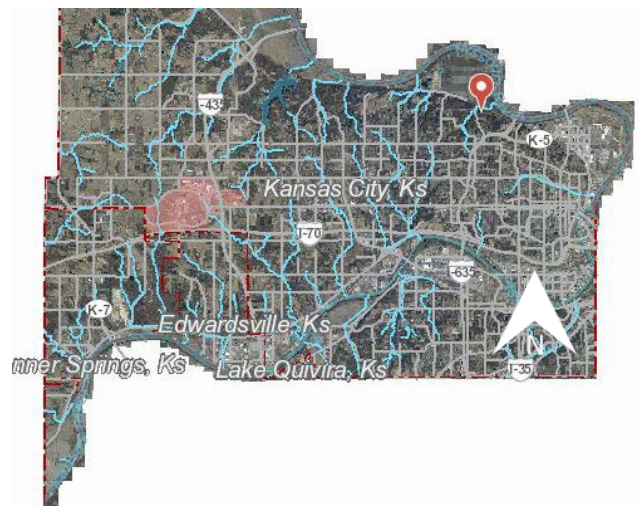
Status of Applicant:
Property Owner
2502 N 22nd Street
Kansas City, KS 66104

Requested Action:
Approval to vacate a portion of undeveloped Right of Way.

Date of Application:
June 1, 2020

Purpose:
To vacate a portion of an undeveloped Right of Way to be combined with the applicant's property allowing them to rezone to agricultural in the future.

Property Location:
3740 N 5th Street



Commission Districts:	Commissioner At Large: Melissa Bynum District Commissioner: Gayle Townsend
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence West: Single Family Residence
Total Tract Size:	0.3554 Acre
Master Plan Designation:	The City-Wide Master Plan designates this property as Rural Density Residential.
Major Street Plan:	The Major Street Plan designates N 35 th Street as a Local Street.
Advertisement:	<u>The Wyandotte Echo</u> – June 18, 2020 Letters to Property Owner – June 19, 2020 and July 27, 2020
Public Hearings:	July 13, 2020 and July 30, 2020
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Lorenzo Garcia, is requesting to vacate a portion of an undeveloped Right of Way. The proposed vacation would then be combined with their adjacent properties, which would allow the applicant to rezone for agricultural use. The applicant has stated that this portion of the Right of Way has yet to be developed as road and is currently undeveloped land.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

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

The neighborhood where the applicant's property is found is primarily residential in nature. The applicant has requested to vacate a portion of an undeveloped Right of Way for the purpose of combining the property with that of their own allowing them to rezone for agricultural purposes. This area is characterized by large lots with dense foliage. The anticipated use is expected to be compatible with the surrounding area based on the lot size and natural topography. A future possibility of rezoning to AG does not conform to the zoning of the area, which is entirely residential designations but is agricultural in nature. A development of such character is expected to be able to be done so safely without creating dangers to health, or peril from fire, erosion, excessive noise, or adversity.

2. The extent to which utilities and public services are available and adequate to serve the proposed purpose.

a. Water Service

Available

b. Sanitary sewer service

Not available at this location.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service provided by the Midtown Patrol, District #443.

e. Fire

Fire service provided by Station #14.

f. Transit

KCATA does not provide service to this area.

g. Schools

Public Education provided by Kansas City, KS USD 2.

h. Streets

To be designed to meet City Code.

3. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and

structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

North 35th Street is designated as a Local Street. The portion that the applicant has requested to have vacated is currently undeveloped and provides a habitat for trees and other natural foliage. In vacating this portion of the Right of Way the applicant would not inhibit the streets intention to provide a safe, convenient, and functional system for vehicular traffic.

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

The applicant has requested this vacation to combine land in the future to allow the applicant to rezone for agricultural use. There is no plan to alter the land from its current state. Therefore, it should not inhibit access to adequate light, air, open space, fire protection services or degrade long-term property value.

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

The applicant has requested this vacation to combine land in the future to allow the applicant to rezone for agricultural use. There is no plan to develop this portion of land or change the natural topography that currently exists.

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

The criteria for this factor are not relevant to the applicant's requested vacation. However, the Unified Government has requested that an easement be maintained to allow access to the parcels to the North.

- 7. Vacation will not create utility conflicts.**

The area that the applicant has requested to vacate was originally intended to be a through street connecting to a residential subdivision. It has yet to be developed and no utility conflicts are expected.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

A neighborhood meeting is not required for a vacation.

KEY ISSUES

Access of properties to the North

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Street Vacation Application #S-2020-9, subject to:

Planning and Urban Design Comments:

1. Please provide pictures of your site and the area you are requesting to vacate.
2. Should your request be denied, what hardship will you as the property owner experience?

Applicant Response: This will prevent us from zoning out area to agricultural and will cause me to possibly sell this property as the main purpose of me purchasing this in the 1st place was to have a place I can raise a few animals to have a place to come and spend some time with the family outdoors.

3. The Unified Government requests that you maintain an easement allowing access to the properties directly to the North. Would you comply?

Applicant Response: I would be ok with that as long as this does not interfere with me zoning my area to agricultural. I had spoken with Mr. Gunnar Hand who stated he would support this as long as we would be open to allow them to build a road in the future if they needed, which I am okay with. I do would like you to take into consideration that there is only one property to the North and there are other entrance points. If there is another option to just vacate it to combine it with my lot I would prefer this way I could fence the whole thing and there would be no issues with illegal dumping as this has been a problem in the past and I have taken care picking most of it up.

4. Is there a reason the applicant is not requesting a change of zone and plat in conjunction with this vacation? It would make sense to do all application processes as one.

Applicant Response: The reason for not requesting this as a whole is because I was advised that this would be the best way to start by the planner who was initially helping me. I was informed that a re-plat is highly expensive and there would be no guarantee that the vacation application would be approved. If the application for the vacation is not approved, then I will not be able to zone agricultural as I would not have the 5 acres that the city is requesting. But I would be willing to submit as a whole if you

think this is the best route and there is a possibility that both requests would be approved. Please let me know and I could go ahead and get started on the paperwork and see I can find someone to come re-plat this area.

5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Engineering Comments:

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

Conditions:

1. Maintain an easement allowing access to the property to the North; and
2. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **#S-2020-9** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Response to Staff Comments and Suggestions
Letter from Applicant
Exhibit Part 1
Exhibit Part 2
Pictures Provided by Applicant

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**S-2020-9** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**S-2020-9**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

Hearing starts at 4:34:15:

STREET VACATION APPLICATION #S-2020-9 – LORENZO GARCIA – SYNOPSIS:

Vacation of a street at 3740 North 35th Street. **Detailed Outline of Requested Action:** The applicant, Lorenzo Garcia, is requesting to vacate a portion of an undeveloped Right of Way. The proposed vacation would then be combined with their adjacent properties, which would allow the applicant to rezone for agricultural use. The applicant has stated that this portion of the Right of Way has yet to be developed as road and is currently undeveloped land.

Recording Secretary Parker noted that the address in the staff report is incorrect as it states the property is on North 5th Street and it is North 35th Street as shown on the agenda.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated June 18, 2020; and
7. The Notices to property owners dated June 18, 2020.

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

Present in Support:

- Linda Garcia, 751 North 22nd Street, Kansas City, Kansas 66104, representing the applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:37:59: Planning Director Hand stated that as the applicant said, this request, if approved, would allow the applicant to come back in the future for a rezoning of the property to agriculture. Staff has conditioned that they maintain an access easement, and that they cannot build on that portion of the property. The property owner to the north accesses their property from another parcel off North 33rd Terrace. If the parcel to the north would be sold in the future and could not have access off North 33rd Terrace, this easement would provide future access.

Motion and Vote starts at 4:39:15:

On motion by Ms. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of **Street Vacation Application #S-2020-9:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

Planning and Urban Design Comments:

1. Please provide pictures of your site and the area you are requesting to vacate.
2. Should your request be denied, what hardship will you as the property owner experience?

Applicant Response: This will prevent us from zoning out area to agricultural and will cause me to possible sell this property as the main purpose of me purchasing this in the 1st place was to have a place I can raise a few animals to have a place to come and spend some time with the family outdoors.

3. The Unified Government requests that you maintain an easement allowing access to the properties directly to the North. Would you comply?

Applicant Response: I would be ok with that as long as this does not interfere with me zoning my area to agricultural. I had spoken with Mr. Gunnar Hand who stated he would support this as long as we would be open to allow them to build a road in the future if they needed, which I am okay with. I do would like you to take into consideration that there is only one property to the North and there are other entrance points. If there is another option to just vacate it to combine it with my lot I would prefer this way I could fence the whole thing and there would be no issues with illegal dumping as this has been a problem in the past and I have taken care picking most of it up.

4. Is there a reason the applicant is not requesting a change of zone and plat in conjunction with this vacation? It would make sense to do all application processes as one.

Applicant Response: The reason for not requesting this as a whole is because I was advised that this would be the best way to start by the planner who was initially helping me. I was informed that a re-plat is highly expensive and there would be no guarantee that the vacation application would be approved. If the application for the vacation is not approved, then I will not be able to zone agricultural as I would not have the 5 acres that the city is requesting. But I would be willing to submit as a whole if you think this is the best route and there is a possibility that both requests would be approved. Please let me know and I could go ahead and get started on the paperwork and see I can find someone to come re-plat this area.

5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) The survey, exhibit and legal description shall be reviewed and approved by UG staff and County Surveyor prior to executing and recording of proposed vacation documents.
 - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Items that are conditions of approval:
 - 2) None.
- D) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Conditions:

1. Maintain an easement allowing access to the property to the North; and
2. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

1. Please provide pictures of your site and the area you are requesting to vacate?
Attached you will find the photos attached to this email.

2. Should your request be denied, what hardship will you as the property owner experience?
This will prevent us from zoning out area to agricultural and will cause me to possibly sell the property as the main purpose of me purchasing this is the 1st place was to have a place where I can raise a few animal to have a place to come and spend some time with the family outdoors.

3. The Unified Government requests that you maintain an easement allowing access to the properties directly to the North. Would you comply?
I would be ok with that as long as this does not interfere with me zoning my area to agricultural. I had spoken to Mr. Gunnar Hand who stated he would support this as long as we would be open to allow them to build a road in the future if they needed, which I am ok with. I do would like you to take into consideration that there is only one property to the North and there are other entrance points. If there is an option to just vacate it to combine it with my lot I would prefer this way I could fence the whole thing and there would be no issues with illegal dumping as this has been a problem in the past and I have taken care picking most of it up.

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The reason for not requesting this as a whole is because I was advised that this would be the best way to start by the planner that was initially helping me. I was informed that that a re-plat is highly expensive and there would be no guarantee that the vacation application would be approved. If the application for the vacation is not approved then I will not be able to zone agricultural as I would not have the 5 acres that the city is requesting. But I would be willing to submit it as a whole if you think this is the best route and there is a possibility that both requests are approved. Please let me know and I could go ahead and get started on the paperwork and see I can find someone to come and re-plat the area.

5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper.

I agree with this I will have the \$125.00 ready on that day.

May 14, 2020

To Whom it May Concern:

Since 2019 we have been working on a plan to re-zone our area into agricultural as we have some animals on our property. Since we did not have the 5 acres, they recommended that the acreage be acquired before we could submit the application, this way we would not to apply for special use permits. I have been working with Matt Smith, Chris Slaughter, Commissioner Townsend, and Rob Richardson to come up with a plan that would work for everyone. The plan is to get the street in between both of my properties vacated and then combine it to give me the 5 acres and I can therefore combine the properties and rezone to agriculture. There is currently no road on the section that I am requested to be vacated. I have attached some of the images. It is currently full of trees and dirt. I recently spoke to Mr. Gunner who said he would be ok with continuing to support our plan of vacating the Right of Way as long as we would give him access to build a road if needed to in the future.

I also wanted to let you know that the reason why there was no check attached is because we are a part of the Sorter Drive Initiative and we were told that the fees were waived. But if there are any concerns please free to contact me at 913-231-6647.

Sincerely,

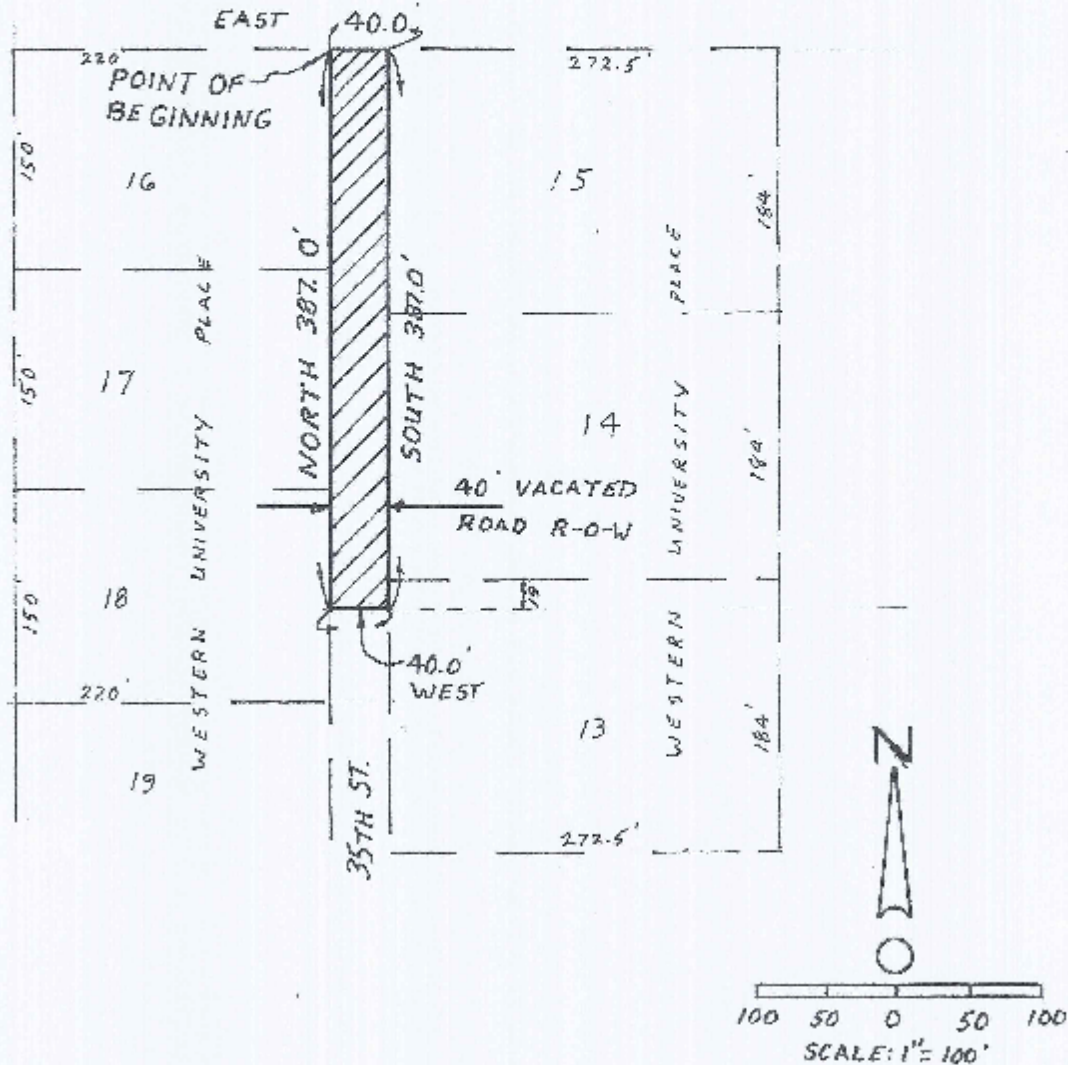
Lorenzo and Linda Garcia

EXHIBIT

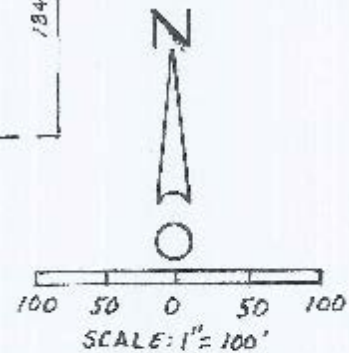
The intent of this Exhibit is to provide a description to vacate a platted 40' wide road right-of-way (35th Street)

ORDERED BY: Lorenzo Garcia
3740 N. 35th Street
Kansas City, KS 66104

DESCRIPTION (Vacated 35th Street): Beginning at the Northeast corner of Lot 16, Western University Place, a subdivision of land in Kansas City, Wyandotte County, Kansas; thence East 40.0 feet to the Northwest corner of Lot 15, Western University Place; thence South 387.0 feet along the West line of Lots 15, 14, and 13, Western University Place to a point 19.0 feet South of the Northwest corner of Lot 13; thence West 40.0 feet to a point on the East line of Lot 18, Western University Place; thence North 387.0 feet along the East line of Lots 18, 17, and 16 to the Point of Beginning. Containing 15,480.0 Square Feet or 0.3554 Acres, more or less.



A hand-drawn plat map showing a vertical strip of land, 40.0' wide, bounded by 35th St. to the north and 37th St. to the south. The strip is divided into three sections: a top section (16) labeled 'POINT OF BEGINNING' with a width of 40.0' and a north-south dimension of 387.0'; a middle section (17) with a width of 40.0' and a north-south dimension of 387.0'; and a bottom section (18) with a width of 40.0' and a north-south dimension of 387.0'. The strip is flanked by Western University Place to the east and Western University Place to the west. The map also shows a 40' vacated road R-O-W and a 40.0' west boundary. The map is numbered 13, 14, 15, 16, 17, 18, and 19.



May 8, 2020
Date

Richard D. Moore — L.S. 1394













(First published _____)

#3222

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 16 South 23rd Street in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on April 23, 2020, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

CLIFTON HILLS & 0590 & 0591, S8, T11, R8, ACRES 0.16, B7 L37 & L38, A subdivision of Land in Kansas City, Wyandotte County Kansas, located at approximately 16 South 23rd Street, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-2(B) Two Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2020.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in #SP-2019-111, commonly known as 7241 Kaw Drive, Kansas City, Kansas, legally described as:

A tract of land in the Southeast Quarter of Section 21, Township 11, Range 24, Wyandotte County, Kansas being more particularly described as follows: Beginning at a point on the West line of the Southeast Quarter of said Section 21 and the Southerly Right-of-Way of Union Pacific Railroad as now established; thence North 52 Degrees 47 Minutes 00 Seconds East along the Southerly Right-of-Way of the aforementioned Railroad 1664.81 feet to a point that is South 52 Degrees 47 Minutes 00 Seconds West 315.00 feet from the Wyandotte-Delaware Reserve Line; thence South 01 Degrees 13 Minutes 00 Seconds East 260.0 feet; thence North 79 Degrees 38 Minutes 40 Seconds East 494.65 feet; thence South 13 Degrees 53 Minutes 43 Seconds East 300.93 feet to a point on the High Bank of the Kansas River as now exists; thence Southwesterly along the meandering of said High Bank to its intersection with the West line of said Southeast Quarter; thence North 00 Degrees 57 Minutes 00 Seconds East along the West line of said Southeast Quarter 26.45 feet to the Point of Beginning, subject to any part thereof in streets, roads, or highways, and EXCEPT the following described tract: Commencing at a point on the West line of the Southeast 1/4 of said Section 21 and the Southerly Right-of-Way line of the Union Pacific Railroad; thence North 52 Degrees 47 Minutes East 1479.40 feet to the TRUE POINT OF BEGINNING; thence South 01 Degrees 13 Minutes East 175.15 feet; thence North 79 Degrees 38 Minutes 40 Seconds East 151.92 feet; thence North 01 Degrees 13 Minutes West 260 feet; thence South 52 Degrees 47 Minutes West 185.41 feet to the TRUE POINT OF BEGINNING, and also EXCEPT the following described tract: Commencing at a point on the West line of the Southeast 1/4 of said Section 21 and the Southerly Right-of-Way of the Union Pacific Railroad; thence North 52 Degrees 47 Minutes East 1479.40 feet along the Southerly Right-of-Way of the Union Pacific Railroad; thence South 01 degrees 13 Minutes East 175.15 feet to the TRUE POINT OF BEGINNING of the tract of land hereinafter described; thence South 13

Degrees 53 Minutes 43 Seconds East to the High Bank of the Kansas River; thence Northeasterly along the said High Bank of the Kansas River 646 feet, more or less; thence North 13 Degrees 53 Minutes 43 Seconds West to a point that is 636.04 feet East and 116.22 feet North of the TRUE POINT OF BEGINNING; thence South 79 Degrees 38 Minutes 40 Seconds West 646.57 feet to the TRUE POINT OF BEGINNING. PARCEL #926714, located at approximately 7241 Kaw Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use permit to stockpile and process concrete materials.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

Conditions of Approval:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check or the petition becomes invalid;
2. The special use permit shall be valid for two (2) years;
3. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM.;
4. Rumble strips shall be installed at the exits to remove any debris from accumulating on the roadways;
5. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;
6. All stockpiles shall be removed from the regulatory floodway and Zone AE within 60 days from the Board of Commissioners meeting date. Planning Staff will inspect the property, and if it finds the stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this Special Use Permit and fined accordingly and may risk revocation of the Special Use Permit;
7. All materials (stockpiles, equipment or any other accessory) shall be stored in Zoned X based on the boundary survey sealed March 11, 2020.
8. Stockpiles shall be corralled by to prevent them from shifting south into Zone AE the regulatory floodway.

9. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
10. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
11. Obtain any permits, as necessary with the Building Inspection Department;
12. Shall comply with Planning Engineering Comments; and,
13. 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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2020.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in #SP-2020-35, commonly known as 1820 North 90th Street, Kansas City, Kansas, legally described as:

All that part of the Northwest Quarter of Section 6, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas, described as follows: The East 365.2 feet of the South 100 feet of the North 300 feet of the following described tract of land: Beginning at a point 1912.4 feet East and 599.33 feet South of the Northwest corner of Section 6, Township 11, Range 24, in Kansas City, Wyandotte County, Kansas, thence South 599.23 feet; thence East 726.1 feet; thence North 600.33 feet; thence West 728.5 feet to the point of beginning, less that part thereof, taken for road purposes, located at approximately 1820 North 90th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use permit for a Short-Term Rental/AIRBNB.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) The Special Use Permit shall be valid for two (2) years,
- 2) Property shall be rented out to no more than four (4) guests at a time; and,
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper. If the check is not submitted within thirty (30) days after approval, the petition will become invalid.
(Completed)

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2020.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

(Published _____)

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING RENEWAL OF A SPECIAL USE PERMIT
PURSUANT TO CHAPTER 27 OF THE UNIFIED GOVERNMENT CODE.**

WHEREAS, pursuant to Section 27-214 of the Unified Government Code, the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") has the power to grant special use permits after receipt of a recommendation by the Planning Commission; and

WHEREAS, on October 26, 2017, the UG granted a special use permit (the "SUP") to Ben Stephens, on behalf of Copart of Kansas, Inc., a Kansas corporation ("Applicant"), for outdoor storage of used, damaged and undamaged, operable and inoperable vehicles, boats and construction/farm equipment and machinery for wholesale online and retail auction on 12.04 acres generally located at 6130 Kansas Avenue in Kansas City, Wyandotte County, Kansas, as legally described on Exhibit A attached hereto (the "Property"); and

WHEREAS, Applicant submitted an application to the UG to renew the SUP for the Property; and

WHEREAS, on March 9, 2020 and May 11, 2020, the Planning Commission held properly-noticed public hearings on the Applicant's request for renewal of the SUP and considered the matters set forth in Section 27-214(f)(5) of the Unified Government Code; and

WHEREAS, the Planning Commission submitted a recommendation of conditional approval of the Applicant's request for renewal of the SUP and the reasons therefore to the Governing Body; and

WHEREAS, the Governing Body has considered the Applicant's request for renewal of the SUP, reviewed all testimony and evidence submitted for the request, and hereby adopts the Planning Commission's recommendations to approve renewal of the SUP for the Property.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

Section 1. SUP Renewal Granted. The Property shall be granted a renewal of the SUP for outdoor storage of used, damaged and undamaged, operable and inoperable vehicles, boats and construction/farm equipment and machinery for wholesale online and retail auction.

Section 2. Conditions and Stipulations. The SUP renewed in Section 1 above, in addition to full compliance with any applicable general provisions in Chapter 27 of the Unified Government Code, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation shall constitute an additional basis for revocation in addition to the factors specified in Section 27-214:

1. The SUP shall be valid for five (5) years.
2. Day-to-day business operation for the Property shall consist of loaders moving approximately 30 – 40 cars per day to and from the parking lot on the Property to the main lot across the street. Transport trucks and tow trucks are not permitted on the Property.
3. Hours of operation shall be from 8:00 am to 5:00 pm., Monday through Friday.
4. All lighting installed in the parking lot shall continue to have 90-degree cutoff fixtures.
5. Vehicles brought to the Property by haulers shall be stored in an orderly manner, not stacked on one another, and entirely screened from public view.
6. No speaker will be used for communications for auctions.
7. Applicant shall file and maintain a current business occupation tax application for the Property.
8. Lapse in renewal of the SUP shall require Applicant to apply for a new special use permit, not a renewal, and all operations on the Property will have to cease until such time as a new special use permit is approved.
9. Applicant shall provide a drainage system within the next 90 days to resolve water run-off problems from the Property to the Bermuda property and to correct any previous drainage problems from the Property based off the testimony from Sarah White in the Public Works Department and the engineers for the Applicant and Bermuda's will work with Planning Engineering and Public Works Engineering.
10. The Director of the UG's Department of Urban Planning & Land Use shall be the final determinant for the resolution.
11. Applicant shall submit plans to the Development Review Committee within 30 days.

Section 3. Take Effect. This Ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS 30th DAY OF JULY, 2020.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

EXHIBIT A

Legal Description of the Property

All that part of Lot 1, Final Plat of Copart, recorded in Document #2019R13552, in the City of Kansas City, Wyandotte County, Kansas, except a tract of land being more particularly described as follows:

Beginning at the Southeast Corner of said Lot 1, said point also being on the North Right-of-Way line of Kansas Avenue, as now established; thence Westerly, along said North Right-of-Way line, along a curve to the right, having a radius of 543.70 feet, a central angle of $01^{\circ}25'10''$, and whose initial tangent bearing is South $67^{\circ}53'25''$ West, a distance of 13.47 feet; thence North $01^{\circ}46'03''$ West, departing said North Right-of-Way line, a distance of 362.66 feet; thence North $88^{\circ}13'57''$ East, a distance of 13.11 feet, to a point on the East line of said Lot 1; thence South $01^{\circ}42'00''$ East, along said East line, a distance of 358.13 feet, to the Point of Beginning. Containing 4,648.67 square feet, or 0.107 acres, more or less.



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: July 30, 2020

Re: Change of Zone Petition #3211

GENERAL INFORMATION

Applicant/Status of Applicant:

Bobbie Jean Thomas
Owner of 4520 Parkview Avenue
13416 Constellation Drive
Manor, TX 78653

UG Landbank
Owner of 4600 Parkview Avenue
701 North 7th Street, 4th Floor
Kansas City, KS 66101

Requested Actions:

Change of Zone from R-1 Single Family
District to A-G Agriculture District

Date of Application:

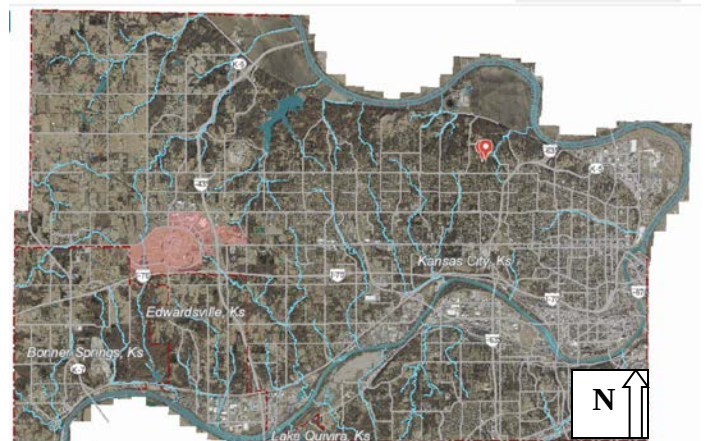
November 13, 2019

Purpose:

To rezone the property in order to keep
livestock and multiple accessory structures

Property Location:

4520 and 4600 Parkview Avenue



Commission Districts: Commissioner At Large: Melissa Bynum
District Commissioner: Gayle E. Townsend

Existing Zoning: R-1 Single Family District

Adjacent Zoning: **North:** R-1 Single Family District
 South: R-1 Single Family District
 East: R-1 Single Family District
 West: R-1 Single Family District

Adjacent Uses: **North:** Single family home and undeveloped land
 South: Single family homes
 East: Vacant land
 West: Undeveloped, vacant land

Total Tract Size: 9.71 Acres

Master Plan Designation: The City-Wide Master Plan designates these properties as Low Density Residential.

Major Street Plan: The Major Street Plan classifies Parkview Avenue as a Local Street.

Required Parking: Two (2) off-street parking spaces shall be provided on the for each single family dwelling.

Advertisement: The Wyandotte Echo – December 19, 2019
Letters to Property Owners – December 18, 2019, January 8, 2020, January 31, 2020, April 6, 2020, May 2, 2020, June 1, 2020 and July 27, 2020.

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

Public Support: None to Date.

Public Opposition: None to Date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bobbie Jean Brown, wants to rezone the properties from R-1 Single Family District to A-G Agriculture District so they can purchase the property to keep livestock (horses and cattle) and accessory structures (stalls) for agricultural use on the property on 9.71 acres.

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

Code Enforcement Action: There have been numerous citations on this property within the last year. The most recent and open case is multiple structures on the property with

no primary structure, horses and trash.

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The character of the neighborhood is largely comprised of undeveloped, vacant land bordering the perimeter of these properties and single-family homes to the south, along Parkview Avenue.

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

The zoning and uses of properties nearby are set out above. The proposed use is expected to be compatible with them because the parcels to the north are in excess of five (5) acres which allows livestock by right.

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

The property as zoned is restricted allow livestock animals on the property without a special use permit due to its size, however the applicant wants to consolidate the parcels together which will increase the space available for keeping livestock. Removal of restrictions will not detrimentally affect nearby property.

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

The property has been vacant since 1997, however it appears that a large accessory structure has been on 4520 Parkview Avenue before such time. 4600 Parkview Avenue is owned by the Unified Government Landbank and has been vacant for as long as 4520 Parkview Avenue.

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

The proposed use will not reasonably necessary for the convenience and welfare of the public as it is for livestock the proposed use and will not permanently injure the appropriate use, visual quality or marketability or nearby property because of the area to the north which is comprised of parcels in access of five (5) acres and lot configurations and ownerships that could be combined to create five (5) acres, the minimum acreage required to keep livestock in R-1 Single Family District by right, or rezone to A-G Agriculture District.

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

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

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

The proposed use conforms to the Master Plan as agricultural uses are allowed in Low Density Residential areas.

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

The proposed use will not cause environmental harm provided the applicant properly disposes of the manure after consulting with the Conservation District as stated in the conditions of approval.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Not available

c. *Storm water control*

Not designed

d. *Police*

Police service is provided by Midtown Patrol, District #443

e. *Fire*

Fire service is provided by Station #18

f. *Transit*

Kansas City ATA does not provide transit service near these properties.

g. *Schools*

Public education is provided by Kansas City, Kansas USD 500.

h. Streets

Parkview Avenue is a local street and combining the lots to raise livestock will not increase traffic or parking demand that will adversely impact adjacent residents.

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

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

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

The proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners must either remove the accessory structures from the property, file for a variance to keep them without a primary structure or find a new location for such use.

NEIGHBORHOOD MEETING

The applicant held a virtual neighborhood meeting on June 19, 2020. According to the applicant, no one appeared in opposition of the petition.

KEY ISSUES

Animal Waste

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **DENIAL** of Change of Zone Application #3211 due to lack of responsiveness on the part of the applicant and not being available for the meeting.

STAFF COMMENTS AND SUGGESTIONS

The staff has concerns about the lack of responsiveness on the part of the applicant during this process and was going to move the application forward with a recommendation for denial on the day that the applicant responded to the draft staff report and submitted her neighborhood meeting information. The applicant was not present at the meeting to answer questions from the City Planning Commission and staff. However, the staff recommends approval subject to the conditions listed below.

Planning and Urban Design Comments:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department immediately following the Unified Government Board of Commissioners meeting.

Applicant Response: That is fine. I understand and will provide fee once the Board meeting is completed.

2. To consolidate the two parcels, an application for lot consolidation must be filed with the GeoSpatial Services Department. The consolidation can occur following the ordinance publication.

Applicant Response: I will obtain and submit the GeoSpatial Services Department application to consolidate the two parcels.

3. A building permit is required from the Building Inspection Department for any structure over 120 square feet.

Applicant Response: I can and will apply for the building permit for the barn structure and stalls that were already located on the property. No problem at all.

4. Have the Code Enforcement citations been resolved?

Applicant Response: All Code Enforcement has been satisfied. A lot of them I was not aware was an issue because the fence and structures were already there from the previous owners.

5. How many animals do you intend on keeping on the property?

Applicant Response: No more than fifteen (15) animals will be kept on the land at 4520 Parkview Avenue only. Currently there are twelve (12) stalls and eleven (11) horses.

Staff Response: Consolidation of both properties, 4520 and 4600 Parkview Avenue is required.

6. How will the animals be contained? Please provide diagram indicating the areas where the livestock will graze and roam.

Applicant Response: The animals will be contained by a fence. Wooden fence surrounding the property and cow panel fence inside the property.

7. Submit a manure management plan.

Applicant Response: The current manure management plan involves the hay and poop being shoveled out and dumped in a ditch in the far back of the current property. The ditch is then covered up with dirt to secure saturated waste. If this

is not acceptable, please let me know and I will initiate a new plan.

8. Since there is no residence on site, who is responsible for care of the land and animals?

Applicant Response: I have several representatives responsible for caring of the animals and land. My representatives communicate very thoroughly with myself and my son. Also, they are very knowledgeable, and everyone helps each other including those renting stalls. They are Corey Grant, Steven Simms, Dominaez Thomas and Lyndsy Brown.

Planning Engineering Comments:

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition #3211 subject to all comments and suggestions outlined in this staff report summarized by the following conditions:

- 1) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department immediately following the Unified Government Board of Commissioners meeting;
- 2) To consolidate the two parcels, an application for lot consolidation must be filed with the GeoSpatial Services Department. The consolidation can occur following the ordinance publication;
- 3) Prior to animals being brought onto the site, the applicant shall coordinate with the Conservation District to have the correct ratio of horses to cattle, as more acreage is required to sustain cattle than horses and fifteen animals (combination of cattle and horses) is too many. After conferring with the Conservation District and if they say zero (0) cattle on site (upholding their current stance in their report), then all that you would be permitted to have are horses and other livestock that does not require as much space to graze and roam;
- 4) Obtain a grading permit from the Building Inspection Department if earthen material in excess of 50 cubic yards is brought to, removed from or relocated on site.
- 5) If the applicant grades one (1) acre or greater, obtain a Land Disturbance Permit from the Public Works Department.
- 6) A building permit is required from the Building Inspection Department for any structure over 120 square feet;

- 7) A building permit is required to build a modular home;
- 8) If the intent is to utilize a mobile home as a single-family home on the property, the structure shall comply with Sec. 27-462(c)(3)a-h;
- 9) Because you are renting horse stalls, contact the Business Licensing Department at (913) 573-8780 for an occupation tax application;
- 10) Manure on site needs to be disposed of weekly. The site is no large enough to simply bury manure and have that be sustainable. Consideration shall be given to composting, stockpile and sell to individuals for gardening and landscaping and hauling it away by a disposal service; and,
- 11) Site is kept free of trash, junk and debris that does not violate the Property Maintenance Code enforced by the Code Enforcement Department.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Aerial Photograph
Conservation District Comments
Applicant Response E-Mail
Neighborhood Meeting Minutes
Site Photographs Provided by Staff dated July 8, 2020

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	July 13, 2020	July 30, 2020
Rezoning	Denial (7/1 vote)	

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

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #**3211**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**3211** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

July 13, 2020 City Planning Commission Minutes:

Hearing Starts at 1:21:35 and no one was present. The item was moved to the end of the agenda and recalled at 4:40:30 and no one was present:

CHANGE OF ZONE APPLICATION #3211 – BOBBIE JEAN THOMAS – SYNOPSIS:
Change of Zone from R-1 Single Family District to A-G Agriculture District to keep the barn, horses and future cattle at 4520 and 4600 Parkview Avenue. **Detailed Outline of Requested Action:** The applicant, Bobbie Jean Brown, wants to rezone the properties from R-1 Single Family District to A-G Agriculture District so they can purchase the property to keep livestock (horses and cattle) and accessory structures (stalls) for agricultural use on the property on 9.71 acres.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 18, 2019; and
7. The Notices to property owners dated December 18, 2019, January 8, 2020, January 31, 2020, April 6, 2020, May 2, 2020 and June 1, 2020.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Jones stated that she talked to Commissioner Gayle Townsend about this case.

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:41:17: Planning Director Hand stated that the staff has moved this application off the agenda twice as the applicant has not been responsive to staff. He further stated that the applicant lives out of state. They own one piece of land and lease the other property from the Landbank. They want to secure the rezoning before purchasing the property from the Landbank. The Conservation District is concerned about cattle being on the property but does not have any opposition to the horses that are currently on the property. There are numerous stables on the property some of which the applicant rents out to other horse owners. He stated that the applicant mentioned to staff that they might move back and build a house on the property. He stated that the staff feels confident that the conditions for approval cover

all the issues with this application. He stated that the staff recommended approval with the assumption that the applicant would be available for the meeting tonight. The staff does have concerns about the applicant's history of unresponsiveness. The applicant does need to obtain a business license because she is renting out stables.

Motion and Vote starts at 4:45:

On motion by Mr. Reasons, seconded by Ms. Jones, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application #3211 due to lack of responsiveness on the part of the applicant (and not being available for the meeting tonight):**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	No
Reasons	Aye

Motion to recommend DENIAL Passed: 7 to 1



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

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

December 17, 2019

RE: COZ 3211 Bobbie Jean Thomas 4520 and 4600 Parkview Avenue

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site plan for COZ 3211 Bobbie Jean Thomas 4520 and 4600 Parkview Avenue.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Agricultural Disposal of Manure
Range Productivity
Soil Features

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

- There are three major soil types that were identified: Knox silt loam, 7 to 12 percent slopes, Knox silt loam, 12 to 18 percent slopes and Knox silt loam, 18 to 30 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- The area that is cleared can continue to be used for the horses. There needs to be a lot of tender love and care for the area. The area is denuded of vegetation and needs to be managed for good grass cover. This includes fertility, seeding and mulched. Manure needs to be managed and disposed of in a safe manner. The horses need to be fenced out of the timber.
- The rest of the land is covered by timber. This is the best use for the land. There is a lot of good timber logs in the area. It needs to be managed for top production. The federal government has programs for farmers to improve their timber stands. This can lead to higher production and more income. We

would encourage the landowner to contact us for more information on these programs

- As for cattle production, we would not recommend this property for any more livestock. The area is too steep to clear without causing severe erosion.
- We have no problem with the change in zoning if the issues pointed out are resolved.
- This area has a trash dumping problem. This needs to be controlled so that trash isn't washing into the pond and drainage way.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Toy, Byron

From: Bobbie Thomas <Bobbie.Thomas@cpa.texas.gov>
Sent: Monday, July 06, 2020 1:48 PM
To: Toy, Byron
Subject: RE: COZ 3211

Please find enclosed the answers to the questions.

1. That is fine, I understand and will provide the \$50.00 fee once the board meeting is completed.
2. I will obtain and submit the GeoSpatial Services Dept. application to consolidate the two parcels. Can you please provide further information as to where I can get this application?
3. I can and will apply for the building permit for the barn structure and stalls that were already located on the property. No problem at all.
4. All code enforcements has been satisfied. A lot of them I wasn't aware was a issue because they fence and structures were already there from the previous owners.
5. No more than 15 animals will be kept on the land at 4520 Parkview only. Currently there is 12 stalls and 11 horses.
6. The animals will be contained by fence. Wooden fence surrounding the property and cow panel fence inside the property.
7. The current manure management plan involves the hay and poop being shoveled out and dumped in a ditch in the far back of the current property. The ditch is then covered up with dirt to secure saturated waste. If this is not acceptable please let me know and I will initiate a new plan.
8. I have several representatives responsible for caring for the animals and land. My representatives communicate very thoroughly with myself and my son. Also they are very knowledgeable and everyone helps each other including those renting stalls. They are Corey Grant, Steven Simms, Dominaez Thomas and Lyndsy Brown.

If you need further information, please do not hesitate to contact me.

Thank you,

Bobbie Jean Thomas

From: Toy, Byron <btoy@wycokck.org>
Sent: Monday, July 6, 2020 9:56 AM
To: Bobbie Thomas <Bobbie.Thomas@cpa.texas.gov>
Cc: Parker, Janet <jparker@wycokck.org>
Subject: COZ 3211

Bobbie,

Could you please respond to these questions that were in the draft staff report?

Toy, Byron

From: Parker, Janet
Sent: Monday, July 06, 2020 9:41 AM
To: Toy, Byron
Subject: FW: Minutes from 4520 Parkview meeting

Thank you,

Janet L. Parker, CSC/APC
Executive Assistant to Gunnar H. Hand, AICP
Director of Planning
701 North 7th Street, Suite 423
Kansas City, Kansas 66101
913-573-5758 (direct line)
jparker@wycokck.org
www.wycokck.org/planning

Due to mandated furlough days if emails are sent to me on Tuesdays and Wednesdays from June 22, 2020 - July 24, 2020, I will be unable to respond to you. If you need immediate assistance please call 913-573-5750, otherwise, I will respond to you as quickly as possible upon my return to the office.

Please bear with us through the disruption in our services. Employees are not allowed to work overtime during furlough weeks so all services will be disrupted.

From: Bobbie Thomas <Bobbie.Thomas@cpa.texas.gov>
Sent: Monday, July 6, 2020 9:30 AM
To: Parker, Janet <jparker@wycokck.org>
Subject: RE: Minutes from 4520 Parkview meeting

Dear Ms. Parker,

Enclosed you will find notes of the minutes from the meeting held with the neighbors of the land 4520 Parkview Ave and in high hopes of 4600 Parkview Dr. The meeting was held Friday evening June 19 at the property at approximately at 6:30pm and ended when the last neighbor with questions and a view of the horses and property at left 7:15pm. You will find signatures of the neighbors next to the property and across the street from the property that were notified and in attendance. The meeting went as follows:

1. Introduction of myself as the property owner. Introduction of my assistants who maintain the property and animals in my absence.

2. Information of why it was necessary to attend the meeting including the fact that the property is under consideration for rezoning as agriculture.
3. Information the reason why it was necessary to apply for the rezoning of the property which includes being able to keep the current barn and stalls there that are already in place,
4. Information regarding my intent to purchase the property beside the property at 4520 Parkview which is 4600 Parkview in the very near future. Information regarding WYCO Land Bank taking into consideration of my desire to purchase that land.
5. Information regarding if that land if purchased to include an additional barn as well as several additional stalls would occupy that property (4600 Parkview). Along with that a modular home and or trailer home would also be most likely added. A lot of the rubbish would be cleared in order to create a clear path/trail for horse riding, horse boarding, access for the horses to walk along the pond area and picnic space. There would also be a possibility for a community garden to grow fresh fruits and vegetables for consumer use/sale as well as an area for cattle such as several cows.
6. The floor was opened up for questions. The question was posed as to whether any of the neighbors was opposed to any of the ideas or information presented at the meeting?

Bobbie Jean Thomas

From: +15122871375@tmomail.net <+15122871375@tmomail.net>
Sent: Monday, July 6, 2020 8:55 AM
To: Bobbie Thomas <Bobbie.Thomas@cpa.texas.gov>
Subject:



Figure 2. Photograph of 4520 Parkview Avenue (provided by Planning and Urban Design Staff).



Figure 3. Site Photograph of 4600 Parkview Avenue (provided by Planning and Urban Design Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: July 30, 2020

Re: Change of Zone Petition #3226 and #MP-2020-5

GENERAL INFORMATION

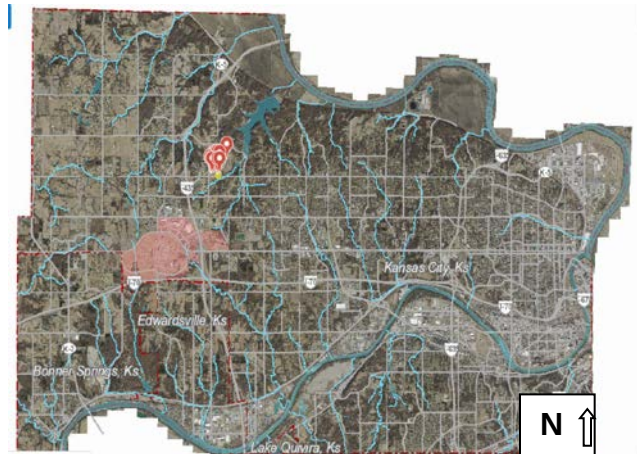
Applicant:
Scannell Properties #436, LLC

Status of Applicant:
Representative
Seth Reece with Olsson Associates
7301 West 133rd Street, Suite 200
Overland Park, KS 66213

Requested Actions:
Change of Zone from A-G Agriculture
and CP-2 Planned General Business
Districts to CP-1 Planned Limited
Business and MP-2 Planed General
Industrial Districts.

A Master Plan Amendment from
Entertainment (Prairie Delaware Piper
Master Plan) to Business Park (Prairie
Delaware Piper Master Plan).

Date of Application:
May 26, 2020



Purpose: To rezone and plat six (6) industrial lots and one (1) commercial lot to build multiple warehousing and distribution centers and retail buildings.

Property Location: 9700 Leavenworth Road

Commission District: Commissioner At Large: Melissa Bynum
District Commissioner: Michael (Mike) Kane

Existing Zoning: A-G Agriculture and CP-2 Planned General Business Districts

Adjacent Zoning:

North:	A-G Agriculture and R-1 Single Family Districts
South:	A-G Agriculture District
East:	R-1 Single Family, CP-1 Planned Limited Business and CP-2 Planned General Business Districts
West:	A-G Agriculture, R-1 Single Family and CP-2 Planned General Districts

Adjacent Uses:

North:	Single family homes (across Hurrelbrink Road)
South:	Large lot single family homes (across Leavenworth Road)
East:	Wyandotte County Lake Park, a commercial event center and single-family homes
West:	Single family homes

Total Tract Size: 431.75 Acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Entertainment.

Major Street Plan: The Major Street Plan classifies Leavenworth Road as a Class A Thoroughfare.

The Prairie Delaware Piper Master Plan classifies 99th Street as a Major Arterial.

Required Parking: For buildings larger than 50,000 square feet, parking is determined by the Director of Planning. Where questions arise concerning increments over 50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the Planning Commission.

Advertisement: The Wyandotte Echo – Change of Zone - June 18, 2020; Master Plan Amendment – June 18, 2020
Letters to Property Owners – June 17, 2020 and July 27, 2020.

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

Public Support: Staff has received a letter in support along with people that appeared in support at the July 13, 2020 City Planning Commission meeting.

Public Opposition: Staff has received e-mails and phone calls in opposition of the proposed distribution center along with people that appeared in opposition at the July 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Scannell Properties #436, LLC applied for a change of zone request from A-G Agriculture and CP-2 Planned General Business District to CP-1 Limited Business and MP-2 Planned General Industrial District, preliminary plat seven (7) lots and amended the Prairie Delaware Piper Master Plan from Entertainment to Business Park to build five (5) industrial buildings for warehousing, distribution and manufacturing totaling 3,148,613 square feet and 51,00 square feet of commercial retail on 431.75 acres at 9700 Leavenworth Road.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The area is dominated by the vacant Woodlands facility. Other prominent features include large lot residences to the north and south, an established single family neighborhood to the west and Wyandotte County Lake Park to the east.

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

The zoning and uses of properties nearby are set out above. The proposed industrial warehouse and distribution center is not compatible with the residential properties in the area. The neighborhood commercial center is compatible because the northeast corner of North 99th Street and Leavenworth Road is commercially zoned for various types of retail and makes sense as a small node for the residents in the area and those that frequent Wyandotte County Lake Park, and if approved, the workers of the industrial park.

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

The property is not suitable for the industrial uses which it has been restricted. The removal of the restrictions may affect nearby property. While this site was formerly the Woodlands, operating from 1987 to 2008, the vehicles that frequented the racetrack were not over-the-road trucks that shipped goods throughout the country. The racetrack had peak times during the evenings and

weekends only. This distribution hub will be operating 24 hours a day, 7 days a week, 365 days a year.

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

The buildings on the property have not been in use since 2008, but as late as 2018, the parking lot was used as an overflow lot for General Motors vehicles.

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

Distribution uses support economy but provide an increasing smaller share of jobs due to automation. The business park's proximity to residential homes may injure the visual quality or marketability of nearby property if the site is not fully screened from public view (99th Street, Leavenworth Road and Hurrelbrink Road). The type of use will induce development that will increase but could significantly impact the visual quality of existing character and Wyandotte County Lake.

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

The proposed development will significantly increase passenger vehicles and over-the-road trucks in ways that could adversely affect the road capacity of both North 99th Street and Leavenworth Road. Public Works is reviewing the Traffic Impact Study and their comments were forwarded ahead of this report.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan. A master plan amendment has been filed and is part of this application. The proposed Business Park plan amendment will significantly change the Entertainment character adjacent to one of the region's most cherished recreational assets.

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

The proposed use should not cause environmental harm because a detention pond is proposed to the west which will capture runoff before it is discharged into the storm sewer. It will also deed over acres of land to Wyandotte County Lake Park (the total acreage is still be discussed between the Parks Department and the applicant).

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

a. Water service

Available.

b. Sanitary sewer service

Available.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #223.

e. Fire

Fire service is provided by Fire Station #4 located at 81st Street and Leavenworth Road.

f. Transit

Kansas City ATA provides transit service along Leavenworth Road, Route #113 with a transit stop proposed at the neighborhood retail center.

g. Schools

Piper USD 203

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a beneficial economic impact on the community by turning a vacant property into a tax generating use. It will also induce significant commercial and residential development demand.

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

With revisions, the proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they originally intended.

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

The development can be used safely without danger to health, flood, erosion or excessive noise. Excessive noise, parking lot and building lighting, and headlights may be further mitigated by an increased berm, landscaping and lowering the building into the development.

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

The Major Street Plan classifies Leavenworth Road as a Class A Thoroughfare and the Master Plan classifies North 99th Street as a Major Arterial, Internal streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

Planning Engineering Staff and Public Works have concerns about this development's ingress/egress onto Leavenworth Road and 99th Street and their alignment with driveways across from the site.

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

With revisions, buildings and streets will be arranged as to afford adequate light, and open space to facilitate fire protection.

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

Staff had previous conversations with the applicant to shield and screen the distribution center from Leavenworth Road, 99th Street, Hurrelbrink Road and 91st Street by using the existing topography and berms on site based on the existing racetrack. Based on the plans, due regard to topography was thought about with Bennett Lake, but it will be highly visible from Leavenworth Road.

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

convenient access to such facilities.

The southeast corner of the development around Bennett Lake and Marshall Creek is in the initial discussions of being dedicated to the Parks Department as a linkage to Wyandotte County Lake Park.

PREVIOUS ACTIONS

The site was approved to be a pari-mutuel racing facility in 2016, after a change in ownership which was initially approved in 1987.

NEIGHBORHOOD MEETING

That applicant held a virtual neighborhood meeting on June 22, 2020 and an in-person meeting on June 29, 2020. According to the applicant, opposition was expressed by numerous property owners and residents. Their opposition ranged from property tax incentives, uses allowed in M-2 district, installing trails, screening, truck traffic to the specific tenants.

KEY ISSUES

Compliance with the Prairie Delaware Piper Master Business Park Guidelines
Compliance with the Sidewalk and Trails Master Plan
Building Design
Landscaping and Screening
Planning Engineering Comments
Wetlands

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Change of Zone Application #3226 and Master Plan Amendment #MP-2020-5, subject to:

Planning and Urban Design Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners meeting.

Applicant Response: Acknowledged, this fee will be paid following the Board of Commissioners meeting.

2. As previously mentioned, the Economic Development Department is facilitating between the Parks Department and the developer to build a trail spur that will connect to Wyandotte County Lake Park from Leavenworth

Road. A cross-section of Greenway Trail is attached herein.

Applicant Response: The developer and City are working on the specifics on this. Currently the developer would dedicate the land to the City and the City would build the trail.

3. Staff discussed with the applicant about constructing a five (5) foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.

Applicant Response: Acknowledged, the revised plans include a five (5) foot trail within the public right-of-way along the south side of Hurrelbrink Road from 99th Street to the east property line on Hurrelbrink Road.

4. A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).

Applicant Response: Acknowledged, these trails are shown on the plans and will be provided with the proposed development.

5. No truck traffic on North 99th Street is permitted. Coordination with truck drivers to the distribution center is required.

Is the northern most entrance on North 99th Street for employees or emergency vehicles? If the entrance is for KCKFD, the entrance must be gated, and a NOx box installed for access.

Applicant Response: Acknowledged, as it has been discussed with staff and is noted in the traffic study trucks are not planned to use 99th Street. The north entrance would be for emergency vehicles.

6. The bus stop depicted on the site plan is located between the retail center and the private street leading to North 99th Street. Is this bus stop serving the employee base for the retail center, Building A and all future expansion of the business park?

Applicant Response: The developer is in discussions with the City and the local transit authority to provide a bus stop within the project site. Currently the stop is shown within the retail area, but this could change based on what the transit authority decides. It is the intent and hope that a bus stop will be provided within the development.

7. What tenants are you trying to attract for the neighborhood retail center that will not only serve the employees, but the surrounding residents?

Applicant Response: The neighborhood retail center would serve the surrounding community (residents and employees of the development.)

The tenants would be determined by the market, but the thought is the service related tenants would be provided at this location.

8. How many employees will be working during the largest shift in Building A?
- How many shifts?
 - Is there overlapping?
 - 24 hours, 7 days a week?

Applicant Response: There are four shifts. The two shifts combine/overlap into on main day shift, and likewise one main night shift. The main day/night shifts trips will overlap some, but they technically do not overlap by start/end times. See the chart below for reference. The proposed tenant of Building A would be in operation 24 hours a day.

9. What are the proposed hours of operation for this Building A?

Applicant Response: The proposed tenant of Building A would be in operation 24 hours a day.

10. What phase will the neighborhood retail center begin construction?

Applicant Response: The neighborhood retail center would be developed when retailers decide the area can support their services. This will be determined by the market. We would expect this to occur after the first few phases of the development.

Building Architecture:

1. The neighborhood retail center parking lot has been relocated to the rear; however, the buildings can be moved closer towards the southwest corner of the intersection and redesigned to be a true neighborhood node rather than a linear development along Leavenworth Road to create a walkable, rural town center that can link to the trail network.

Architecturally, the center shall comply with the Commercial Design Guidelines.

Applicant Response: As discussed with City Staff, the existing public right-of-way at the intersection does not allow for the retail buildings along Leavenworth Road to be pushed closer to the intersection. Currently we have provided a pedestrian plaza area closest to the intersection to create a focal point into the development. Pushing the buildings to the street was done per staff request, which we agree with. It creates an architectural wall along Leavenworth Road, which will help enhance the character of the intersection as well as help screen the business park from the public street. The architecture of the retail center will comply with the City's Commercial Design Guidelines. When the retail starts to move forward

within the development plans shall be submitted to the City for review and approval to assure all requirements are being met.

Staff Response: At this point in time, the retail area and zoning are placeholders. As the applicant's representative stated, a development plan (preliminary and final) will be submitted. Staff has continually promoted and will continue to push for a more cohesive retail center that is an integrated and walkable with the surrounding neighborhood as well as the office space within Building B for residents and employees alike.

- 2. A comprehensive Design Criteria Manual shall be submitted to set the standard for design (architectural features, fenestration, building materials and color, etc.), landscaping, screening, on-site amenities, lighting, signage for all future tenants and/or development within the business park and neighborhood retail center.**

Applicant Response: A Design Criteria Manual has been provided with the resubmittal for the M-2 zoning area setting the standard for design of the development. The C-1 design criteria will meet the City's requirements and will be provided at the time the retail area is moving forward within this development.

- 3. Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public for the industrial buildings and internalized for the commercial buildings.**

Applicant Response: Acknowledged, these requires will be met within the development.

Staff Response: After meeting with the applicant and representative, the downspouts in the industrial buildings will be internalized.

Landscaping and Screening:

- 1. In previous conversations, Planning Staff raised the concern of screening the overall development from public view. We encouraged the applicant and developer to preserve as much of the natural topography and vegetation as possible, specifically the 250-foot berm along North 99th Street. The berm does not affect the screening of Building A but cutting 100 feet into the slope of the berm will most definitely affect the visibility of Building B for the residents west on North 99th Street.**

Furthermore, we discussed with the applicant, maintaining these natural landforms would not only reduce the visual impact of the distribution center, but reduce the cost of construction additional fencing or installing excessive landscaping.

Applicant Response: The berm as proposed actually provides better screening into the development than the existing berm along 99th Street

since the top of the existing berm is pushed further away from the public street. The sight lines into the development were paid close attention to while designing the project. Please refer to the Sight Line Sections on sheets L1.91, L1.92, and L1.93 for specifics of the views into the streets into the development from car/pedestrian level with the resubmittal to help illustrate the views into the proposed development. We have taken careful consideration into the proposed design of the development to help soften and screen the business park from the public view as much as possible. This includes the proposed grading, berming, and landscaping.

2. The Prairie Delaware Piper Master Plan Light Industry/Business Park designation requires landscape buffers, trails and outdoor sitting areas. Additionally, 25% of the site must be maintained as open space.

Applicant Response: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the City Code requires, trails have been provided within the development, outdoor sitting/pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development. See sheet C3.0 for the open space calculations.

3. The site lines (sight alignment) cross sections illustrated on sheets L1.91 and L1.92 must have a site plan that depicts the location of the viewpoint towards the Woodlands property (i.e. an arrow indicating the starting point and direction).
 - a. In addition to the sight lines taken from North 99th Street and Leavenworth Road, provide additional cross sections for Hurrelbrink Road and North 91st Street.

Applicant Response: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the City Code requires, trails have been provided within the development, outdoor sitting/pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development.

4. Sec. 27-469(g) Trees are required at not less than one (1) 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. The architectural screen can either be fencing or landscaping.

The site for the proposed industrial zoning is 312.97 acres, including Lot 1 through Lot 6, which requires 1,363 trees, divided into the individual lots based on acreage and exclusive of the street trees and parking lot island trees requirements.

Applicant Response: Acknowledged, these requirements are being met. We are providing more trees than what is required by City Code. The calculations are shown on sheet L1.00.

5. Sec. 27-464(g) Trees are required at not less than one (1) tree per 7,000 square feet of site area. The Commercial Design Guidelines has a 75 percent multiplier, so based on 12.46 acres, 136 trees are required to be planted. This total does not include trees for parking lot islands or street trees along 99th Street and Leavenworth Road.

Applicant Response: Acknowledged, these requirements are being met. We are providing more trees than what is required by City Code. The calculations are shown on sheet L1.00.

6. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6') feet when planted. All shrubs shall be five (5) gallons when planted.

Applicant Response: As has been discussed with City Staff, the development will meet the City's requirements for plant material. The City Code requires two (2) inch caliper shade trees, six (6) feet tall ornamental trees and six (6) feet tall evergreen trees, which will be provided within the development.

7. All landscaping shall be irrigated.

Applicant Response: Landscape beds around buildings will be irrigated, but the areas around the perimeter of the site will be landscaped with native plantings to help conserve water. Irrigation will not be provided in the native areas as has been discussed with staff.

8. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Applicant Response: Acknowledged, the required screening will be provided with the development. Details and notes have been added to the landscape plans.

9. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (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.

Applicant Response: Acknowledged, details have been added to the landscape plans.

10. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen. This should not be seen from all views as noted in Landscaping and Screening Comment #3.

Applicant Response: Acknowledged, details have been added to the landscape plans.

11. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.

Applicant Response: Acknowledged, details have been added to the landscape plans.

12. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as 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 light bulbs shall not be permitted in view of adjacent property or public right-of-way.

Applicant Response: Acknowledged, details have been added to the landscape plans.

13. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.

Applicant Response: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Acknowledged.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:**
- 1) None.**
- B) Items that are conditions of approval (stipulations):**
- 1) Based on the traffic impact study prepared by Olsson and following discussions with UG Public Works and Planning and Urban Design Staff, the traffic study will be revised and refined to match actual traffic conditions with each additional phase of the proposed development. For each phase the traffic study will need to analyze traffic after that phase has been completed and after entire buildout. Further, each traffic study will need to provide a focus on impacts to 99th Street; impacts to the intersections of 103rd and Leavenworth; 99th and Donahoo; 99th and Leavenworth; and the Main Entrance to the Development and Leavenworth Road.**
 - 2) UG Public Works strongly recommends a traffic signal installed at the main entrance off Leavenworth Road in lieu of the proposed acceleration lane /right turn lane.**
 - 3) “No Trucks” sign shall be installed on Donahoo and 99th Street and all truck traffic shall use Leavenworth road.**
 - 4) As future build out occurs, additional public improvements to the public infrastructure may be required. In this regard, the applicant shall continue to coordinate with UG Public Works and Planning and Urban Design Departments on the public street improvements related with the proposed development. Further discussion with staff may be required.**
 - 5) With final development plans, if this project includes public street and storm sewer improvements; The public street and storm sewer improvement plans shall meet UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required and shall be reviewed and approved by UG staff prior to construction permit acquisition.**
 - 6) KDOT review and approval shall be required prior public street improvements on Leavenworth Road / K-5 (Kansas Highway).**
 - 7) 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.**
 - 8) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.**
- C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:**
- 1) Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the**

requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

Conditions:

- 1) A \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners meeting.**
- 2) In conjunction with Public Works restricting access to 99th Street, redesign the internal circulation and movement so all traffic uses the Leavenworth Road exit. Additionally, the ingress/egress onto 99th Street shall be for emergency vehicle access only, similar to North 69th Street at the Turner Logistics Center.**

The redesign shall be hidden behind Building B, gated, and out of sight as to not attract attention as a viable exit for employees.

- 3) Staff will continue to push for a more cohesive retail center that is an integrated and walkable with the surrounding neighborhood as well as the office space within Building B for residents and employees alike. The retail development will comply with the Commercial Design Guidelines.**
- 4) A covenant restriction on the final plat (and subsequent iterations) as well as the filed deed shall prohibit manufacturing on site. Only MP-1 Planned Light Industrial and Industrial Park District uses are permitted on the industrial zoned land.**
- 5) Coordination with City Staff, KCATA and the Transit Department is required to determine the exact location of the transit stop for the overall development. The bus stop placement shall be finalized before the Final Development Plan is presented to the City Planning Commission.**
- 6) Further conversations with the Troy Shaw, County Engineer is necessary, but when the final plat is submitted, additional right-of-way along the south side of Hurrelbrink Road shall be dedicated for the local trail in order to keep the east/west connection to Wyandotte County Lake Park as much within trees as possible. Additionally, Hurrelbrink Road is classified as a Parkway in the Major Street Plan, therefore in the future when the road is improved, adequate right-of-way is already dedicated to make those improvements.**
- 7) A five (5) foot trail shall be constructed along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.**
- 8) A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).**
- 9) The developer will fund the trail around Bennett Lake and the Parks Department will build and manage the trail system.**
- 10) The Design Criteria Manual shall be adhered to for all future phases of development.**
- 11) Downspouts shall be internalized.**
- 12) Landscaping in the parking lot and around the building shall be irrigated.**

- 13) Do not mass grade the entire 431 acres for the construction of Building A. Keep the trees that are not within the Lot 1 and those that effectively screen the building from public view.
- 14) The viewsheds of Building A from Hurrelbrink Road, 99th Street, Leavenworth Road and 91st Street shall be preserved. The existing tree mass that is illustrated on sheets L1.91, L1.92 and L1.93 will screen Building A and future phases from the public view, however staff has concerns that the plantings are not dense enough where there is not an existing tree mass, specifically Alignment #3 taken from 99th Street.

Each successive phase requires its own sight line study to ensure that the development is fully screened from public view.

- 15) Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.

A mitigation measure that has been proposed and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four (4) foot open fence in the front yard, so a variance is required

- 16) BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (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.
- 17) All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen.
- 18) Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.
- 19) All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.
- 20) Shall comply with the sign ordinance.
- 21) Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.

A mitigation measure that has been proposed and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The

screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four (4) foot open fence in the front yard, so a variance is required if the proposed fence is taller than four (4) feet or is solid or opaque.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #3226 and Master Plan Amendment #MP-2020-5, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
GeoSpatial Services Department Comments
Prairie Delaware Piper Master Plan Development Policies and Guidelines for Area 1
Sidewalk and Trails Master Plan Trail Cross-Sections
Applicant Response Letter
Neighborhood Meeting Minutes dated June 22, 2020
Neighborhood Meeting Minutes dated June 29, 2020
Preliminary Plat
Site Plan
Grading Plan
Photometric Plan
Landscape Plan
Building Elevations
Site Photography provided by Staff Dated June 17, 2020
Letters of Opposition
Letter in Support from Greg Kindle

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	July 13, 2020	July 30, 2020
Rezoning	Approval	
Public Hearing	July 13, 2020	TBD
Preliminary Plat	Approval	
Public Hearing	July 13, 2020	July 30, 2020
Master Plan Amendment	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Master Plan Amendment #MP-2020-5, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Master Plan Amendment #MP-2020-5, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned:

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition #3226 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3226 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

Hearing starts at 1:38:55:

MASTER PLAN AMENDMENT #MP-2020-5 – SHAUN COFER WITH SCANNELL PROPERTIES #436, LLC. – SYNOPSIS: Master Plan Amendment from Entertainment to Business Park at 9700 Leavenworth Road.

CHANGE OF ZONE APPLICATION #3226 – SHAUN COFER WITH SCANNELL PROPERTIES #436, LLC. – SYNOPSIS: Change of Zone from A-G Agriculture and CP-2 Planned General Business Districts to C-1 Limited Business and M-2 General Industrial Districts for a business park and neighborhood retail center at 9700 Leavenworth Road.

WOODLANDS REDEVELOPMENT PLAT – SYNOPSIS: Preliminary Plat for one (1) commercial and six (6) industrial lots at 9700 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Scannell Properties #436, LLC applied for a change of zone request from A-G Agriculture and CP-2 Planned General Business District to CP-1 Limited Business and MP-2 Planned General Industrial District, preliminary plat seven (7) lots and amended the Prairie Delaware Piper Master Plan from Entertainment to Business Park to build five (5) industrial buildings for warehousing, distribution and manufacturing totaling 3,148,613 square feet and 51,00 square feet of commercial retail on 431.75 acres at 9700 Leavenworth Road.

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

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

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he spoke with Commissioner Kane briefly about this application today. Commissioner Mohler stated that he spoke with Commissioner Bynum briefly about this application today.

Present in Support:

- Seth Reece, Olsson Associates, Engineer, Surveyor and Landscape Architect
- Kenneth McBride, 9429 Leavenworth Road, Kansas City, Kansas
- Jeff Miles, 3300 North 99th Street, Kansas City, Kansas
- Joe Barnes, 9828 Hurrelbrink Road, Kansas City, Kansas
- Dan Poolman, 9822 Hurrelbrink Road, Kansas City, Kansas

- Joe Vaught, 9231 Leavenworth Road, Kansas City, Kansas
- Taylor Aycock, 3500 North 99th Street, Kansas City, Kansas
- Shaun Coffey, applicant
- Recording Secretary Parker read a letter into the record from Greg Kindle, Director of Wyandotte County Economic Development Council

Present in Opposition:

- Karen Lauber, 3120 North 99th Street, Kansas City, Kansas 66109
- Judy Laster, 3205 North 99th Street, Kansas City, Kansas 66109
- Laurie Torrez, 9828 Donahoo Road, Kansas City, Kansas 66109
- Kate Clark, 4330 North 93rd Lane, Kansas City, Kansas 66109
- Jamie Brann, 3124 North 99th Street, Kansas City, Kansas 66109
- Adrian Torrez, 9828 Donahoo Road, Kansas City, Kansas 66109
- Jenny Greer, 11397 Leavenworth Road, Kansas City, Kansas 66109
- Christy Soptic, 3816 North 99th Street, Kansas City, Kansas 66109

Staff Recommendation starts at 3:28:35: Planning Director Hand stated that the staff views the Change of Zone, Master Plan Amendment and Plat as a significant change and stands by its recommendation of approval with all the conditions. The conditions focus primarily on preserving the existing character of the site, which is why the Commission heard a lot about berms, preserving existing tree standards, maintaining ridge lines, etc. to shield the development on the site. If you drive by the Woodlands today, you cannot see the structures on the site and these structures will be further back except for one near the retail center. The staff also focused on the traffic impacts and improvements. He stated that Leavenworth Road was built to handle traffic of this magnitude. Staff highly recommends that the entrance on 99th Street only be used for emergency vehicles and staff realizes that this will necessitate a redesign of internal circulation and movement so all traffic uses the Leavenworth Road entrance/exit. Based on the internal review of the traffic study submitted by the applicant the staff does not see that this would have a major impact on traffic safety. Director Hand showed the Commission the internal road on the screen and where it would be gated. If that gate is lifted up, it becomes another secondary entrance. He further stated that each of the six (6) buildings will require a final development plan review and staff is conditioning a sight line plan be submitted just as it has been for this application and an updated traffic analysis, which will specifically address the primary entrance on Leavenworth Road, 99th and Leavenworth Road and Leavenworth and 103rd Street (where there are some current safety issues) and the length of 99th Street and Donahoo. He further stated that one of the conditions is that they post “not truck” signs on 99th Street and 99th and Donahoo stating that it is not a truck route which will help with potential I-435 traffic, as well as the closure of the 99th Street entrance mentioned earlier. He stated that the second 99th Street entrance is for the retail node only. That road is currently across from an existing commercial property. Planning Director Hand stated that the first final plan reviewed should include the traffic signal (he showed the Commission where it would be located on the plan) as approved by KDOT. It is important to have this traffic signal in the first plan review to address all future traffic at the site and in preparation for the neighborhood commercial going in. He stated that the staff has requested the dedication of additional right-of-way along Hurrelbrink. The Prairie Delaware Piper Master Plan notes Donahoo Road from Hurrelbrink to K-7 as a parkway/boulevard so

the staff is asking that the developer continue to negotiate that width with the staff. In the interim, the sidewalk/trail along Hurrelbrink can fit into that dedicated right-of-way. The staff is confirming a 12' sidewalk along Leavenworth Road after. Any development will attract other development and when that occurs in the future the sidewalk will be picked up and continued to 91st Street. With the new signal on Leavenworth Road the property owner across the street has asked for additional screening and that is one of the conditions and can be included in the improvement to the roadway. That can be done in the final plan for Building A. Director Hand stated that in the Master Plan the proposed commercial node is slated for neighborhood retail and as currently proposed as pad sites and staff will continue to work with the applicant during the plan review and for it to become a true walkable neighborhood center as envisioned by the Master Plan. From there the sidewalk and trails will go to the north on 99th Street and east on Leavenworth Road and connect to Wyandotte Lake Park. The staff also believes that there can be better connectivity from that retail node to the rest of the site to serve the working population. He stated that the applicant talked about roadway improvements on 99th Street. He stated that the staff is not currently asking for improvements on 99th Street except for sidewalks on the developer's property, but as development occurs and with future traffic analyze, staff may ask for improvements on 99th Street. Director Hand stated that the staff was recently notified by the Kansas State Historical Office that they had been notified about the old farmhouse and that they are reviewing it for historical significance; that does not have anything to do with this approval, but the staff will keep apprised of their review. The applicant has worked with the staff through this process and the staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 3:40:55:

On motion by Mr. Reasons, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of Master Plan Amendment #MP-2020-5:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	No
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to recommend APPROVAL Passed: 7 to 1

On motion by Mr. Mohler, seconded by Mr. Reasons, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application #3226:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	No
Ernst	Aye
Huey	Aye

Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to recommend APPROVAL Passed: 7 to 1

Subject to:

Planning and Urban Design Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners meeting.

Applicant Response: Acknowledged, this fee will be paid following the Board of Commissioners meeting.

2. As previously mentioned, the Economic Development Department is facilitating between the Parks Department and the developer to build a trail spur that will connect to Wyandotte County Lake Park from Leavenworth Road. A cross-section of Greenway Trail is attached herein.

Applicant Response: The developer and City are working on the specifics on this. Currently the developer would dedicate the land to the City and the City would build the trail.

3. Staff discussed with the applicant about constructing a five (5) foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.

Applicant Response: Acknowledged, the revised plans include a five (5) foot trail within the public right-of-way along the south side of Hurrelbrink Road from 99th Street to the east property line on Hurrelbrink Road.

4. A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).

Applicant Response: Acknowledged, these trails are shown on the plans and will be provided with the proposed development.

5. No truck traffic on North 99th Street is permitted. Coordination with truck drivers to the distribution center is required.

Is the northern most entrance on North 99th Street for employees or emergency vehicles? If the entrance is for KCKFD, the entrance must be

gated, and a NOx box installed for access.

Applicant Response: Acknowledged, as it has been discussed with staff and is noted in the traffic study trucks are not planned to use 99th Street. The north entrance would be for emergency vehicles.

6. The bus stop depicted on the site plan is located between the retail center and the private street leading to North 99th Street. Is this bus stop serving the employee base for the retail center, Building A and all future expansion of the business park?

Applicant Response: The developer is in discussions with the City and the local transit authority to provide a bus stop within the project site. Currently the stop is shown within the retail area, but this could change based on what the transit authority decides. It is the intent and hope that a bus stop will be provided within the development.

7. What tenants are you trying to attract for the neighborhood retail center that will not only serve the employees, but the surrounding residents?

Applicant Response: The neighborhood retail center would serve the surrounding community (residents and employees of the development.) The tenants would be determined by the market, but the thought is the service related tenants would be provided at this location.

8. How many employees will be working during the largest shift in Building A?

- a. How many shifts?
- b. Is there overlapping?
- c. 24 hours, 7 days a week?

Applicant Response: There are four shifts. The two shifts combine/overlap into on main day shift, and likewise one main night shift. The main day/night shifts trips will overlap some, but they technically do not overlap by start/end times. See the chart below for reference. The proposed tenant of Building A would be in operation 24 hours a day.

9. What are the proposed hours of operation for this Building A?

Applicant Response: The proposed tenant of Building A would be in operation 24 hours a day.

10. What phase will the neighborhood retail center begin construction?

Applicant Response: The neighborhood retail center would be developed when retailers decide the area can support their services. This will be determined by the market. We would expect this to occur after the first few phases of the development.

Building Architecture:

1. The neighborhood retail center parking lot has been relocated to the rear; however, the buildings can be moved closer towards the southwest corner of the intersection and redesigned to be a true neighborhood node rather than a linear development along Leavenworth Road to create a walkable, rural town center that can link to the trail network.

Architecturally, the center shall comply with the Commercial Design Guidelines.

Applicant Response: As discussed with City Staff, the existing public right-of-way at the intersection does not allow for the retail buildings along Leavenworth Road to be pushed closer to the intersection. Currently we have provided a pedestrian plaza area closest to the intersection to create a focal point into the development. Pushing the buildings to the street was done per staff request, which we agree with. It creates an architectural wall along Leavenworth Road, which will help enhance the character of the intersection as well as help screen the business park from the public street. The architecture of the retail center will comply with the City's Commercial Design Guidelines. When the retail starts to move forward within the development plans shall be submitted to the City for review and approval to assure all requirements are being met.

Staff Response: At this point in time, the retail area and zoning are placeholders. As the applicant's representative stated, a development plan (preliminary and final) will be submitted. Staff has continually promoted and will continue to push for a more cohesive retail center that is an integrated and walkable with the surrounding neighborhood as well as the office space within Building B for residents and employees alike.

2. A comprehensive Design Criteria Manual shall be submitted to set the standard for design (architectural features, fenestration, building materials and color, etc.), landscaping, screening, on-site amenities, lighting, signage for all future tenants and/or development within the business park and neighborhood retail center.

Applicant Response: A Design Criteria Manual has been provided with the resubmittal for the M-2 zoning area setting the standard for design of the development. The C-1 design criteria will meet the City's requirements and will be provided at the time the retail area is moving forward within this development.

3. Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public for the industrial buildings and internalized for the commercial buildings.

Applicant Response: Acknowledged, these requires will be met within the development.

Staff Response: After meeting with the applicant and representative, the downspouts in the industrial buildings will be internalized.

Landscaping and Screening:

1. In previous conversations, Planning Staff raised the concern of screening the overall development from public view. We encouraged the applicant and developer to preserve as much of the natural topography and vegetation as possible, specifically the 250-foot berm along North 99th Street. The berm does not affect the screening of Building A but cutting 100 feet into the slope of the berm will most definitely affect the visibility of Building B for the residents west on North 99th Street.

Furthermore, we discussed with the applicant, maintaining these natural landforms would not only reduce the visual impact of the distribution center, but reduce the cost of construction additional fencing or installing excessive landscaping.

Applicant Response: The berm as proposed actually provides better screening into the development than the existing berm along 99th Street since the top of the existing berm is pushed further away from the public street. The sight lines into the development were payed close attention to while designing the project. Please refer to the Sight Line Sections on sheets L1.91, L1.92, and L1.93 for specifics of the views into the streets into the development from car/pedestrian level with the resubmittal to help illustrate the views into the proposed development. We have taken careful consideration into the proposed design of the development to help soften and screen the business park from the public view as much as possible. This includes the proposed grading, berming, and landscaping.

2. The Prairie Delaware Piper Master Plan Light Industry/Business Park designation requires landscape buffers, trails and outdoor sitting areas. Additionally, 25% of the site must be maintained as open space.

Applicant Response: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the City Code requires, trails have been provided within the development, outdoor sitting/pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development. See sheet C3.0 for the open space calculations.

3. The site lines (sight alignment) cross sections illustrated on sheets L1.91 and L1.92 must have a site plan that depicts the location of the viewpoint towards the Woodlands property (i.e. an arrow indicating the starting point and direction).

- a. In addition to the sight lines taken from North 99th Street and Leavenworth Road, provide additional cross sections for Hurrelbrink Road and North 91st Street.

Applicant Response: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the City Code requires, trails have been provided within the development, outdoor sitting/pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development.

4. Sec. 27-469(g) Trees are required at not less than one (1) 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. The architectural screen can either be fencing or landscaping.

The site for the proposed industrial zoning is 312.97 acres, including Lot 1 through Lot 6, which requires 1,363 trees, divided into the individual lots based on acreage and exclusive of the street trees and parking lot island trees requirements.

Applicant Response: Acknowledged, these requirements are being met. We are providing more trees than what is required by City Code. The calculations are shown on sheet L1.00.

5. Sec. 27-464(g) Trees are required at not less than one (1) tree per 7,000 square feet of site area. The Commercial Design Guidelines has a 75 percent multiplier, so based on 12.46 acres, 136 trees are required to be planted. This total does not include trees for parking lot islands or street trees along 99th Street and Leavenworth Road.

Applicant Response: Acknowledged, these requirements are being met. We are providing more trees than what is required by City Code. The calculations are shown on sheet L1.00.

6. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6') feet when planted. All shrubs shall be five (5) gallons when planted.

Applicant Response: As has been discussed with City Staff, the development will meet the City's requirements for plant material. The City Code requires two (2) inch caliper shade trees, six (6) feet tall ornamental trees and six (6) feet tall evergreen trees, which will be provided within the development.

7. All landscaping shall be irrigated.

Applicant Response: Landscape beds around buildings will be irrigated, but the areas around the perimeter of the site will be landscaped with native plantings to help conserve water. Irrigation will not be provided in the native areas as has been discussed with staff.

8. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Applicant Response: Acknowledged, the required screening will be provided with the development. Details and notes have been added to the landscape plans.

9. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (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.

Applicant Response: Acknowledged, details have been added to the landscape plans.

10. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen. This should not be seen from all views as noted in Landscaping and Screening Comment #3.

Applicant Response: Acknowledged, details have been added to the landscape plans.

11. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.

Applicant Response: Acknowledged, details have been added to the landscape plans.

12. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as 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 light bulbs shall not be permitted in view of adjacent property or public right-of-way.

Applicant Response: Acknowledged, details have been added to the landscape plans.

13. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.

Applicant Response: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Acknowledged.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None.
- B) Items that are conditions of approval (stipulations):
- 1) Based on the traffic impact study prepared by Olsson and following discussions with UG Public Works and Planning and Urban Design Staff, the traffic study will be revised and refined to match actual traffic conditions with each additional phase of the proposed development. For each phase the traffic study will need to analyze traffic after that phase has been completed and after entire buildout. Further, each traffic study will need to provide a focus on impacts to 99th Street; impacts to the intersections of 103rd and Leavenworth; 99th and Donahoo; 99th and Leavenworth; and the Main Entrance to the Development and Leavenworth Road.
 - 2) UG Public Works strongly recommends a traffic signal installed at the main entrance off Leavenworth Road in lieu of the proposed acceleration lane /right turn lane.
 - 3) "No Trucks" sign shall be installed on Donahoo and 99th Street and all truck traffic shall use Leavenworth road.
 - 4) As future build out occurs, additional public improvements to the public infrastructure may be required. In this regard, the applicant shall continue to coordinate with UG Public Works and Planning and Urban Design Departments on the public street improvements related with the proposed development. Further discussion with staff may be required.
 - 5) With final development plans, if this project includes public street and storm sewer improvements; The public street and storm sewer improvement plans shall meet UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note,

- etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required and shall be reviewed and approved by UG staff prior to construction permit acquisition.
- 6) KDOT review and approval shall be required prior public street improvements on Leavenworth Road / K-5 (Kansas Highway).
 - 7) 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.
 - 8) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

Conditions:

- 1) A \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners meeting.
- 2) In conjunction with Public Works restricting access to 99th Street, redesign the internal circulation and movement so all traffic uses the Leavenworth Road exit. Additionally, the ingress/egress onto 99th Street shall be for emergency vehicle access only, similar to North 69th Street at the Turner Logistics Center.

The redesign shall be hidden behind Building B, gated, and out of sight as to not attract attention as a viable exit for employees.

- 3) Staff will continue to push for a more cohesive retail center that is an integrated and walkable with the surrounding neighborhood as well as the office space within Building B for residents and employees alike. The retail development will comply with the Commercial Design Guidelines.
- 4) A covenant restriction on the final plat (and subsequent iterations) as well as the filed deed shall prohibit manufacturing on site. Only MP-1 Planned Light Industrial and Industrial Park District uses are permitted on the industrial zoned land.
- 5) Coordination with City Staff, KCATA and the Transit Department is required to determine the exact location of the transit stop for the overall development. The bus stop placement shall be finalized before the Final Development Plan is presented to the City Planning Commission.
- 6) Further conversations with the Troy Shaw, County Engineer is necessary, but when the final plat is submitted, additional right-of-way along the south side of Hurrelbrink Road shall be dedicated for the local trail in order to keep the east/west connection to Wyandotte County Lake Park as much

- within trees as possible. Additionally, Hurrelbrink Road is classified as a Parkway in the Major Street Plan, therefore in the future when the road is improved, adequate right-of-way is already dedicated to make those improvements.
- 7) A five (5) foot trail shall be constructed along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.
 - 8) A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).
 - 9) The developer will fund the trail around Bennett Lake and the Parks Department will build and manage the trail system.
 - 10) The Design Criteria Manual shall be adhered to for all future phases of development.
 - 11) Downspouts shall be internalized.
 - 12) Landscaping in the parking lot and around the building shall be irrigated.
 - 13) Do not mass grade the entire 431 acres for the construction of Building A. Keep the trees that are not within the Lot 1 and those that effectively screen the building from public view.
 - 14) The viewsheds of Building A from Hurrelbrink Road, 99th Street, Leavenworth Road and 91st Street shall be preserved. The existing tree mass that is illustrated on sheets L1.91, L1.92 and L1.93 will screen Building A and future phases from the public view, however staff has concerns that the plantings are not dense enough where there is not an existing tree mass, specifically Alignment #3 taken from 99th Street.

Each successive phase requires its own sight line study to ensure that the development is fully screened from public view.

- 15) Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.

A mitigation measure that has been proposed and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four (4) foot open fence in the front yard, so a variance is required

- 16) BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (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.
- 17) All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must

be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen.

- 18) Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.
- 19) All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.
- 20) Shall comply with the sign ordinance.
- 21) Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.

A mitigation measure that has been proposed and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four (4) foot open fence in the front yard, so a variance is required if the proposed fence is taller than four (4) feet or is solid or opaque.

On motion by Mr. Mohler, seconded by Mr. Reasons, the Planning Commission voted as follows to **APPROVE Woodlands Redevelopment Preliminary Plat:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	No
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to APPROVE Passed: 7 to 1

Subject to the above conditions.

Development Policies and Guidelines for Area 2

Intent: These parcels are more suited for lower density development due to factors such as varying slopes, limited but potential flooding, scattered vegetation stand, and soils that may not be conducive to basement, foundations or high-density development.

Land Use Type	Average Square Footage Guidelines	Allowed	Minimum Acreage	Open Space	Amenities	Landscape	Architectural / Building Design Review
Low Density Residential	See Table 7	Yes	None	12%	• Gazebo and lot lot • Trails • Barbecue and picnic areas		No
Suburban Residential	See Table 7	Yes	-	17%	-		Yes, if buildings are less than recommended square footage
Mixed Residential	-	No	-	-	-		-
Small Commercial	5,000-25,000 sf per center	Yes	5-10-Acres	12%	• Landscape buffer • Trail		Yes
Neighborhood Commercial	100,000-150,000 sf per center	Yes	15-35-Acres	20%	• Landscape buffer • Trail • Outdoor sitting area		Yes
Regional Commercial	150,000-40,000 sf per center	No	-	-	-		-
Office	Sites along I-70, I-435, K-7	No	5-10 Acres (10-Acre maximum)	-	• Landscape buffer • Trail • Outdoor sitting area		-
Light Industry/Business Park	Sites along I-70, I-435, K-7	No	-	-	-		-

Table 4

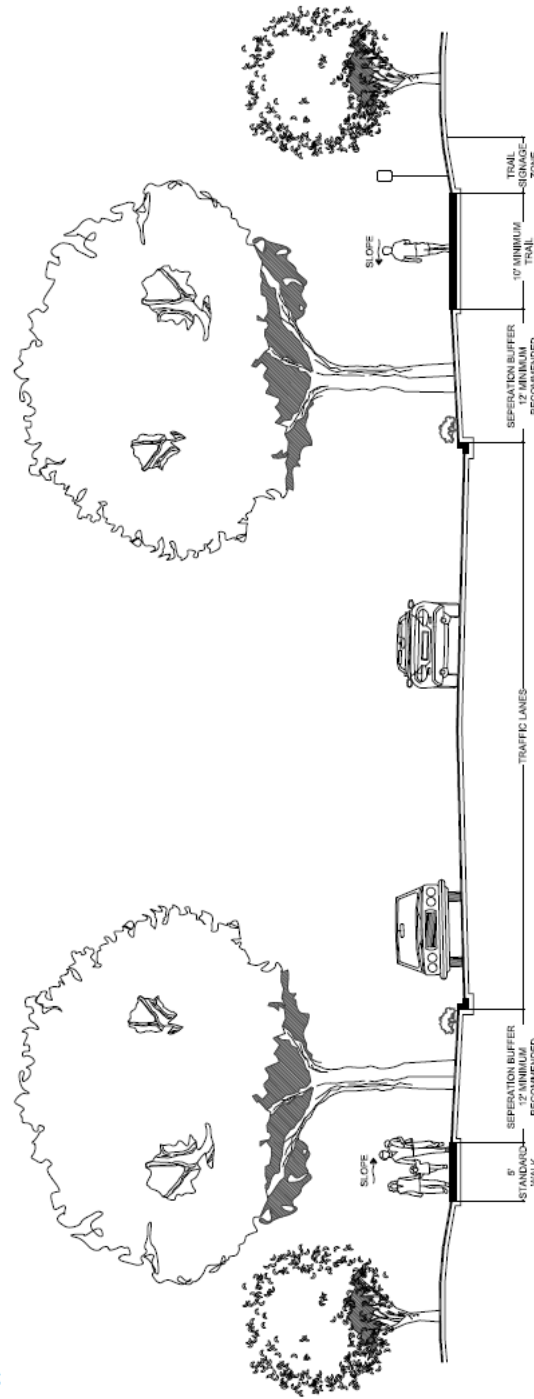
Development Policies and Guidelines for Area 1

Intent: Low development risk factors including minimal slopes, little or no flood capabilities, no significant stands of vegetation, and soils most conducive to development.

Land Use Type	Average Square Footage Guidelines	Allowed	Minimum Acreage	Open Space	Amenities	Landscape	Architectural / Building Design Review
Low Density Residential	See Table 7	Yes	40-Acres: lots clustered lots with open space	10%	See Table 7		No
Suburban Residential	See Table 7	Yes	None	15%	See Table 7		Yes, if buildings are less than recommended square footage
Mixed Residential	See Table 7	Yes	25-Acres	See Mixed Residential Guidelines	See Table 7		Yes
Small Commercial	5,000-25,000 sf per center	Yes	5-10-Acres	10%	• Landscape buffer • Trail		Yes
Neighborhood Commercial	100,000-150,000 sf per center	Yes	15-35-Acres	15%	• Landscape buffer • Trail • Outdoor sitting area		Yes
Regional Commercial	150,000-40,000 sf per center	Yes	20-100-Acres	15%	• Landscape buffer • Trail • Outdoor sitting area		Yes
Office	Sites along I-70, I-435, K-7	Yes	5-25-Acres	20%	• Landscape buffer • Trail • Outdoor sitting area		Yes
Light Industry/Business Park	Sites along I-70, I-435, K-7	Yes	40-Acres	25%	• Landscape buffer • Trail • Outdoor sitting area		Yes

Table 5

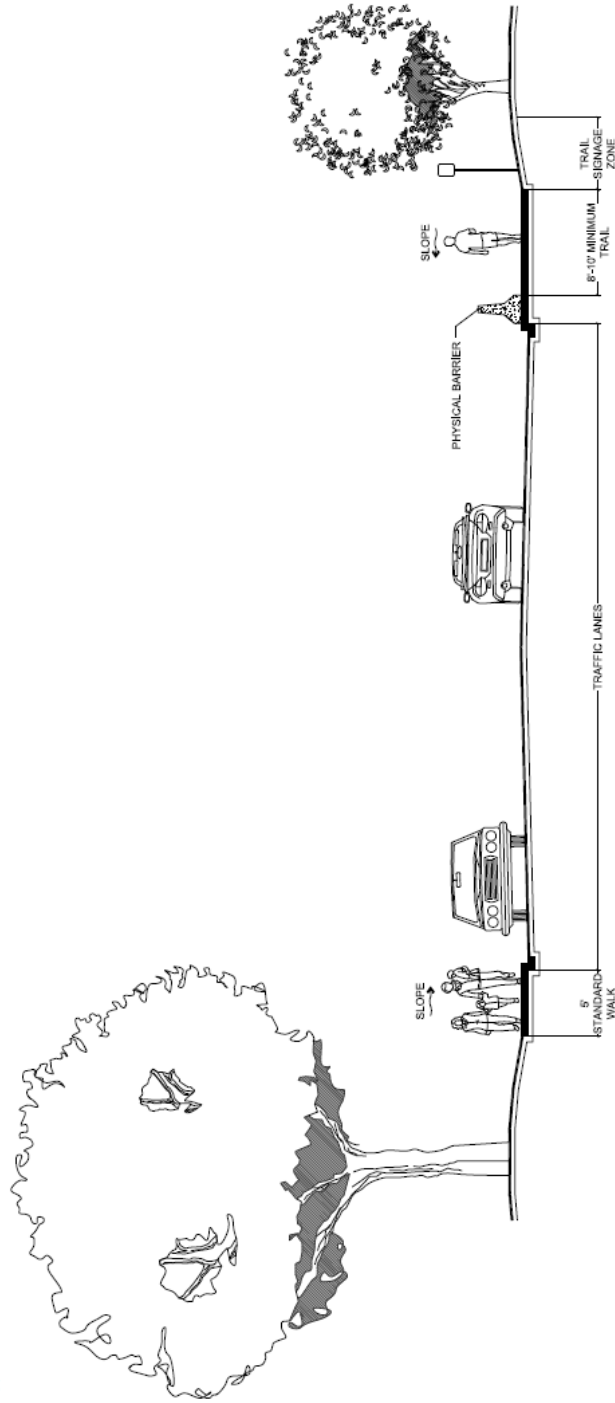
Figure 7.3: Regional Trail
Typical Cross Section



Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.



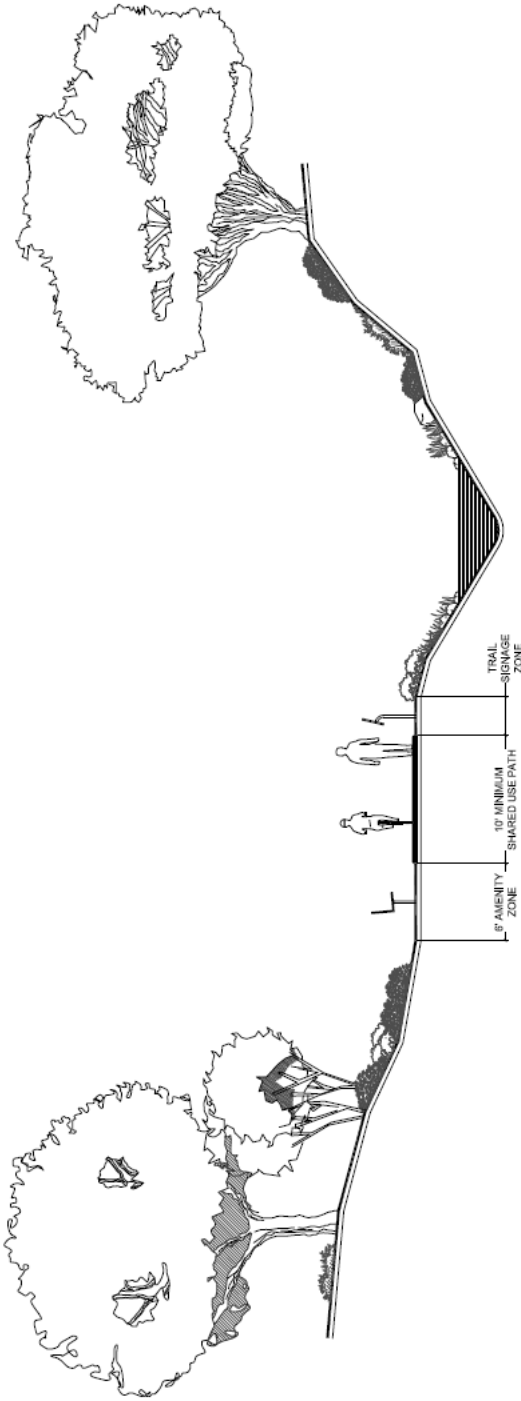
Figure 7.4: Local Trail Adjacent to Existing Road
Typical Cross Section



Local trails provide connections to neighborhoods and local destinations. For the most part, these trails are adjacent to existing roads in developed areas with limited right-of-way. Like regional trails, a width of 10-feet is preferred to accommodate pedestrians and less experienced cyclists. In sections with limited right-of-way, 8-feet may be accepted. A green space buffer is preferred between the roadway and trail, however, where space is limited, a physical barrier or railing should be considered.



Figure 7.5: Greenway Trail
Typical Cross Section



The primary setting for greenway trails is in undeveloped or sparsely populated areas; however, there are opportunities within urbanized areas as well. Greenway trails generally follow streams, providing a unique setting for trails and immersing the user in nature. In Wyandotte County, greenways provide a departure from the rigid grid pattern of streets and offer a more natural recreational setting. Care must be exercised to protect environmentally sensitive areas, yet, trails adjacent to these areas can provide educational opportunities and conservation.





**Urban Planning & Land Use Department,
Unified Government of Wyandotte County
& Kansas City, Kansas**

June 29, 2020

Attn: Byron Toy
701 North 7th Street, Room 423
Kansas City, Kansas 66101

Re: Change of Zone Petition #3226 and Woodlands Redevelopment Preliminary Plat and #MP-2020-5

Dear Planning and Urban Design Staff:

The following are responses to your comments made in your letter to the City Planning Commission sent to us on June 22, 2020 on the project referenced above.

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

1. *Subject to approval, a \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners meeting.*

RESPONSE: Acknowledged, this fee will be paid following the Board of Commissioners meeting.

2. *As previously mentioned, the Economic Development Department is facilitating between the Parks Department and the developer to build a trail spur that will connect to Wyandotte County Lake Park from Leavenworth Road. A cross-section of Greenway Trail is attached herein.*

RESPONSE: The developer and city are working on the specifics on this. Currently the developer would dedicate the land to the city and the city would build the trail.

3. *Staff discussed with the applicant about constructing a five (5) foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.*

RESPONSE: Acknowledged, the revised plans include a 5 foot trail within the public right of way along the south side of Hurrelbrink Road from 99th Street to the east property line on Hurrelbrink Road.

7301 W. 133rd Street / Suite 200 / Overland Park, KS 66213
O 913.381.1170 / olsson.com

4. *A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).*

RESPONSE: Acknowledged, these trails are shown on the plans and will be provided with the proposed development.

5. *No truck traffic on North 99th Street is permitted. Coordination with truck drivers to the distribution center is required.*

Is the northern most entrance on North 99th Street for employees or emergency vehicles? If the entrance is for KCKFD, the entrance must be gated, and a NOx box installed for access.

RESPONSE: Acknowledged, as has been discussed with staff and is noted in the traffic study trucks are not planned to use 99th Street. The north entrance would be for employees and emergency vehicles.

6. *The bus stop depicted on the site plan is located between the retail center and the private street leading to North 99th Street. Is this bus stop serving the employee base for the retail center, Building A and all future expansion of the business park?*

RESPONSE: The developer is in discussions with the city and the local transit authority to provide a bus stop within the project site. Currently the stop is shown within the retail area but this could change based on what the transit authority decides. It is the intent and hope that a bus stop will be provided within the development.

7. *What tenants are you trying to attract for the neighborhood retail center that will not only serve the employees, but the surrounding residents?*

RESPONSE: The neighborhood retail center would serve the surrounding community (residents and employees of the development.) The tenants would be determined by the market but the thought is that service related tenants would be provided at this location.

8. *How many employees will be working during the largest shift in Building A?*

- a. How many shifts?*
- b. Is there overlapping?*
- c. 24 hours, 7 days a week?*

RESPONSE: There are four total shifts. The two day shifts combine/overlap into one main day shift, and likewise into one main night shift. The main day/night shifts trips will overlap some, but they technically don't overlap by start/end times. See the chart below for reference. The proposed tenant of Building A would be in operation 24 hours a day.

Headcount			
Headcount - Day Shift			370
Headcount Night Shift			313
Shift Structure			
		Start	End
Day Shift Inbound		7:00:00 AM	5:30:00 PM
Day Shift Outbound		7:30:00 AM	6:00:00 PM
Night Shift Inbound		6:00:00 PM	4:30:00 AM
Night Shift Outbound		6:30:00 PM	5:00:00 AM

9. *What are the proposed hours of operation for this Building A?*

RESPONSE: The proposed tenant of Building A would be in operation 24 hours a day.

10. *What phase will the neighborhood retail center begin construction?*

RESPONSE: The neighborhood retail center would be developed when retailers decide the area can support their services. This will be determined by the market. We would expect this to occur after the first few phases of the business park.

Building Architecture:

1. *The neighborhood retail center parking lot has been relocated to the rear; however, the buildings can be moved closer towards the southwest corner of the intersection and redesigned to be a true neighborhood node rather than a linear development along Leavenworth Road to create a walkable, rural town center that can link to the trail network.*

Architecturally, the center shall comply with the Commercial Design Guidelines.

RESPONSE: As discussed with city staff, the existing public right of way at the intersection does not allow this for the retail buildings along Leavenworth Road to be pushed closer to the intersection. Currently we have provided a pedestrian plaza area closest to the intersection to create a focal point into the development. Pushing the buildings to the street was done per staff request, which we agree with. It creates a architectural wall along Leavenworth Road, which will help enhance the character of the intersection as well as help screen the business park from the public street. The architecture of the retail center will comply with the city's commercial design guidelines of the city. When the retail starts to move forward within the development plans shall be submitted to the city for review and approval to assure all requirements are being met.

2. *A comprehensive Design Criteria Manual shall be submitted to set the standard for design (architectural features, fenestration, building materials and color, etc.),*

landscaping, screening, on-site amenities, lighting, signage for all future tenants and/or development within the business park and neighborhood retail center.

RESPONSE: A Design Criteria Manual manual has been provided with the resubmittal for the M-2 zoning area setting the standard for design of the development.

The C-1 design criteria will meet the city's requirements and will be provided at the time the retail area is moving forward within the development.

3. *Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public for the industrial buildings and internalized for the commercial buildings.*

RESPONSE: Acknowledged, these requirements will be met within the development.

Landscaping and Screening:

1. *In previous conversations, Planning Staff raised the concern of screening the overall development from public view. We encouraged the applicant and developer to preserve as much of the natural topography and vegetation as possible, specifically the 250 foot berm along North 99th Street. The berm does not affect the screening of Building A, but cutting 100 feet into the slope of the berm will most definitely affect the visibility of Building B for the residents west on North 99th Street.*

Furthermore, we discussed with the applicant, maintaining these natural landforms would not only reduce the visual impact of the distribution center, but reduce the cost of construction additional fencing or installing excessive landscaping.

RESPONSE: The berm as proposed actually provides better screening into the development than the existing berm along 99th Street since the top of the existing berm is pushed further away from the public street. The sight lines into the development were payed close attention to while designing the project. Please refer to the Sight Line Sections on sheets L1.91, L1.92, and L1.93 for specifics of the views into the development. We have also provided additional perspective images from the public streets into the development from car/ pedestrian level with the resubmittal to help illustrate the views into the proposed development. We have taken careful consideration into the proposed design of the development to help soften and screen the business park from the public view as much as possible. This includes the proposed grading, berming, and landscaping.

2. *The Prairie Delaware Piper Master Plan Light Industry/Business Park designation requires landscape buffers, trails and outdoor sitting areas. Additionally, 25% of the site must be maintained as open space.*

RESPONSE: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the city code requires, trails have been provided with the development, outdoor sitting/ pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development. See sheet C3.0 for the open space calculations.

3. *The site lines (sight alignment) cross sections illustrated on sheets L1.91 and L1.92 must have a site plan that depicts the location of the viewpoint towards the Woodlands property (i.e. an arrow indicating the starting point and direction).*
 - a. *In addition to the sight lines taken from North 99th Street and Leavenworth Road, provide additional cross sections for Hurrelbrink Road and North 91st Street.*

RESPONSE: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the city code requires, trails have been provided with the development, outdoor sitting/ pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development.

4. *Sec. 27-469(g) Trees are required at not less than one (1) 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. The architectural screen can either be fencing or landscaping.*

The site for the proposed industrial zoning is 312.97 acres, including Lot 1 through Lot 6, which requires 1,363 trees, divided into the individual lots based on acreage and exclusive of the street trees and parking lot island trees requirements.

RESPONSE: Acknowledged, these requirements are being met. We are providing more trees than what is required by city code. The calculations are shown on sheet L1.00.

5. *Sec. 27-464(g) Trees are required at not less than one (1) tree per 7,000 square feet of site area. The Commercial Design Guidelines has a 75 percent multiplier, so based on 12.46 acres, 136 trees are required to be planted. This total does not include trees for parking lot islands or street trees along 99th Street and Leavenworth Road.*

RESPONSE: Acknowledged, these requirements are being met. The calculations are shown on sheet L1.00.

6. *All overstory trees shall be at least four (4) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6') feet when planted. All shrubs shall be five (5) gallons when planted.*

RESPONSE: As has been discussed with city staff the development will meet the city's requirements for plant material. The city code requires 2" cal. shade trees, 6 feet tall ornamental trees, and 6' ht evergreen trees, which will be provided within the development.

7. *All landscaping shall be irrigated.*

RESPONSE: Landscape beds around buildings will be irrigated, but the areas around the perimeter of the site will be landscaped with native plantings to help conserve water. Irrigation will not be provided in the native areas as has been discussed with staff.

8. *Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.*
- a. *All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.*

RESPONSE: Acknowledged, the required screening will be provided with the development. Details and notes have been added to the landscape plans.

9. *BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (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.*

RESPONSE: Acknowledged, details have been added to the landscape plans.

10. *All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen. This should not be seen from all views as noted in Landscaping and Screening Comment #3.*

RESPONSE: Acknowledged, details have been added to the landscape plans.

11. *Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.*

RESPONSE: Acknowledged, details have been added to the landscape plans.

12. *Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as 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 light bulbs shall not be permitted in view of adjacent property or public right-of-way.*

RESPONSE: Acknowledged.

13. *All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.*

RESPONSE: Acknowledged.

Signage:

1. *Shall comply with the sign ordinance.*

RESPONSE: Acknowledged.

Planning Engineering Comments:

1. *Items that require plan revision or additional documentation before engineering can recommend approval:*

- a. *Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.*

RESPONSE: Acknowledged, plans have been revised and responses provided to the engineering comments we have received for the project.

- b. *The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.*

RESPONSE: Acknowledged, we have checked with the county surveyor and he did not have any comments on the preliminary plat.

- c. *Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.*

RESPONSE: Acknowledged.

2. *Items that are conditions of approval:*

- a. *None.*

RESPONSE: Acknowledged.

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

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a. *None.*

RESPONSE: Acknowledged.

Thank you,

A handwritten signature in black ink, appearing to read "Seth Reece Olsson". The signature is fluid and cursive, with the first name "Seth" being more prominent.

Seth Reece
Olsson



MEETING MINUTES

PROGRESS MEETING

Project Name:	Woodlands Redevelopment
Project Location:	99 th Street & Leavenworth Road, Kansas City, KS
Meeting Location:	Zoom
Date and Time:	06.22.2020
Project #:	020-1274
Attendees:	Seth Reece, Luke Moore, Shaun Coffey

- 1) Sign-In
- 2) Seth Reece asks participants to provide their information for the sign in record.
- 3) Participants begin providing their information to Seth and also tell him that he's breaking up and it's hard to hear him.
- 4) Shaun and some of the participants also have bad connections.
- 5) Seth tries to call in to the meeting using the phone number instead.
- 6) Shaun asks everyone to type their information in the chat box so that a record can be kept for sign in instead.
- 7) Shaun states his name and credentials (Shaun Coffey with Scannell Properties)
- 8) Shaun asks everyone to mute their microphones
- 9) Shaun states the purpose of the meeting
 - a) Redevelopment of the Woodlands property
 - b) Currently in the master planning phase and rezoning
 - c) First PowerPoint – Meeting Agenda:
 - i) Review Existing Woodlands Property
 - ii) Review City Jurisdictional Process for the Project
 - iii) Review Proposed Plan
 - iv) Questions
- 10) Shaun tells participants that they are working with the Unified Government, going through the Army Corp process as well. He is hoping to clear up any misconceptions about the project.
- 11) Shaun introduces Seth, from Olsson.
- 12) The PowerPoint does not load for some time. Shaun decides to go on with the discussion while participants wait for the presentation to load.
- 13) Shaun:
 - a) The second slide is a photo of what the existing building looks like on the property
 - b) There are phases to the project - Multiple buildings – Focus will be on the main building first and rezoning
 - c) Will go through the plan for the project, infrastructure, then will open up to questions
- 14) Presentation slides still delayed and not loading
- 15) Shaun:

Meeting Minutes / 1 of 3



MEETING MINUTES PROGRESS MEETING

- a) Existing property – 99th Street and Leavenworth Road – 384 acres that are part of the Woodland Campus
 - b) In discussions to purchase the remaining grounds - 420 acres total – Purchasing at market rates
 - c) Race track portion is currently zoned agricultural
 - d) City owned ground is currently CP2 which is General Business District
 - e) A couple corner parcels which are zoned CP1 Limited Business District
 - f) A lot of the existing ground is in disrepair for the last 13-14 years. Parking lots are starting to crumble. Clubhouses are starting to fall apart. Grand stand areas are overgrown. There are still maintenance garages on the site that would need a lot of attention.
- 16) Seth switches over to a PDF of the presentation instead of the PowerPoint. Now everyone can see the pages that were being discussed.
- a) Third slide shows the Existing Property image
 - b) Fourth slide shows the current property zoning
 - c) Fifth slide shows photos of the current state of the lots and parking areas
 - d) Sixth slide shows the Jurisdictional Process to Redevelop the Woodlands Property
 - i) Currently Submitted Applications
 - (1) Change of Zoning/Preliminary Plan
 - (2) Master Plan Amendment
 - (3) Preliminary Plat – Each of these applications are scheduled to be heard on the July 13th Planning Commission Meeting & Board of Commissioners on July 30th
 - ii) If these applications are approved a Final Plan and Final Plat will be submitted on July 31st for Phase 1 of the development (Building A)
 - iii) With Phase 1 of the Development a Corp of Engineers permit is required due to wetlands within the infield of the existing dog track.
- 17) Shaun talks through the slides that have loaded:
- a) Proposing C1/C2 Zoning – Mixed retail use in the corner of the property
 - b) Proposing M2 Zoning – Light industrial warehouse distribution facilities
 - c) Selected M2 Zoning – Not looking to build concrete plants
 - d) Why M1 Zoning was not selected - Issues with a lot of distribution buildings – Tenants need 36 foot clear
 - e) Preliminary plat is being completed which will go before the commissioners. If approved, the final plan and plat will be submitted for Phase 1 of the development (Building A)

Meeting Agenda / 2 of 3



MEETING MINUTES PROGRESS MEETING

- f) Not trying to do all the buildings at the same time, this is all part of Phase 1 for the first building.
 - g) With Phase 1, working with the Corp of Engineers for a permit. There is a small wetland in the center of the race track that is primarily due to the fact that the property hasn't been used for years.
- 18) Seventh slide is a photo introduction to the proposed plan for the property
- 19) Participant Question – In the photograph, which of the buildings is Building A?
- a) Shaun tries to answer but the connection makes it hard to understand anyone speaking
- 20) Shaun discusses the access points and buildings, but the connection is broken and the information is unclear. Shaun turns it over to Seth, but his connection is also broken and unclear.
- 21) The eighth slide is shown for information on the Proposed Plan for the property
- a) Using same access points as the current development to serve the project site. (2 on 99th Street and 2 on Leavenworth Road).
 - b) Neighborhood Retail at the Northeast corner of 99th Street and Leavenworth Road.
 - c) Proposing 3 million square feet of warehouse/business park interior to the property. (Buildings A, B, C, D & E).
 - i) Phase 1 will be Building A
 - ii) Plan to preserve existing trees to the East and North of the proposed business park.
- 22) Participants let the hosts know that they cannot understand what is being said.
- 23) Shaun tells the participants that they will be in touch. He lets Seth know that they will just close down the meeting.
- 24) A follow-up, in-person, meeting will be set up. Participants will be contacted with details.



MEETING MINUTES

SECOND NEIGHBORHOOD MEETING

Project Name:	Woodlands Redevelopment	
Project Location:	Northeast Corner of 99 th Street & Leavenworth Road, Kansas City, KS	
Meeting Location:	3150 N. 91st Street, Kansas City, KS 66109	
Date and Time:	06.29.2020	
Developer and Design Team Attendees:	Shaun Coffey, Seth Reece, Luke Moore,	

- 1) Shaun outlines the agenda of the presentation
- 2) Shaun begins presentation:
 - a) Existing Property is 419 acres, includes Woodlands property, and currently working on agreement to purchase 40 acres from UG at the corner of 99th Street and Leavenworth Road
- 3) Current Zoning:
 - a) Racetrack portion is currently zoned agricultural
 - b) City owned ground is currently CP2 & CP1 which are commercial zoning
- 4) Quickly reviewed existing property with pictures
- 5) Submitted plans in May to the city for staff to review
 - a) Re-zoning plans, master plan amendment and preliminary plat
 - b) July 13th planning commission meeting
 - c) Board of Commissioners meeting on the 30th
 - d) Plans for the Phase 1 (Building A) final plan and final plat are in progress and will be submitted to the city on July 31st.
- 6) Shaun addresses rumors about filling in Bennet Lake
 - a) Working with Corp of Engineers to remove wetland in middle of track
 - b) Goal of having Corp permitting process completed by September
- 7) Proposed Plan
 - a) 5 Potential buildings on site with the same access points as current exist on the property(two on 99th Street and two on Leavenworth Road)
 - b) Northeast corner of 99th Street and Leavenworth Road is proposed to be neighborhood commercial/ retail to help serve the community.
- 8) A participant asks what phase the retail will be constructed in?
 - a) Shaun explains that it is too soon to determine what phase the retail will be
 - b) From his perspective, Building A is Phase 1, and could still go this year if everything get's approved.
 - c) Working with a potential client on Building B, and that will follow soon after

Meeting Minutes / 1 of 8

MEETING MINUTES

PROGRESS MEETING

- d) Buildings C, D, & E and the retail are future phases that will occur when demand occurs.
- e) Estimates 2- 5 years to develop the entire project.
- 9) Participant asks question about Building B and the distance from the street
 - a) Shaun explains that there is a proposal for a berm
 - b) Seth confirms that the proposed berm along 99th Street is a 100ft wide berm, and approximately 20ft tall.
- 10) Participant asks, "How tall are your buildings?"
 - a) Shaun replies "Typically they're 36ft clear". Building B is taller.
 - b) Seth mentions the grading on the site has benched the buildings down the slope.
- 11) A different participant expresses her concerns about the companies paying taxes
 - a) Shaun states that he understands, and that they are the looking to be "a good neighbor"
- 12) Participant asks a question about where the service road for construction will run
 - a) Shaun explains that the intent is to have the traffic come in from Leavenworth Rd.
- 13) Participant asks if he is promising that trucks will not use 99th Street.
 - a) Shaun clarifies that it is the intent but cannot make a promise how a truck driver is going to drive.
 - b) We are working with UG to route the traffic to the determined route
- 14) Participant asks about approvals
 - a) Shaun reiterates that UG has not approved yet
 - b) Shaun expresses his appreciation and emphasizes that the meeting is to hear the community's concerns
- 15) Shaun continues presentation
 - a) Talking to city staff about the possibility of donating approximately 96 acres to the city for preservation
 - b) Reiterates the Bennet Lake rumors are false
- 16) Participant asks if there is anyone at the meeting representing UG
 - a) Seth explains that is what the Planning Commission meeting will be for.
 - b) Another participant announces that they are present at the meeting.

- 17) Shaun announces that he will continue and reviews what has been covered in the meeting to this point
 - a) Mentions speaking to the residents across Leavenworth Road about headlights
 - b) Working with city on local transit (potential bus stop improvement on Leavenworth Road or within the development)
- 18) Participant asks about the height of the tallest building (building B). Shaun replies that the building will be 60 plus feet due to specialized tenant but is uncertain if that tenant will be confirmed
- 19) A video was presented of the 3D model of the proposed project showing the views along Leavenworth Road and 99th Street from the public street looking into the proposed project.
- 20) Seth mentions that the neighborhood retail buildings are designed to be up along the public street to create an architectural wall to assist in screening the project.
- 21) Participant asks about sidewalks along 99th Street.
 - a) Shaun clarifies that there will be a sidewalk constructed on the east side of 99th Street, but it was not included in the video. The plans do include the proposed sidewalk.
- 22) Shaun announces that he wants to address a couple of questions that he had overheard.
 - a) Taxes: No current plan to ask for incentives on Building A (1 million sq. ft. taxed at full value) based on assessed value.
- 23) Participant asks about sale of the building
 - a) Shaun reiterates that there are no current tenants
 - b) Participant asks the question about tax abatement
 - c) Shaun explains that as the proposed owner of the property, he would have to apply for those benefits and obtain approvals.
 - d) Participant asks if Shaun will sell property or manage it himself
 - e) Shaun explains that it depends on the tenant and the timeframe.
 - f) Participant asks further questions about tax abatement
 - g) Shaun explains that tax abatement typically must be determined before the property is developed

- 24) Participant asks if Phil Ruffin still owns the property
- a) Shaun states that the property is still owned by Phil Ruffin and that they have an agreement to purchase it if we are able to complete this process
- 25) Participant asks about building operational hours
- a) Buildings are typically operating in 24-hour shifts
 - b) Trucks are staggered in shifts
 - c) Building has 100 dock doors
 - d) This building would be strictly trucks, not currently planned for delivery vans
- 26) Participant asks about the retail development and sightline of Building B
- a) Shaun replies that we are not a retail developer and will not be touching that ground. The existing trees will not be touched with phase 1 of the project.
 - b) Shaun shows on map where Building B will be developed
 - c) Participant shares his concerns with the sound
 - d) Shaun announced that there has not been a sound study on Leavenworth Road at this time
- 27) Participant asks about sidewalks near retail
- a) Shaun reiterates that he is not building the retail buildings, but the sidewalks will be constructed in the areas agreed upon with the city.
- 28) Participant asks about the sale of The Woodlands
- a) Shaun reiterates about the Planning Commission on July 13th
 - b) Participant expresses her concerns about commercial zoning affecting her agriculture
 - c) Shaun explains that her zoning will not change from this application
 - d) Participant asks about her taxes
 - e) Shaun explains that it should raise her property values
 - f) Participants begin to speak at once
 - g) Participant begins to ask about her property value
 - h) Shaun explains that they will be moving improvements in infrastructure in the area.
- 29) Participant asks about construction schedule; if construction would be allowed 24 hours a day.
- a) Seth explains that we must meet the City's ordinance.
- 30) Participant asks about light pollution.

- a) Shaun explains that the project will utilize cut off light fixtures with zero-foot candles at the property line.
- 31) Participant asks about M2 zoning.
 - a) Participant states she will fight unless Shaun buys her property
 - b) Shaun responds that he could not go to M1 because of height restrictions, and trailer parking requirements
 - c) Participant expresses her concerns about the possibility of an oil refinery being built in an M2 zone.
 - d) Shaun assures her that he does not build oil refineries
 - e) A different participant expresses concerns that another tenant might
 - f) Shaun explains that he buys the property, and builds the buildings, and controls what tenants operate in the buildings. Buildings will not be sold until after there is a tenant.
 - g) Participants express their concerns with tenants polluting the environment
- 32) Participant asks if there are potential tenants
 - a) Shaun states that there are prospective tenants, but until a lease is signed, he is not at liberty to reveal the tenants
- 33) Participant asks about property values, and other locations Shaun has built adjacent to residential subdivisions.
 - a) Shaun lists other properties in Greenville, IN, Minneapolis, MN, and GA.
 - b) Participant asks for clarification of locations
 - c) Shaun clarifies that Greenwood is not in Indianapolis proper, but a sub-burb.
 - d) Participant ask for clarification that property values went up
 - e) Shaun confirms
 - f) Participant asks if the properties stayed residential
 - g) Shaun confirms that most all of them are still residential
- 34) Participant asks if any other properties in area will be taken over
 - a) Shaun states that they are not planning on taking over any other property in the area
 - b) Participant asks about the houses located on the Woodlands property and if they would remain.
 - c) Shaun explains that the area is part of the Woodlands property and they would probably be removed with the first phase.
 - d) Participant asks about 99th Street school bus stops. Currently kids get on the bus on the west side of the street.

- e) Shaun reiterates that they are in talks with the City's Engineering office about improvements on 99th Street, which currently includes building a sidewalk on the east side of 99th Street.
- 35) Participant asks about plans for truck stops
 - a) Shaun explains that he does not handle any plans for truck stops and there are no plans for building a truck stop within the Woodlands Redevelopment.
- 36) Participant asks do we know about the open space requirements that city has.
 - a) Seth responds that we do and that we are exceeding the city's minimum requirement for the project.
- 37) Participant is concerned about erosion coming from the site during construction. That when the Woodlands was developed a lot of erosion made it down to Wyandotte Lake.
 - a) Seth commented that the current erosion control requirements are much stricter than when the Woodlands was developed and that we will meet all local and federal requirements for erosion control during construction.
 - b) Seth adds that when the Woodlands was developed filtering the storm system water was not a requirement and the new stormwater requirements require stormwater runoff to be treated before being released.
- 38) Participant asks questions about the sale of individual parcels
 - a) Shaun responds by referring to the map, and explaining how each building is on its own lot
- 39) Participant asks for confirmation for an about the environmental impacts of runoff.
 - a) Shaun responds that as Seth stated earlier stormwater runoff will meet the current standards
- 40) Participant introduces himself as Dustin Robinson from Reece Nichols and asks several questions
 - a) Question 1: Can he take pictures of business cards?
 - b) Response was, "Sure"
 - c) Question 2: Do we know about the city's master plan?
 - d) Shaun responds that is why he hired Seth and the team for the process. We have submitted a master plan amendment.
 - e) Dustin then asks if Shaun is familiar with taxes in Wyandotte County and mentions, "They're not cheap."
 - f) Shaun mentions that he understands

- g) Dustin expresses that he does not want to give him a (tax) break, he wants the (tax) break
- h) Shaun reaffirms that we are not seeking tax breaks for building A.

41) A participant asks about other tax breaks

- a) Dustin inquires what the costs are to install a 1 million sq. ft. building Dustin suggests \$150 - \$160 million
- b) Shaun suggests it is not quite that much, but it's near that
- c) Dustin asks if he is prepared to pay taxes on an asset of that value
- d) Shaun confirms
- e) Dustin expresses that he does not want Shaun to reclaim the building's value at a lesser rate in the future
- f) Shaun mentions that the current Woodlands property is currently valued at approximately \$500,000.
- g) Dustin asks about how many square feet on the rest of the project
- h) Shaun responds with potential approximately 3 million total
- i) Dustin predicts the total project will run around \$50 million
- j) Shaun replies that "we'll see"
- k) Dustin reaffirms his concerns about taxes
- l) Shaun replies that he understands

42) Participants ask if there will be any blasting while removing the buildings.

- a) Shaun responds, No. Typically we do not use blasting for building demolition, and the current buildings are not sturdy enough to require it.

43) Participant asks for a start date on the 99th Street berm.

- a) Seth adds that there is an existing berm on 99th Street.
- b) Participant expresses dissatisfaction with his perceived decision of the city
- c) Shaun replies that he cannot speak to that, but it is why we go through the process

44) Participant asks about safety measures on 99th and Leavenworth so that residents can walk their dogs

- a) Shaun refers to the sidewalks, and all the road safety requirements

45) Participant asks about lift station for wastewater

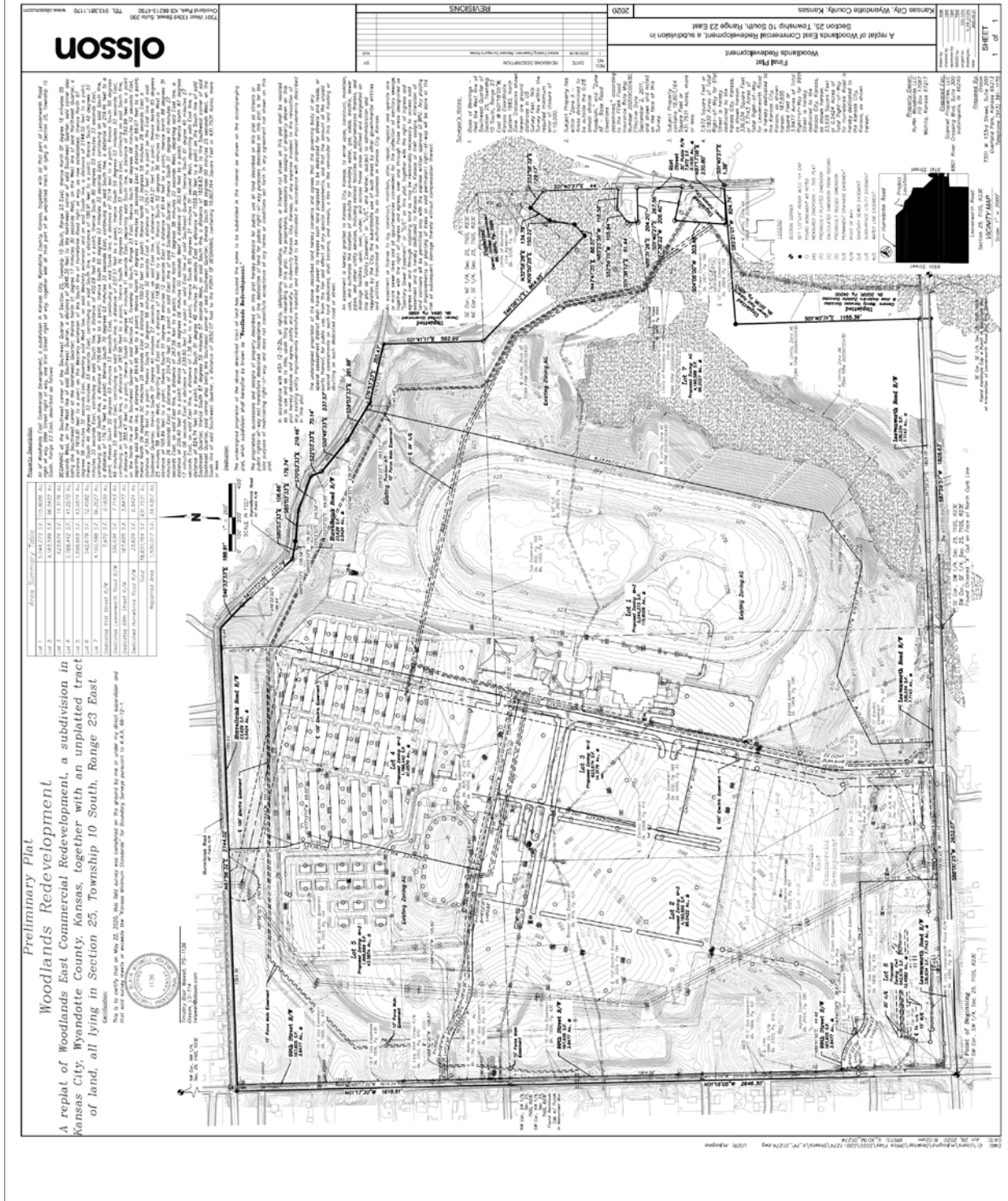
- a) Shaun replies that there is already a lift station in place
- b) Participant asks about the location
- c) Seth responds that it is just down the street

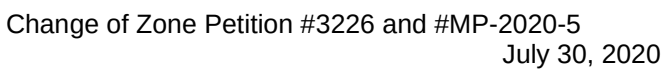


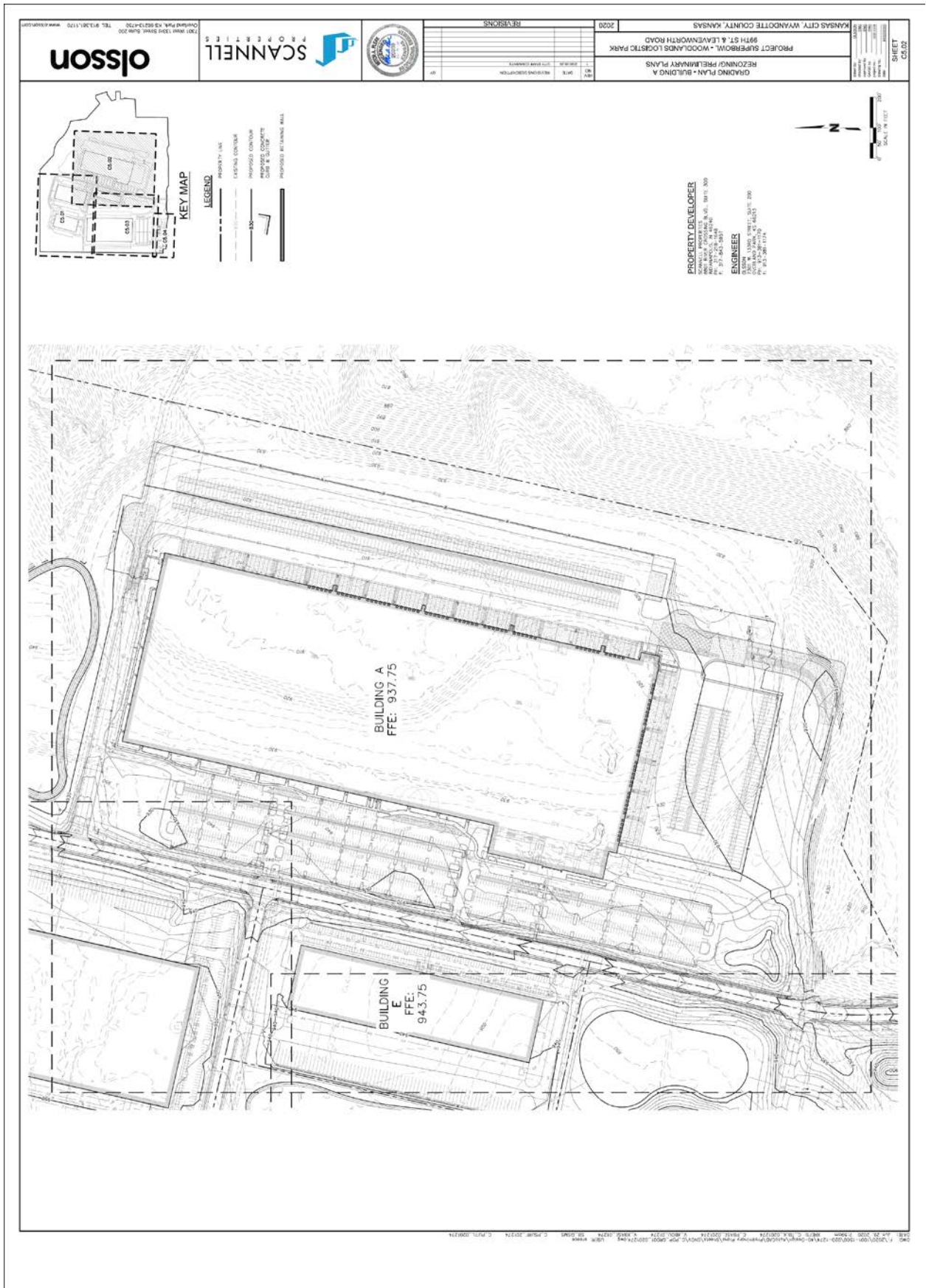
MEETING MINUTES PROGRESS MEETING

- 46) Participant introduces himself, gives brief history, and thanks Shaun for considering Wyandotte County. He lives right across the street from the property.
- 47) Participant gives her background and expresses her support for the complex. (
- 48) Participant gives background of owning two homes, and his son has a third for a combined total of 40 acres. Feels that the community badly needs the taxes generated. Expressed support for the project.
- 49) Participant states she's lived in the neighborhood 42 years. Wants to know if they could be given walking trails.
- a) Shaun responds that there are plans for walking trails in discussion.
 - b) Participant suggest removing retail and adding walking area
 - c) Participant expresses appreciation for adding sidewalks
- 50) Participant expresses her concern about taxes.
- a) Shaun explains that he understands her concerns but cannot answer her questions at this time.
- 51) Participant asks about the height of the current Woodlands buildings
- a) Seth responds that he cannot recall the exact height of the two main buildings on the current Woodlands property but believes that they are at least 60 ft tall, and possible 70 ft in height.
- 52) Participant asks about overhead electrical transmission lines
- a) Shaun states that we are in discussion with Evergy for relocating the transmission lines when and if building B moves forward
- 53) Participant asks if electricity comes from BPU or KCPL
- a) Electrical services for the project comes from BPU
- 54) Participant asks about possibility of solar park
- a) Not to my knowledge
- 55) Shaun thanks the attendees (1:43:56)

Meeting Agenda / 8 of 8

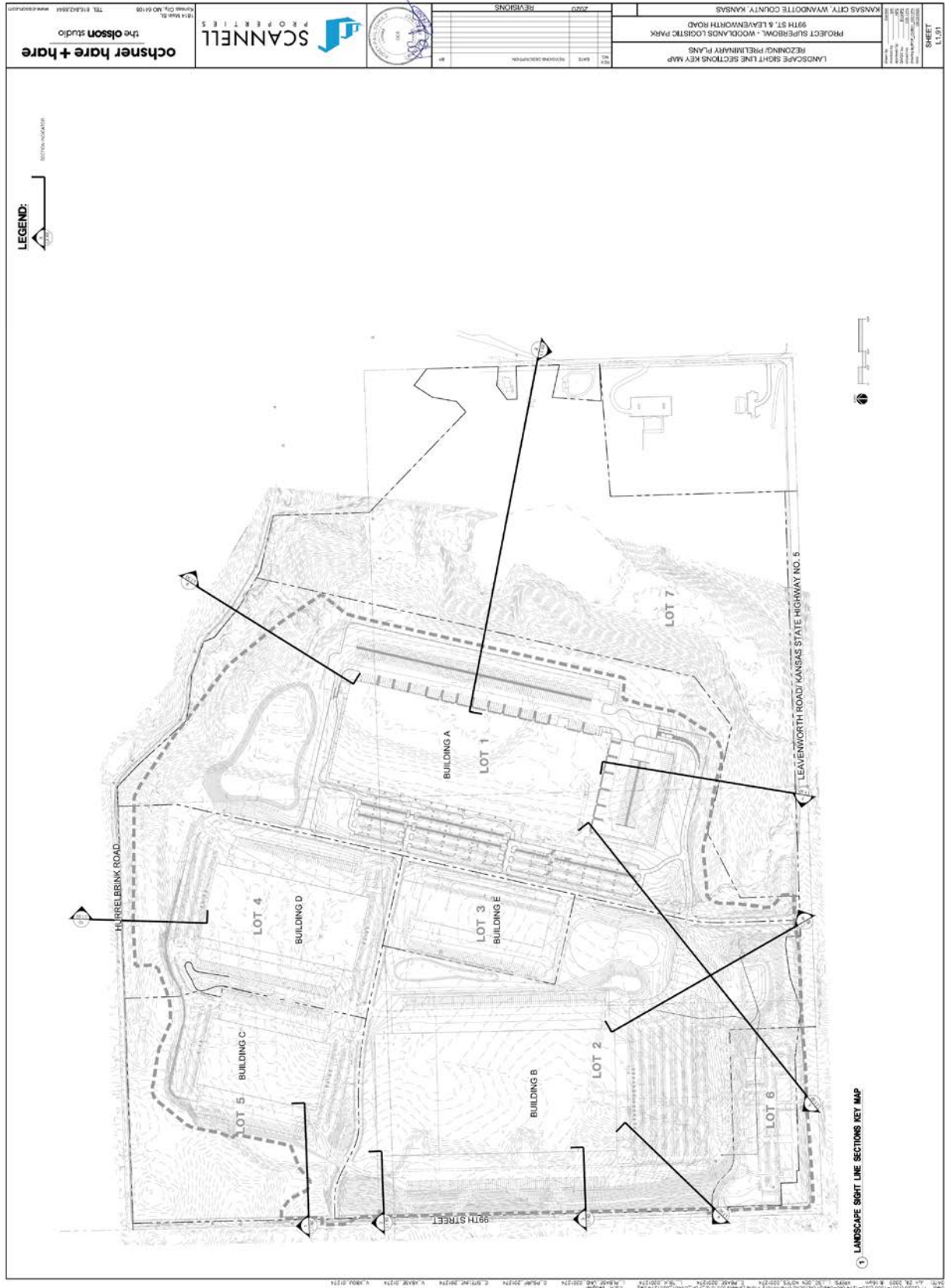


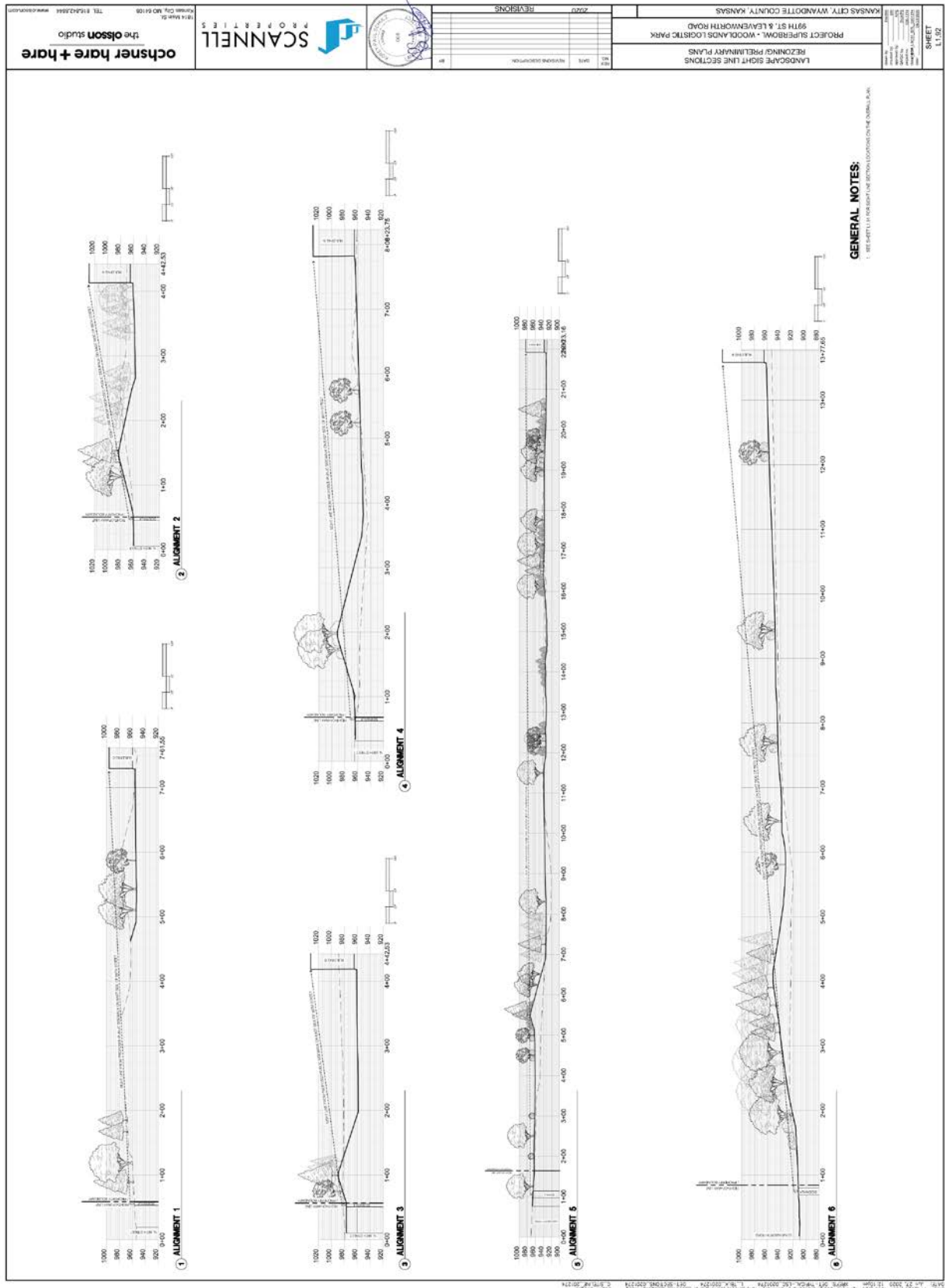


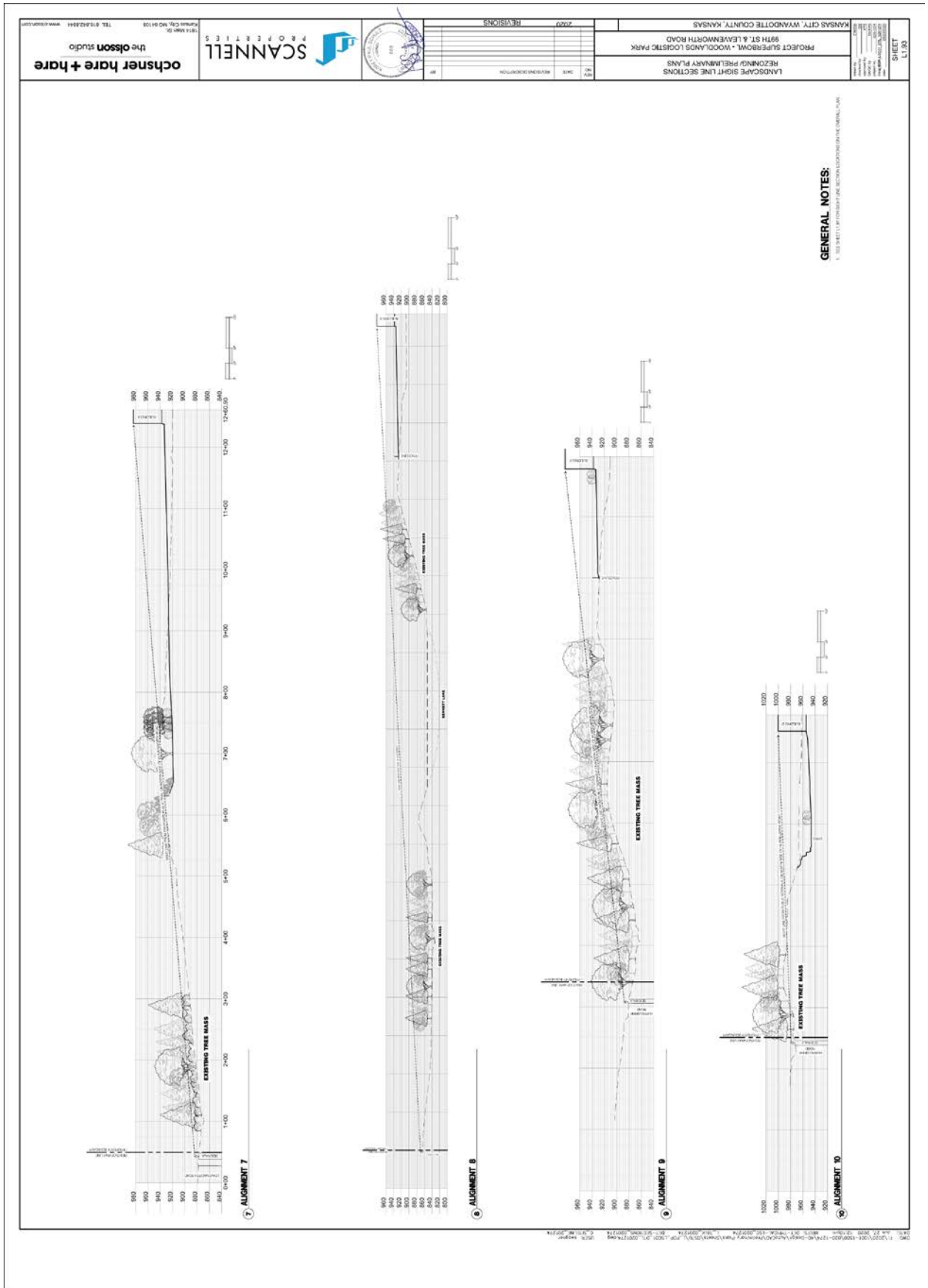


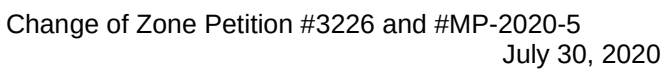


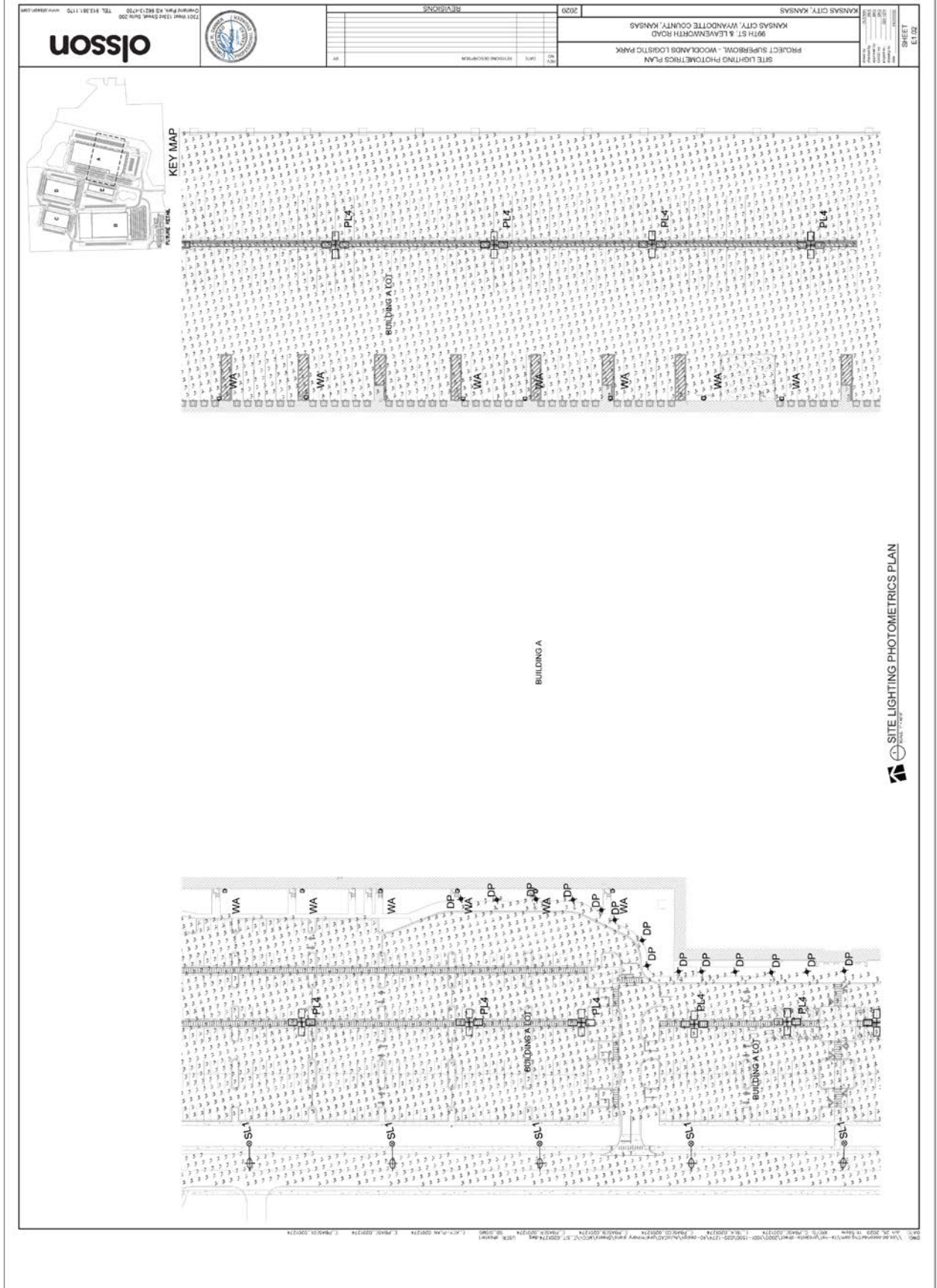


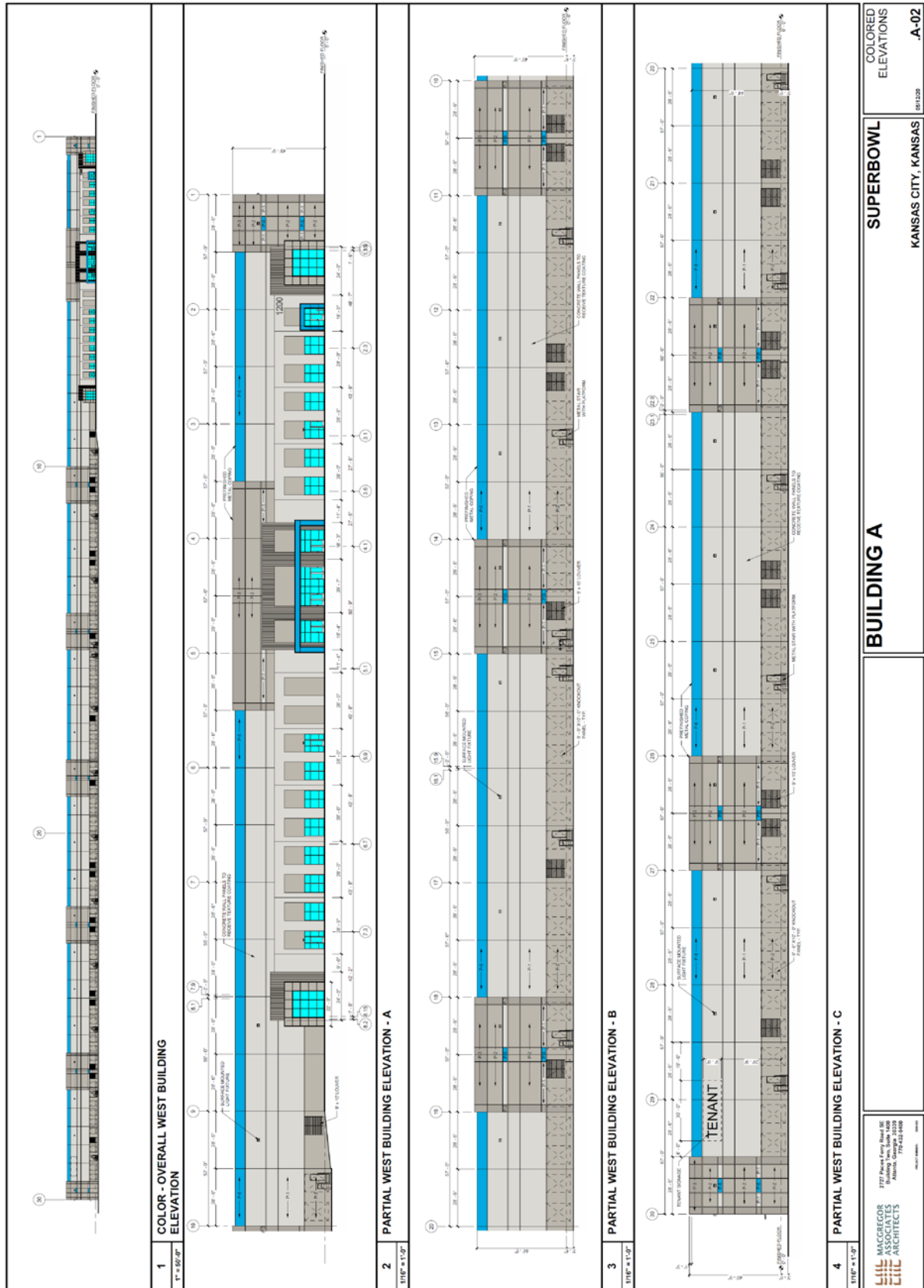


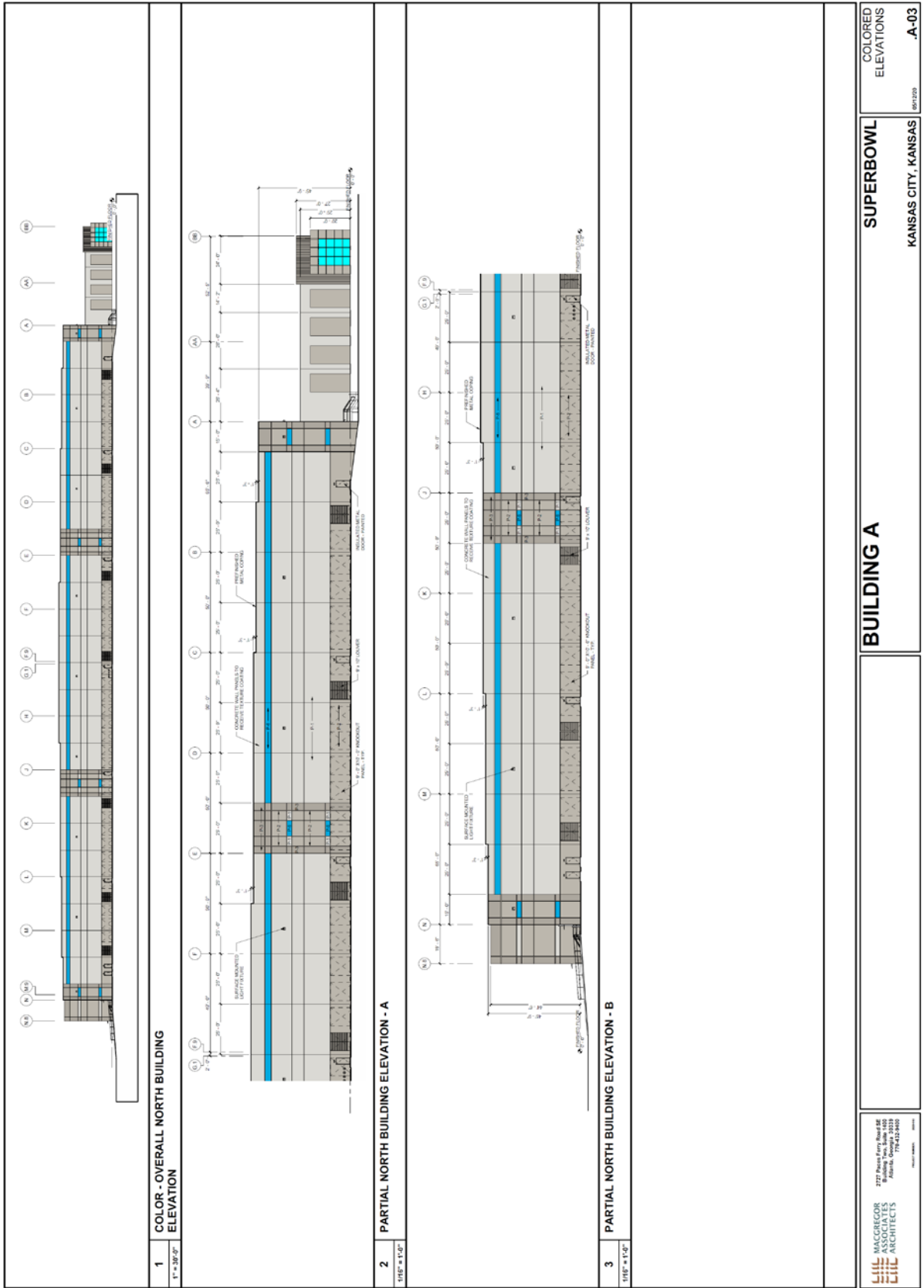


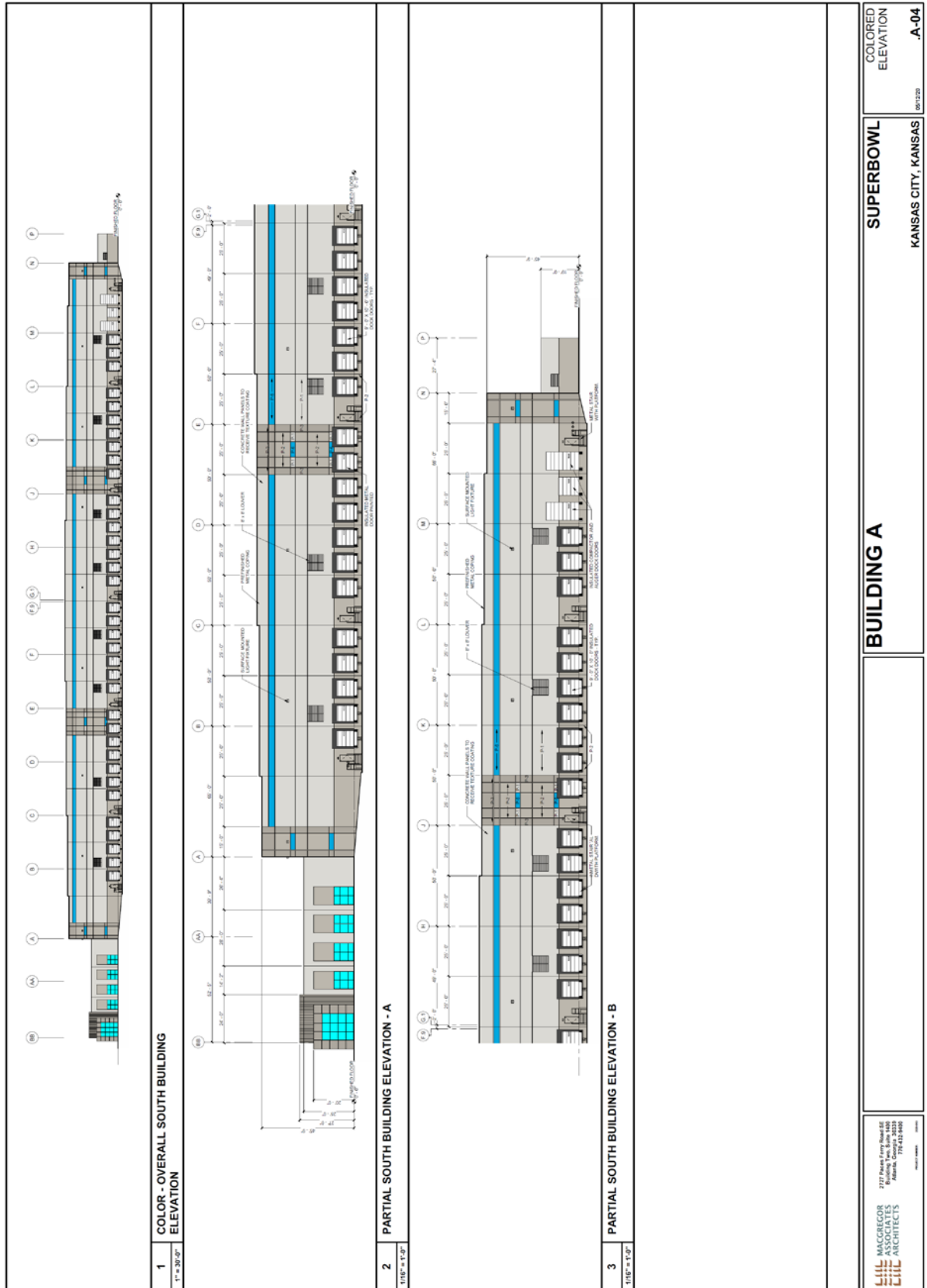












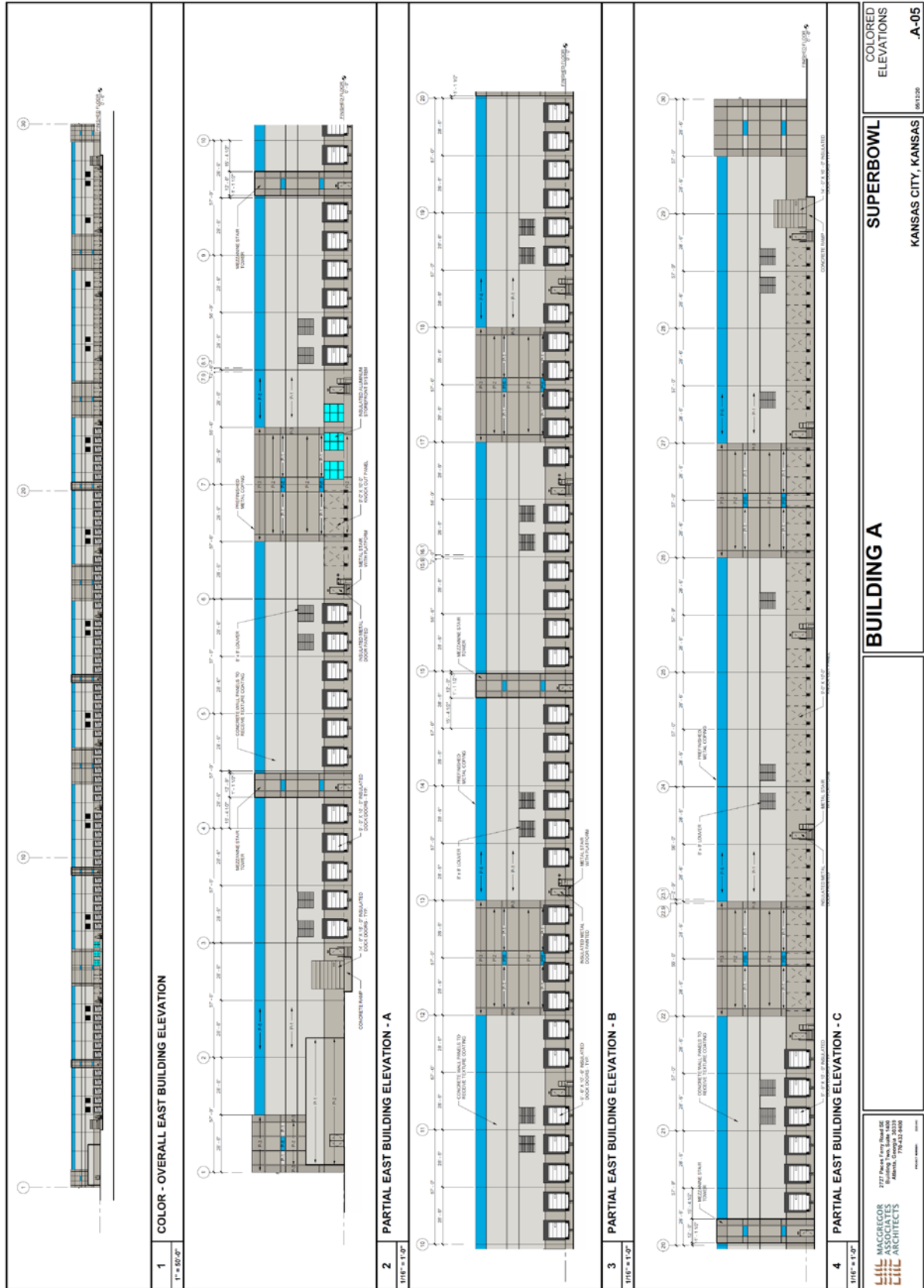




Figure 1. Site Photograph of the main entrance looking north off Leavenworth Road (provided by Planning Staff).



Figure 2. Site Photograph looking northeast on Leavenworth Road (provided by Planning Staff).



Figure 3. Site Photograph looking northeast on North 99th Street (provided by Planning Staff).



Figure 4. Site Photograph looking southeast on North 99th Street (provided by Planning Staff).



Figure 5. Site Photograph of North 99th Street and Donahoo Road looking east towards Hurrelbrink Road (provided by Planning Staff).



Figure 6. Site Photograph of Hurrelbrink Road looking west (provided by Planning Staff).

Toy, Byron

From: Hand, Gunnar
Sent: Wednesday, June 10, 2020 9:23 AM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: Forwarded by Commissioner Kane: Woodlands/Distribution Center

More opposition to Woodlands (see below). I will respond to the question about a public hearing...

Gunnar Hand, AICP
Unified Government of Wyandotte County / Kansas City, Kansas
Director of Urban Planning + Land Use
gband@wycokck.org
913.573.5751



From: Rangel, Lisa <lrangel@wycokck.org>
Sent: Wednesday, June 10, 2020 8:30 AM
To: Hand, Gunnar <gband@wycokck.org>
Cc: Segui, Diana L <dsegui@wycokck.org>; Porter, Alley <aporter@wycokck.org>
Subject: Forwarded by Commissioner Kane: Woodlands/Distribution Center

Good morning Gunnar,

Commissioner Kane asked that I forward the email below from one of his constituents. He wondered if you could help weight in on her thoughts and answer her question regarding a public hearing.

From: Kane, Mike <mkane@wycokck.org>
Sent: Wednesday, June 10, 2020 8:18 AM
To: Rangel, Lisa <lrangel@wycokck.org>
Subject: Fwd: Woodlands/Distribution Center

Sent from my iPhone

Begin forwarded message:

From: Julia Soptic <juliasoptic@gmail.com>
Date: June 9, 2020 at 11:01:04 PM CDT
To: "Kane, Mike" <mkane@wycokck.org>
Subject: Re: Woodlands/Distribution Center

Ok, thank you. I appreciate it.

On Tue, Jun 9, 2020, 6:40 PM Kane, Mike <mkane@wycokck.org> wrote:

I will find out when they have the public hearing. Just so you know I vote the way the District says to. I have around 10 contacts not in favor and 2 in favor

Kane

Sent from my iPhone

On Jun 9, 2020, at 6:14 PM, Julia Soptic <juliasoptic@gmail.com> wrote:

Hello Mr. Kane.

I am a Piper resident and I live at 10100 Georgia.

I am upset because I read on the Next Door App that the Woodlands will be turned into a Warehouse Distribution Center. We never received any notice about rezoning of that land and I do not think this is a good location for this kind of business.

I believe Distribution Centers are Industrial and should be kept in industrial areas. The Woodlands is a recreational area, not industrial. I don't believe in putting a Distribution center in between a residential area and a recreational area is a very good idea. They create pollutants that homeowners shouldn't have to deal with in their homes.

I used to work for Liberty Fruit Company down at 12th and Argentine. This is an industrial area. I worked inside an office, built inside a warehouse. They changed all the filters on a regular maintenance schedule. There was still dust and diesel soot everywhere. There was no way around it. That's the price you pay to work in an industrial area. It took all weekend to clean all the crap out of my sinuses. Homeowners near the Woodlands will never be free of that if the distribution center goes in. Who will be responsible for their health issues related to that?

My family also goes to Wyandotte County Lake. We have walked there, bicycled there, and driven there. We would only be able to drive if the distribution center goes in because it will not be safe bicycling or walking past all the traffic. I see bicycler's go by my house everyday. I don't know for sure where they are going, but I have a good guess.

Why can't they put the Distribution Center where Schlitterbahn was? This is already an industrial area and it would make more sense. They would actually have 2 close HWY entrances instead of 1. I know Schlitterbahn is actually closer to my home than the Woodlands, but it is already an industrial area. We all know WOF refused to purchase it and UGWY will NOT turn it into a much needed public pool. So Schlitterbahn is wasting away just like the Woodlands did.

The Woodlands is located between residential and recreational. It should remain recreational or in some way for families, not big trucks. A decent grocery store over here would be nice. Walmart doesn't carry everything and the area is too congested. Something like Price Chopper and maybe dance studio's and Karate centers.

Anyway, I would like to request a public hearing regarding this matter. I would appreciate it if you would let me know when this meeting will be.

Thank you.

Best Regards,
Julia Soptic

juliasoptic@gmail.com

Toy, Byron

From: Hand, Gunnar
Sent: Thursday, June 25, 2020 11:14 AM
To: Joy Gardiner
Cc: Toy, Byron; Ntonjira, Martin M.; Parker, Janet
Subject: RE: Amazon

Ms. Gardiner,

Again, you should be receiving another notice for a follow-up public meeting this coming Monday, June 29, 2020. That signs say "Business Park" because that is the official land use designation that they are requesting to be changed to as enumerated in the Piper Area Master Plan.

Let me know if you have any additional questions. Thank you,

Gunnar Hand, AICP
Unified Government of Wyandotte County / Kansas City, Kansas
Director of Urban Planning + Land Use
gband@wycokck.org
913.573.5751



Due to mandated furlough days if emails are sent to me on Tuesdays and Wednesdays from June 22, 2020 - July 24, 2020, I will be unable to respond to you.

If you need immediate assistance please call 913-573-5750, otherwise, I will respond to you as quickly as possible upon my return to the office.

From: Joy Gardiner <joyg09@gmail.com>
Sent: Thursday, June 25, 2020 10:51 AM
To: Hand, Gunnar <gband@wycokck.org>
Subject: Re: Amazon

Thank you for your response. I believe that the July 13 meeting needs to be rescheduled because the Zoom meeting held by Olsson on June 22 was stopped by them due to technical difficulties. Almost no information was given to people who signed on due to the difficulties. The public still doesn't have proposed information. Olsson said they would reschedule. Until that meeting happens, the process cannot go forward.

Please reschedule at a later date so that the largest project in Wyandotte County history doesn't get fast tracked leaving the neighborhood in the dark.

With 93% of the land being potentially zoned M2...why do the signs call it a "business park" rather than an "industrial park"? I understand that when Piper was annexed years ago it said no industrial...so it sounds like that needs to be adjusted before it can be called what it actually is. Another step before things move forward!

Your input is appreciated...and welcomed. Has the Corps of Engineers given their OK on the wetlands area yet?

Thank you.

Rebecca Joy Gardiner
9625 Leavenworth Rd, Kansas City, KS 66109
Joyg09@gmail.com
913-579-4898

On Thu, Jun 25, 2020, 10:26 AM Hand, Gunnar <ghand@wycokck.org> wrote:

Ms. Gardiner,

Thank you for your comments. We are currently reviewing this application at the old Woodlands racetrack site, including its traffic study before this Department makes a recommendation to the City Planning Commission on July 13, 2020. If you have any additional questions, please let me know. Thank you for your time and interest,

Gunnar Hand, AICP

Unified Government of Wyandotte County / Kansas City, Kansas

Director of Urban Planning + Land Use

gband@wycokck.org

913.573.5751



Due to mandated furlough days if emails are sent to me on Tuesdays and Wednesdays from June 22, 2020 - July 24, 2020, I will be unable to respond to you.

If you need immediate assistance please call 913-573-5750, otherwise, I will respond to you as quickly as possible upon my return to the office.

From: Joy Gardiner <joyg09@gmail.com>
Sent: Tuesday, June 23, 2020 1:55 PM
To: Hand, Gunnar <gband@wycokck.org>
Subject: Amazon

The Zoom meeting last night was a bust. I do not see it rehappening within the peramiters timeline before city meeting. I truly hope the city Zoom meeting is tested before the real public meeting!

How can the city allow another Amazon huge center in a residential area and beside wyco lake? If you research and read about their many other centers around the country, property values go down, environmental issues arise, employee problems, light and sound issues, traffic issues, probable lake and wildlife pollution are just a few problems that likely can arise!

I forwarded a link to you about some of their other sites. Wyco has many other locations that would be much better suited than in our residential area on Leavenworth Rd. Has any traffic study been done or have traffic studies from other Centers been researched? You need to consider the residents and homeowners of this area not just the \$ for the city!

We count on our govt to do its job with heart and consideration of of its constiutents. Prove me right.

Thank you for your consideration.

Rebecca Joy Gardiner

9625 Leavenworth Rd, Kansas City, KS 66109

Joyg09@gmail.com

913-579-4898

Brian Donahue
US Army Corps of Engineers
Kansas City District

Mr. Donahue,

I'm writing in regards to the public notice NWK-2020-348. I object to the proposed destruction of the 2.34 acres of emergent wetland with the 1 million square foot commercial warehouse facility, parking lots, roads and truck/trailer loading facilities to be built by Scannell Properties. I do not want to see Wyandotte County Lake further polluted. I do not want to see this development fast tracked, and short sighted.

I have a few questions on the destruction of the 2.34 acres of emergent wetland.

1. What effect will the demolition of the emergent wetlands and the building of a 1 million sq. ft. warehouse have on Wyandotte County Lake? Wyandotte County Lake is already listed in the Kansas 2020 TMDL ranking as "High priority".

2. Why are emergent wetlands protected?

3. How did this emergent wetland form, is there a spring under or beside the wetland?

4. What type of emergent wetland is this?

5. What contaminants (hazardous chemicals, salt, animal feces from the Woodlands Racetrack) if any, are in this emergent wetland (soil and water)?

6. Are there hazardous chemicals or contaminants from the surrounding decaying building runoff in the wetlands, but not limited to asbestos, lead paint, and oil?

7. How is Scannell or the developer going to excavate or clear the emergent wetlands?

8. Where is Scannell going to deposit the emergent wetlands material?

9. What fill quantity and type of fill will be used if any, or will it be free to flow down the watershed to be deposited in Wyandotte County Lake?

10. What adverse impacts will the destruction of the 2.234 acres have on aquatic resources, the ecosystem or other public interest factors?

11. How deep is the 2.234 acres of emergent wetland?

12. How many gallons of water does the 2.234 acres hold?

13. What are the results of the soil analysis of the 2.234 acres?

14. Will the flow rate increase to Wyandotte County Lake with the destruction of the wetlands and the building of a 1 plus million sq. ft. building? If so, what damage or corrosive factors will it cause to Marshall Creek, Bennett Lake and Wyandotte County Lake? How much will the flow rate increase?

15. How much silt and sludge will drain into Wyandotte County Lake from the construction and replacement of non-permeable buildings and parking lots when the runoff has no land to absorb the excess water?

16. Is Scannell Properties, the development company and the Amazon warehouse ready to absorb the financial burden to pay for any damages, but not limited to silt build up, flooding caused by runoff, chemical pollution caused to Wyandotte County Lake?

17. Wyandotte County Lake, in retrospect it is an important aspect in the watershed that could be environmentally impacted by the runoff. There is not one mention of adverse impacts

this could have on Wyandotte County Park in NWK-2020-348. Wyandotte County Lake was built with WPA funds during the depression. Wyandotte County Lake and Park is 1500 acres of wooded area, a 400 acre lake with marina, kids' fishing pond, a large playground, boat rentals, concessions, bridle trail, off-leash dog area, archery range, F.L. Schlagle Library and Environmental Center and bike trails. Many Bald Eagles frequent this lake and I would hate for any contaminants to infiltrate and harm the Eagles.

18. Can sediment-laden runoff cause an increase in turbidity and a decrease in oxygen in receiving waters, which in turn results in loss of in-stream habitat for fish and other aquatic species?

19. Can sediment kill fish, destroy spawning beds, suffocate fish eggs and bottom dwelling organisms, and block sunlight resulting in reduced growth of beneficial aquatic grasses?

20. The Kansas 2020 303(d) TMDL list of all impaired & potentially impaired waters in the State of Kansas lists Wyandotte County Lake the highest priority of impairment that exists. The impairment cause is Eutrophication. Eutrophication is caused by excessive richness of nutrients in a lake or other body of water, frequently due to runoff from the land, which causes a dense growth of plant life and death of animal life from lack of oxygen. The impaired use is to aquatic life. "(TMDL) is a regulatory term in the U.S. Clean Water Act, describing a plan for restoring impaired waters that identifies the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards".

The 2006 TMDL of Wyandotte County Lake was listed as a "high priority for implementation". The Woodlands was a concern for contaminate runoff. The report states "The storm water runoff from the facility and the parking lot is of concern to this TMDL since the runoff may contain high levels of sediment and nutrients. The runoff from the Racetrack flows into Bennet Lake located half a mile from the Wyandotte County Lake. Discharge and overflow from the Bennet Lake enter into the streams that flow into the south tip of the Wyandotte County Lake. Soil and water samples around the Racetrack should be tested regularly to determine the degree of contamination from animal waste residues".

21. Where is the soil and water sample tests that the Woodlands performed and what were the results?

The property under current review is not zoned commercial or industrial. A project of this size would better suit an industrial zoned area and not in a neighborhood surrounded by housing and a Lake that already has a "high priority" TMDL ranking from the State of Kansas.

The proposed development will be in a residential neighborhood and will abut houses on the north, south, and west sides, and a venue and Wyandotte County Lake on the east side. One

homeowner located directly to the south of the entrance/exit of the proposed commercial warehouse may have over one thousand tractor trailers and employee vehicles lights shown directly into her house daily. It will be like a strobe like shining on her house when the sun goes down.

The proposed destruction of the 2.34 acres of emergent wetland with placement of a 1 plus million square foot commercial, industrial warehouse facility, parking lots, roads and truck/trailer loading facilities will change the dynamics of the water runoff. Impervious surfaces such as rooftops, parking lots, will cause increased runoff, because the 2.34 acres of wetland that is now absorbing some of the water will be replaced with impervious surfaces that will not absorb water. If there is leftover feces contaminates from the Woodlands Dog and Horse Racetrack that will also be detrimental to Wyandotte County Lake.

With Wyandotte County Lake being listed as “high priority” on the April 28, 2020 TMDL and with not one means of runoff purification for the listed project, I would request the Army Corp of Engineers request an EIS to analyze the environmental impact on Wyandotte County Lake, the neighborhood and community health and environment and the BALD EAGLES at the Lake. Wyandotte County Lake is maxed out with pollution.

I would also request a public meeting in response to the Public Notice NWK-2020-348. There are too many unanswered questions regarding the environmental impact the proposed 1 million plus square foot building will have on our community and especially Wyandotte County Lake and animal inhabitants at the lake, especially the Bald Eagles. The April 28, 2020 TMDL states Wyandotte County Lake is a high priority Lake for contaminates from runoff. There are also questions in regards to the leftover feces and soil and water reports from the Woodlands Racetrack.

Respectfully submitted,

Laurie Torrez
9828 Donahoo Rd.
Kansas City, Ks 66109
913-927-5615
ltorrezltd@yahoo.com



To: Unified Government Planning Commission Public Hearing

From: Greg Kindle, Wyandotte Economic Development Council

Date: July 13, 2020

Subject: The Woodlands Rezoning

My name is Greg Kindle, President of Wyandotte Economic Development Council and a resident of KCK. Planning Commissioners, I am submitting this in support of the rezoning request with stipulations for property at 9700 Leavenworth Road as requested by Scannell Properties.

The current site has not been utilized in nearly 15 years, is in significant disrepair and is not providing a value to the community. In its prime, this commercially zoned site had parking spaces for 5,000 cars for events that lasted well into the late evening hours. The project being proposed may have 3,000 employees over a 24-hour period.

Today, we have an opportunity to revitalize the site with a developer who has a plan that provides value to the community and in our opinion, addresses the primary concerns related to the zoning change.

The site itself sits along Kansas 5 Highway which is a truck route by state standards. The developer has agreed to make improvements tied to stop lights as required by the Kansas Department of Transportation at both 103rd and the main entrance. We do not believe trucks will flow to the east on Leavenworth Road despite being a truck route because there is no efficiency in going that direction.

The developer does require a heavier zoning because of the need for flexibility related to structure height needed to accommodate logistics facilities and time of operations. To offset the heavy zoning, the developer has agreed to covenants on each plat prohibiting manufacturing uses and the developer has planned to lower the overall site within the development so that less of the buildings can be seen. It should be noted that the existing dilapidated buildings are approximately 60 feet tall today.

The developer has agreed to multiple improvements to the site that benefit the surrounding neighbors and the community including:

- Sidewalks along 99th and Leavenworth Road,
- Improvements to Hurrelbrink,
- Actual landscaping along 99th and Leavenworth Road vs. the brush that exists today,
- A better, tall berm along 99th,
- A commitment to give approximately 80 acres of land that includes Bennett Lake to create a community benefit and provide additional buffer to Wyandotte County Lake,
- Land designated on the corner for the creation of a neighborhood retail development and additional buffering, and
- Prohibiting trucks from 99th Street and allowing for only cars to enter from 99th Street.



This kind of logistics development is found adjacent and nearby residential areas here in Wyandotte County and throughout the Kansas City region. Locally, we have seen this recently with the Amazon fulfillment center that backs up to homes along Speaker Road. Like this project, the client agreed to numerous stipulations to meet neighborhood requirements. The result is that all homes along Speaker Road and that touch the Amazon facility have seen increased appraised values since 2018 with the median increase being 19%.

There are homes in the area but there is also commercial land for development along Leavenworth Road on the opposite corner, there are baseball fields with bright lights and the sounds of people cheering, cars coming and going late into the night, and the site is within 1 mile of an interstate on a truck route (K-5).

While there would be a change to the master plan, the reality is the master plan for this area is outdated and does not meet the land use needs of today. Logistics drives our economy currently. Having locations like this that are unproductive and that can conform to the surrounding community while utilizing the infrastructure and assets that already exist makes good sense.

From a purely economic perspective, even if you take out the property and sales taxes generated from this development, we need the logistics industry to keep growing in our region. If the pandemic has proved anything, it's that we need to keep the supply chain operational. We are fortunate to have developers like Scannell who want to invest in our community and be good neighbors. This project site can do what it was designed to do – help move people and goods as quickly and efficiently as possible while complementing the neighborhood with sidewalks, street improvements, landscaping, additional park land and retail development not to mention job creation and new property taxes..

We support this project and urge you to do so as well.

Thank you.



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: July 30, 2020
Re: Petitions #SP-2019-117 and #SP-2019-118

GENERAL INFORMATION

Applicant:
Fred Del Toro

Status of Applicant:
Property Owner
76 South 18th Street
Kansas City, KS 66102

Requested Action:
SP-2019-117: Approval of special use permit to keep a horse on property (3447 N 31st Terr)

SP-2019-118: Approval of special use permit to keep livestock on the property (3456 N 31st Terr)

Date of Application:
October 24, 2019

Purpose:
To keep a horse on the property (3447 N 31st Terr); To keep livestock on property (3456 N 31st Terr)



Property Locations:

3447 North 31st Terrace

3456 North 31st Terrace

Commission Districts:

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

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

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

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

East: R-1(B) Single Family District with Narrow Lot Design; RP-5 Planned Apartment District

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

Existing Uses: North: Apartment Development; Commercial Development

South: Residential Development; Commercial Development

East: Residential Development

West: Applicants personal property; Residential Development; Quindaro Park

Total Tract Size: 1.46 acres (3447 N 31st Terr); 3.09 acres (3456 N 31st Terr)

Master Plan Designation: The City-Wide Master Plan designates the specified locations as Low-Density Residential.

Major Street Plan: The Major Street Plan designates North 31st Terrace as a Local Street.

Advertisement: The Wyandotte Echo – November 14, 2019

Letters to Property Owner – November 13, 2019, January 8, 2020, February 24, 2020, April 23, 2020 and July 27, 2020.

Public Hearings: December 9, 2019, February 10, 2020, April 13, 2020, April 30, 2020 and July 30, 2020.

Public Opposition: Numerous opposition has been made to the requested action. Dr. Steve Collins – Dr. Collins is in opposition to the requested action based on the historical narrative tied to the Quindaro Ruins. Attached are Dr. Collins words of opposition. Additionally, Dr. Collins has submitted a cited paper he wrote in 2007, further detailing the history of the site of the ruins. The area in which the applicant's property is located is designated as historical. Additionally, the site of the Quindaro Ruins has been recognized as an important site both locally and nationally. Dr. Collins believes the development of the applicant's site, in the intended fashion is inappropriate and will infringe upon the integrity of the historical lands. Concerns related to the

keeping of material on site, compliance with code, and access to the historical area itself have been expressed. Dr. Collins has also cited concerns related to run-off that may be associated with the keeping of livestock that has the potential to negatively impact the surrounding community.

A second individual in opposition called in, however there are no further records of who was in opposition or for what reason.

Additional emails for the April 13, 2020 City Planning Commission meeting were submitted and are attached.

There was opposition at the Board of Zoning Appeals and City Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant is seeking the approval of a special use permit for the purpose of keeping a horse on their property at the address of 3447 North 31st Terrace. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 1.46 acres. Similarly, the surrounding properties are residential in nature. Currently no structures exist on the property, however this application has been submitted in conjunction with BOZA 2356, a variance for the purpose of building stables on the property. The applicant is also seeking the approval of a special use permit for the purpose of keeping livestock on their property at the address of 3456 N 31st Terrace. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 3.09 acres. Similarly, the surrounding properties are residential in nature. Currently not structures exist on the property. Additionally, the applicant has stated there are several chickens/roosters in the area.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The surrounding properties are primarily residential in nature.

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

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

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

The removal of restrictions will not detrimentally affect nearby properties.

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

The property has been vacant for an unspecified amount of time and was purchased by the applicant in April of 2018.

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

Special use permits are not addressed in the Master Plan.

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

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

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

The proposed uses are not reasonably necessary for the convenience and welfare of the public. It should not have an effect on nearby properties so long as the operation is conducted in a safe and secure manner.

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

The intended uses should not be the source of such problems.

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

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

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

This is not applicable.

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

The relative gain to public health, safety, and welfare as compared to hardship imposed on the landowners is minimal. Assuming proper security measures are taken, this operation should not cause a public safety threat.

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

The proposed uses will not result in the overcrowding of the land.

PREVIOUS ACTIONS

- Applicant has applied for SP-2019-117 and SP-2019-118 in conjunction with BOZA 2356 (**BOZA #2356 was approved on April 13, 2020.**)
- Was heard on December 9, 2019 and was held over
- Was heard on February 10, 2020 and was held over for 60 days
- Was heard at the April 30, 2020 Unified Government Board of Commissioners meeting and held over for 90 days in order for a swap of property to be pursued with the Landbank. Staff has not received any update.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 25, 2019. There were two individuals in attendance but there were no questions, comments, or concerns. A second meeting was held on February 15, 2020 with those in opposition to answer questions and concerns.

KEY ISSUES

The locations associated with this application fall within the historical environs associated with the Quindaro Ruins. The Quindaro Ruins is a site of historical significance recognized both locally and nationally. There are concerns related to the intended development of this area both in action as well as design.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **DENIAL** of Special Use Permit Application #SP-2020-117, **due to lack of clean-up on the property by the applicant.**

The Planning Commission voted 5 to 4 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-118, subject to:

Urban Planning and Land Use Comments:

1. Please provide pictures of site.

2. What animals do you intend to keep and how many?

Applicant Response: Chickens and possibly a horse, did not think this through in applying for variance for building a stable, but if decided to put a horse then an application will be submitted.

Staff Response: Do you have an idea of how many chickens you intend to keep on the property?

Applicant Response: Haven't really thought of a total number of chickens in the property, it wouldn't be many in my opinion but currently I would be happy to just be able to get livestock (sheep and goats) in there and would be fine in not having chickens. In one of the Public Works Comments it stated:

At the meeting Mr. Del Toro stated that he would like 15 chickens and a total of a combination of 15 goats/sheep. The Planning Commission recommended a total of 15 chickens and a total of a combination of 6 goats/sheep for #SP-2019-118 for the property located at 3456 North 31st Terrace.

" 5. Per Sec. 27-340, Livestock means horses, mules, cattle, sheep, and goats. 6. No swine are permitted"

Staff Responses: You can have up to six chickens before a special use permit is required.

3. Please describe care and maintenance as related to the animals including facilities, security, and land.

Applicant Response: Property has been cleaned out from when originally purchased, lots of debris/trash in the area. Currently there is some lumber that will be disposed of. Future plan would be to place a fence around the property.

NOTE: An enclosure for the horse stable was approved by the Board of Zoning Appeals for the property at 3447 North 31st Terrace, but not a perimeter fence not already allowed by right.

4. Please detail how the property is maintained to accommodate the animals?

Applicant Response: No animals currently on the property, but a horse is placed on the property within an enclosure while a stable is in the works, an application will be submitted.

5. Per Sec. 27-340, Livestock means horses, mules, cattle, sheep, and goats.

Applicant Response: Noted

6. No swine are permitted.

Applicant Response: Noted.

Public Works Comments:

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

Staff Conclusion:

Having reviewed the concerns of the opposition it is the recommendation of staff that SP-2019-117 and SP-2019-118 be approved. In recognizing the historical significance of the Quindaro Ruins it is the belief of staff that the requested actions will have little impact on the site itself or the surrounding area. The applicant has indicated the intended location of the stable and has stated their willingness to move elsewhere within the confines of the property if it is determined that an alternative location would be less impactful on the Quindaro Ruins. Due to the size and form of the structure (120 s.f.) there is little reason to believe that the impact of the requested action will extend beyond the boundaries of the site. The applicant has been made aware that the site must be cleaned of any excess material or trash and has stated they will do so. Related to the keeping of livestock, concern has been expressed related to the size and type of operation. Initially the applicant had stated their desire to keep a single horse and chickens. The applicant has since stated they are open to not keeping chickens as a resolve given that sheep and goats are permitted. The applicant was informed that if they were to have chickens, they can only have up to six before a special use permit is required. The size of the operation is rather small and minimal in impact.

At the February 10, 2020 City Planning Commission meeting this application was held over for another 60 days providing time for further discussion in hopes to find a resolve between the applicant and the opposition. On February 15, 2020 the applicant held a meeting. At the meeting, there were questions as to the acquisition of the land, a point of entry not located on the applicant's property, and supposed crimes that had taken place on the site of the Quindaro Ruins, none of which is germane to the applicants intended actions. Ultimately the applicant and opposition were unable to come to a resolve concerning the applicants desired actions. It was suggested by the applicant that the opposition source out other contacts whom might have greater knowledge as to how the ruins and the point of entry are managed and maintained. Director Rob

Richardson found that the gate of concern at the point of entry to the Quindaro Ruins (not on the applicant's property) was at some point put in place to avoid illegal dumping. It is unclear who built and owns the gate, but the Unified Government and several of the surrounding neighbors possess keys. This applicant does not possess a key. Director Richardson did state, however, that there is difficulty in closing the gate as it closes off access to a public street. It is clear that the concerns pertaining to the gate and management of the Quindaro Ruins site are not a responsibility of the applicant and are unrelated to the applicant's requested actions. The applicant has stated however that they have consistently been in contact with the opposition as to how to find a resolve relating to the access and management of the property and moreover the closing of the gate.

After much conversation with both the applicant and the opposition attempts have been made by all parties to resolve any conflict that has arisen, however unsuccessfully. It is clear that there is much concern and conversation to be had as to the management and access of the Quindaro Ruins and the illicit behavior that continues to take place therein. It has been concluded by staff that the applicant and their intended actions does not infringe upon the protection of the Quindaro Ruins and that much of the concern that has been raised does not relate to the applicant's property specified by this application. Issues of land acquisition, illegal dumping and other illicit behavior, access and management, amongst many other issues pertaining to the site of the Quindaro Ruins are not germane to the intended actions of the applicant. Given that the nature of the special use permit is to be temporary, approval at this time is recommended.

STAFF COMMENTS AND SUGGESTIONS

The staff **does not** agree with the recommendation of the City Planning Commission in its denial of #SP-2019-117. By the Board of Zoning Appeals approving Appeal #2356 and the recommendation for denial by the City Planning Commission of this Special Use Permit, construction of a stable for the horse has been approved, but not the boarding of said horse. Additionally, the reason in the motion is contrary to standard practice where when an applicant enters the entitlement process as a result of rectifying a Notice of Violation, all work ceases. Mr. Del Toro had begun to clean up his site since the original site photographs in this application were submitted, and in response to the City Planning Commission's motion, staff has asked Mr. Del Toro to fully address the Notice of Violation prior to the April 30, 2020 hearing. Staff will visit the property on the day of the hearing to confirm its condition to present as part of the meeting record accordingly.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions #SP-2019-117 and #SP-2019-118 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 13, 2020 City Planning Commission Minutes
February 10, 2020 City Planning Commission Minutes
December 9, 2019 City Planning Commission Minutes
Meeting with Opposition Information – February 15, 2020
Neighborhood Meeting Information
Email from Applicant – Holdover
Letter from Opposition
Pictures
Conservation Comments (SP-2019-117)
Conservation Comments (SP-2019-118)
Aerial photograph displaying where the animal will be kept on the property (SP-2019-117)
Aerial Photograph
Additional Emails in Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 13, 2020	April 30, 2020
Special Use		Held Over
#SP-2019-117	Denial	
#SP-2019-228	Approval	

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

#SP-2019-117:

I move the Unified Government Board of Commissioners **APPROVE** Petitions **#SP-2019-117** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **#SP-2019-117** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

#SP-2019-118:

I move the Unified Government Board of Commissioners **DENY** Petitions **#SP-2019-118** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petitions **#SP-2019-118** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

April 13, 2020 City Planning Commission Minutes:

Hearing Starts at 1:50:02:

SPECIAL USE PERMIT APPLICATION #SP-2019-117 – FRED DEL TORO –

SYNOPSIS: Special Use Permit to keep a horse at 3447 North 31st Terrace.

SPECIAL USE PERMIT APPLICATION #SP-2019-118 – FRED DEL TORO –

SYNOPSIS: Special Use Permit to keep chickens and livestock at 3456 North 31st Terrace

Detailed Outline of Requested Action: The applicant is seeking the approval of a special use permit for the purpose of keeping a horse on their property at the address of 3447 North 31st Terrace. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 1.46 acres. Similarly, the surrounding properties are residential in nature. Currently no structures exist on the property, however this application has been submitted in conjunction with BOZA 2356, a variance for the purpose of building stables on the property. The applicant is also seeking the approval of a special use permit for the purpose of keeping livestock on their property at the address of 3456 N 31st Terrace. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 3.09 acres. Similarly, the surrounding properties are residential in nature. Currently no structures exist on the property. Additionally, the applicant has stated there are several chickens/roosters in the area.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 14, 2019;
7. The Notices to property owners dated November 13, 2019, January 8, 2020 and February 24, 2020; and
8. The testimony at the previous Board of Zoning Appeals meetings including the testimony given earlier this evening at the Board of Zoning Appeals meeting.

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

Recording Secretary Parker stated that these applications were held over from the February 10, 2020 meeting in conjunction with the corresponding Appeal #2356 for the applicant to have a meeting with the stakeholders (people within 200' and people who took former Director Richardson's card and let him know they would like to be included.)

The results of that meeting were included in the staff report and they were further discussed at tonight's Board of Zoning Appeals meeting.

Present in Support:

- Fred Del Toro, applicant

Present in Opposition:

- Recording Secretary Parker stated that she received emails in opposition from the following:
 - Anna Brown
 - Brenda M. Vann
 - Louisa Libby
 - Marvin Robinson II

Planning Director Hand asked the applicant for clarification on how many animals will be on the property. Mr. Del Toro stated a maximum of 15 chicken and a maximum of a combination of 10 goats/sheep, but he would be agreeable to whatever is put on him tonight.

Staff Recommendation Starts At 1:59:16: Planning Director Hand stated that as the comments from the Board of Zoning Appeals meeting were carried over, there is a total of 6 comments in opposition. He further stated that the special use permits would be for two (2) years and would come back for review at the end of that time. The first special use permit would be for one (1) horse (#SP-2019-117), and as per the conversation with Mr. Del Toro with staff today, the second special use permit (#SP-2019-118) would be for a maximum combined of 6 goats and/or sheep.

The Planning Commission directed questions/comments to the staff.

Motion and Vote Starts At 2:03:12:

On motion by Ms. Pauley, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL** of **Special Use Permit Application #SP-2019-117** due to lack of clean-up on the property by the applicant:

Carson	Chairman
Cho	Aye
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	No
Pauley	Aye
Reasons	No

Motion to recommend DENIAL Passed: 6 to 2

On motion by Mr. Reasons, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application #SP-2019-118:**

Carson	Aye
Cho	Aye
Connelly	No
Ernst	No
Huey	Aye
Jones	No
Miller	Aye
Pauley	No
Reasons	Aye

Motion to recommend APPROVAL Passed: 5 to 4
Subject to:

Urban Planning and Land Use Comments:

1. Please provide pictures of site.
2. What animals do you intend to keep and how many?

Applicant Response: Chickens and possibly a horse, did not think this through in applying for variance for building a stable, but if decided to put a horse then an application will be submitted.

Staff Response: Do you have an idea of how many chickens you intend to keep on the property?

Applicant Response: Haven't really thought of a total number of chickens in the property, it wouldn't be many in my opinion but currently I would be happy to just be able to get livestock (sheep and goats) in there and would be fine in not having chickens. In one of the Public Works Comments it stated:

At the meeting Mr. Del Toro stated that he would like 15 chickens and a total of a combination of 15 goats/sheep. The Planning Commission recommended a total of 15 chickens and a total of a combination of 6 goats/sheep for #SP-2019-118 for the property located at 3456 North 31st Terrace.

" 5. Per Sec. 27-340, Livestock means horses, mules, cattle, sheep, and goats. 6. No swine are permitted"

Staff Responses: You can have up to six chickens before a special use permit is required.

3. Please describe care and maintenance as related to the animals including facilities, security, and land.

Applicant Response: Property has been cleaned out from when originally purchased, lots of debris/trash in the area. Currently there is some lumber that will be disposed of. Future plan would be to place a fence around the property.

NOTE: An enclosure for the horse stable was approved by the Board of Zoning Appeals for the property at 3447 North 31st Terrace, but not a perimeter fence not already allowed by right.

4. Please detail how the property is maintained to accommodate the animals?

Applicant Response: No animals currently on the property, but a horse is placed on the property within an enclosure while a stable is in the works, an application will be submitted.

5. Per Sec. 27-340, Livestock means horses, mules, cattle, sheep, and goats.

Applicant Response: Noted

6. No swine are permitted.

Applicant Response: Noted.

Public Works Comments:

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

1) None.

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

1) None.

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

1) None

Staff Conclusion:

Having reviewed the concerns of the opposition it is the recommendation of staff that SP-2019-117 and SP-2019-118 be approved. In recognizing the historical significance of the Quindaro Ruins it is the belief of staff that the requested actions will have little impact on the site itself or the surrounding area. The applicant has indicated the intended location of the stable and has stated their willingness to move elsewhere within the confines of the property if it is determined that an alternative location would be less impactful on the Quindaro Ruins. Due to the size and form of the structure (120 s.f.) there is little reason to believe that the impact of the requested action will extend beyond the boundaries of the site. The applicant has been made aware that the site must be cleaned of any excess material or trash and has stated they will do so. Related to the keeping of livestock, concern has been expressed related to the size and type of operation. Initially the applicant had stated their desire to keep a single horse and chickens. The applicant has since stated they are open to not keeping chickens as a resolve given that sheep and goats are permitted. The applicant was informed that if they were to have chickens, they can only have up to six before a

special use permit is required. The size of the operation is rather small and minimal in impact.

At the February 10, 2020 City Planning Commission meeting this application was held over for another 60 days providing time for further discussion in hopes to find a resolve between the applicant and the opposition. On February 15, 2020 the applicant held a meeting. At the meeting, there were questions as to the acquisition of the land, a point of entry not located on the applicant's property, and supposed crimes that had taken place on the site of the Quindaro Ruins, none of which is germane to the applicants intended actions. Ultimately the applicant and opposition were unable to come to a resolve concerning the applicants desired actions. It was suggested by the applicant that the opposition source out other contacts whom might have greater knowledge as to how the ruins and the point of entry are managed and maintained. Director Rob Richardson found that the gate of concern at the point of entry to the Quindaro Ruins (not on the applicant's property) was at some point put in place to avoid illegal dumping. It is unclear who built and owns the gate, but the Unified Government and several of the surrounding neighbors possess keys. This applicant does not possess a key. Director Richardson did state, however, that there is difficulty in closing the gate as it closes off access to a public street. It is clear that the concerns pertaining to the gate and management of the Quindaro Ruins site are not a responsibility of the applicant and are unrelated to the applicant's requested actions. The applicant has stated however that they have consistently been in contact with the opposition as to how to find a resolve relating to the access and management of the property and moreover the closing of the gate.

After much conversation with both the applicant and the opposition attempts have been made by all parties to resolve any conflict that has arisen, however unsuccessfully. It is clear that there is much concern and conversation to be had as to the management and access of the Quindaro Ruins and the illicit behavior that continues to take place therein. It has been concluded by staff that the applicant and their intended actions does not infringe upon the protection of the Quindaro Ruins and that much of the concern that has been raised does not relate to the applicant's property specified by this application. Issues of land acquisition, illegal dumping and other illicit behavior, access and management, amongst many other issues pertaining to the site of the Quindaro Ruins are not germane to the intended actions of the applicant. Given that the nature of the special use permit is to be temporary, approval at this time is recommended.

February 10, 2020 City Planning Commission Minutes:

Recording Secretary Parker that since Mr. Del Toro's appeal was held over at the Board of Zoning Appeals meeting, action should be taken on SP-2019-117 and 118. Director Richardson stated that he would recommend that these applications be held over until the April 13, 2020 City Planning Commission meeting.

SPECIAL USE PERMIT APPLICATION #SP-2019-117 – FRED DEL TORO –

SYNOPSIS: Special Use Permit to keep a horse at 3447 North 31st Terrace.

SPECIAL USE PERMIT APPLICATION #SP-2019-118 – FRED DEL TORO –

SYNOPSIS: Special Use Permit to keep a horse at 3456 North 31st Terrace.

Detailed Outline of Requested Action: The applicant is seeking the approval of a special use permit for the purpose of keeping a horse on their property at the address of 3447 North 31st Terrace. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 1.46 acres. Similarly, the surrounding properties are residential in nature. Currently no structures exist on the property, however this application has been submitted in conjunction with BOZA 2356, a variance for the purpose of building stables on the property. The applicant is also seeking the approval of a special use permit for the purpose of keeping livestock on their property at the address of 3456 N 31st Terrace. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 3.09 acres. Similarly, the surrounding properties are residential in nature. Currently not structures exist on the property. Additionally, the applicant has stated there are several chickens/roosters in the area.

On motion by Dr. Serda, seconded by Mrs. Jones, the Planning Commission voted as follows to **HOLD OVER #SP-2019-117 and #SP-2019-118** until the April 13, 2020 City Planning Commission meeting in conjunction with the Appeal #2356 heard earlier this evening by the Board of Zoning Appeals:

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

Motion to HOLD OVER Passed: 7 to 0

December 9, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-117 – FRED DEL TORO –

SYNOPSIS: Special Use Permit to keep a horse at 3447 North 31st Terrace.

SPECIAL USE PERMIT APPLICATION #SP-2019-118 – FRED DEL TORO –

SYNOPSIS: Special Use Permit to keep a horse at 3456 North 31st Terrace.

Recording Secretary Parker stated that since the appeal for Mr. Del Toro was held over at the Board of Zoning Appeals meeting this evening the Planning Commission needs to take action on the two special use permits.

On motion Ms. Jones, seconded by Mr. Miller, the Planning Commission voted 5 to 0 to hold over Special Use Permit Application #SP-2019-117 and Special Use Permit Application #SP-2019-118 until the January 13, 2020 meeting.

Arrive at 12:56pm on February 15th, 2020
Location: 3345 Sewell Ave Kansas City, KS 66104 (Quindaro Park)
Signatures attached on email.

A couple of people asked how the land was purchased...Marvin, Doug and Tony.

- Purchased through the public delinquent sales tax

Were you aware that it was protected land? Marvin

- I did not research what type of land it was besides knowing it was vacant and had seen there were other plots of land with livestock and so its why I decided to purchase the land.
- Started going through the application when I received a letter of violation. Stopped cleaning the area until to see what the results of the court hearing was. From last weeks (February 10th meeting) I have started to clean up, contacted Mathew Smith to let him know about the cleanup.

Who gave you the key to the gate? Accie Taylor III (gives tours with the Museum)

- Got it from the city, got in contact with a guy who I believe his name is John.

Why did you keep the gate open? Accie Taylor III and other guys asked

- I was informed by the city to keep it closed and at other times to keep it open. The sheriff who drives in the area instructed me to keep it open and also talked with Mathew Smith and he informed me why it was closed due to dumping but that after it was closed it seemed to increase more dumping in the areas where gates were placed so it is better to keep it open. The gate has been kept open at all times for several months already.

Majority of the meeting that was held was regarding over how the land is protected and should be protected and there is a Qjundaro master plan. I was informed that their ancestors are buried in there. There was mentioning of the following:

- Harriet Tubman
- ATVs/motorcycles
- People throwing parties in the cemetery/area
- There can be more people present on April 13th to be opposed
- Rob Richardson (your boss I believe) does not know what he is talking about
- Race
- Land will be taken away eventually
- It was suggested that I sell or sue the City because I purchased that land that is protected

Meeting was adjourned around 2:10PM on February 15th, 2020. It was agreed to disagree. Initially called to adjourn by Douglas and then second by Marvin and I agreed to call the meeting with no agreement.

I spoke that my intent to meeting them was to come to an agreement as what was suggested by the Council. I suggested to gate off the entrance or getting in contact with the person who owns property and the end of the public road on the west side of the street to get permission to gate it and fencing the entire properties, but the conclusion on those opposed is they want nothing to be done in that area by me and just leave the land as is. They understand it is not me up in the cemetery but the belief is that since the gate is open and since I purchased the land all has been bad in the area. As I was leaving the area were more several cars still showing up and Marvin Robinson II had a sign in sheet himself as well and may have gotten more people to sign.

[Sign In](#)

-913-929-9039

MINUTES

Application Number: BZA-2356 19410-00044; SP-2019-117 19402-00109 and SP-2019-118 19402-00110

Date and Location: November 25th, 2019 at 2601 Ridge Ave Kansas City, KS 66102

Meeting called to order at: 6:00 PM

Names of people in attendance:

- Fred Del Toro
- See sign in sheet (no one showed up for meeting)
 - o Two other people signed the sheet who were hosting a neighborhood meeting as well. Did not know what to show as proof besides inquiring for their signatures.

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked question or gave comment- N/A
- What was the question or comment- N/A
- Who answered the question/comment - N/A
- What was the answer given - N/A

Meeting adjourned at: 6:27 PM

Minutes taken by: Miguel Del Toro

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
COUNTY OF _____) SS:

Comes now Fred Del Toro, of lawful age, sound mind and upon his/her oath states as follows:

BZA.2356 19410-00044
SP-2019-117 19402-00109
SP-2019-118 19402-00110

1. That I am the petitioner for Petition # _____
2. That I conducted a neighborhood meeting on 11/25/19 @ 6:00 PM.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

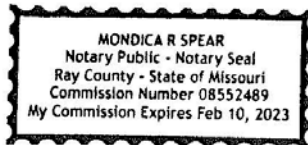
Further affiant saith not.

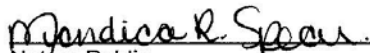


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of November 2019

My commission expires 10th of February 2023





Notary Public



Fred Del Toro <deltoro.fred@gmail.com>

To: Pellegrino, Jacob



1/7/2020

 You replied to this message on 1/13/2020 10:42 AM.

Hi Jacob,

Sorry for the delayed response, I thought I had responded until I saw my drafts. Anyways, the structure size is to be 10 x 10 feet with a shed on the NW corner to be 5 x 4 ft; making it a total of 120 sq. feet. Besides just the drawing I provided at an earlier date, ideally the structure would be located about center of the overall property. If you don't mind waiting, this weekend I may be able to get you the longitude and latitude of where it would exactly be placed if approved.

If the structure needs to be at a certain area within the property, I can accommodate.

Also, do you know if the properties can be fenced in around their respective perimeters? I am curious because I've seen footprints in the area and just wanted to see if that was allowed. Thanks for helping out with this process, I'll add to my calendar to show up on 2/10/2020 instead of this month.

Thanks,
Fred

I'm Dr. Steve Collins, 14126 Leavenworth Road, Basehor Kansas. From 2001-2006 I was project manager for the Federal Save America's Treasures **Matching** Grant, awarded to the African Methodist Episcopal Church, to perform the **first formal stabilization** of the Quindaro ruins.

Among many others, The Quindaro ruins has was designated a **National Commemorative Site**, only the second time an American historic community was given this coveted award.

Quindaro is truly one of America's Treasures, right here in our community.

Consulting the **Northeast Area Master Plan of 2018**, you will find that Quindaro Townsite and immediate surrounding area has been designated an **Historic and**

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institutional Zone. The petitioner's property is found within this zone. The plan promotes preserving NE neighborhood character, which include the Quindaro Townsite historic zone and the petitioner's property. The masterplan has a specific vision of **Sharing** and **capitalizing** on the rich history of the Area. The **John Brown Statue** and the **Quindaro Townsite** are listed **FIRST** Under NE area **community assets**.

The plan notes **Blight** as a central challenge to the Northeast Area. Under **Health** the plan suggests Improving the health outcomes of Northeast Area residents by mitigating environmental health risks. Will the **diseases associated with chicken's (i.e. bacterial infections, predator attraction, bird flu, unpleasant stink, etc.)**, will chicken droppings runoff into Quindaro Creek become an incubator for disease to the neighbors; perhaps suggesting **environmental racism**, in a

neighborhood dominated by people of color? The masterplan states that "*Not enough has been done to preserve and promote the historic legacy of the Quindaro Ruins*. The first criteria for evaluating the twin goals of promoting ***Tourism and Entertainment for NE area*** are, **increased visitor and tourism revenue. Will visitors remember the questionable appearance that currently surrounds the western gateway to the townsite; will the appearance entice others to visit, let alone spend money?**

The National Park Service is holding **Quindaro Stakeholder's meetings** to development the Quindaro Townsite. Among other issues, **that of standards for the surrounding properties to adhere to historic themes are being discussed.**

The undeniable impression one has coming through the Western Gateway today is that of clutter, buildings of varying quality, and **questionable construction and appearance**. Should we move ahead with actions which approve any building, without establishing standards for the Historic Zoning around the Townsite and at its entrances? I assure you that the standard the owner has set is very far from desirable for a nationally important historic area. Your visit to the site will reinforce what I'm saying.

The petition presents another problem.

Someone has built a bridge over Quindaro Creek from the public road (North 31st Street) to the petitioner's property. Was this bridge authorized? The placement of a large post in the middle of Quindaro Creek, supports this bridge.

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The post's placement in the narrow stream **turns just one high velocity flow into two high velocity flows on either side of the post.** The steep creek banks become **more in danger of erosion as a result.** If not already accomplished, a code inspection should occur to determine what damage this bridge may do to the public road and if determined to be a threat, shouldn't it be removed?

The existence of uninviting construction materials in disarray appears on the petitioner's property west of North 31st street; additionally **the appearance of A new framework for a structure (which appears to be of new wood, not yet weathered) exists on the east side.** Is this the second structure on the property. Is this the 'out building' the petitioner requests to build? Has the structure been approved? I don't know the answers to

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these questions, but shouldn't all these issues be taken into consideration before any action is taken to develop the property, or for any new building in the historic zone?

I've already mentioned **the absence of a locked gate at the western entrance at your December meeting**. A long standing president was that this gate was always locked, with access **only after permission was granted by the AME church or the city**.

The gate is not locked at all at the present time. **The nationally significant townsite of Quindaro and all its improvements and cemetery are insecure.**

Based on the above, **recommendations include:**

- 1) denying outright the special use permit at this time,
- 2) investigating the compliance of the property owner to codes that relate to his property including revealing the nature of the building under construction,
- 3) Investigating the health threat of chickens and the erosion threat to the public road due to the building of a bridge over Quindaro Creek and whether it was approved,
- 4) Restore the long-established president of **the Locked gate policy** which means the gate is locked at all times not in use to enter or exit the property, which would include the property owners, maintenance crews, and tours of visitors.

Thank You.











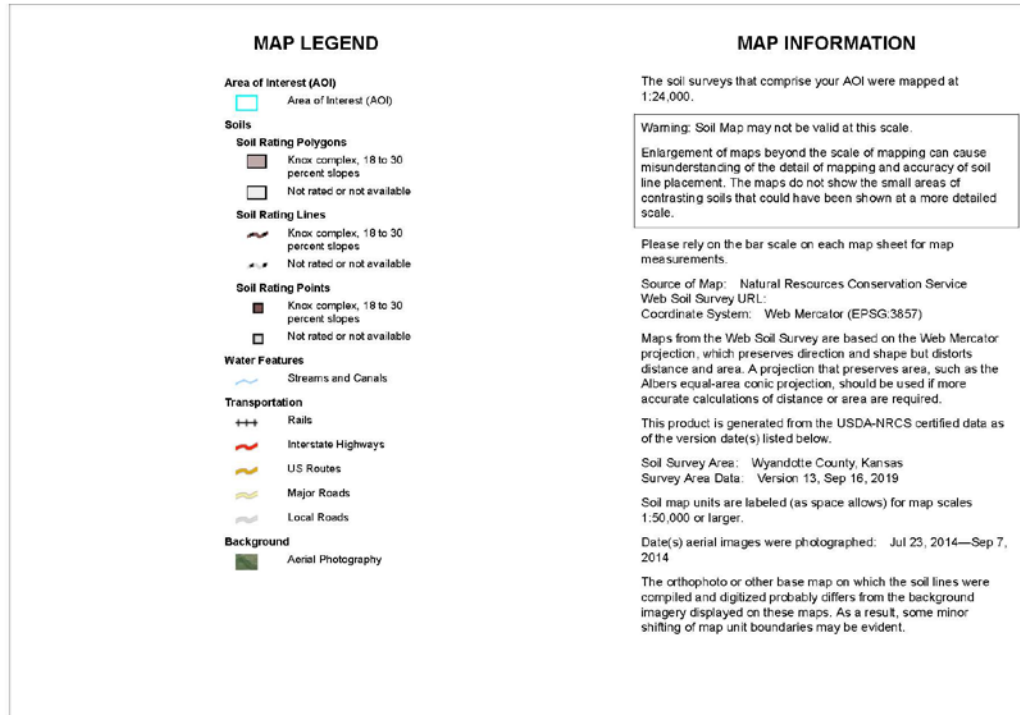












Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7957	Knox complex, 18 to 30 percent slopes	Knox complex, 18 to 30 percent slopes	1.5	100.0%
Totals for Area of Interest			1.5	100.0%

Description

A soil map unit is a collection of soil areas or nonsoil areas (miscellaneous areas) delineated in a soil survey. Each map unit is given a name that uniquely identifies the unit in a particular soil survey area.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



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

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

November 10, 2019

RE: SP-2017-117 BOZ 2356 Fred Del Toro one horse 3447 North 31st Terrace

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the special use for SP-2017-117 Fred Del Toro one horse 3447 North 31st Terrace.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam, 18 to 30 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- **This site is not suitable for any animals.** This site is heavily wooded. One horse was observed in a small pen right adjacent to a stream. It is very easy to contaminate the stream with animal waste. This could cause major health issues downstream.
- The other thing with the small pen is that the animal is standing and laying in contaminated soil all the time. It is hard on the animal's feet to be in wet contaminated soils all the time. Due to the wooded conditions, the area does not dry out very fast. This is an abusive condition to keep an animal in.

- The shack that is on site is not much of a building. The roof appears to be a pick-up topper. If the horse is allowed to stay, a building needs to be built to have a dry space for it.
- This site is adjacent to a historic cemetery.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Restrictive Layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		<i>Low-RV-High</i>	<i>Range</i>		<i>Low-High</i>	<i>Low-High</i>			
		<i>In</i>	<i>In</i>		<i>In</i>	<i>In</i>			
7957—Knox complex, 18 to 30 percent slopes									
Knox		—	—		—	—	High	Moderate	Low
Sogn	Lithic bedrock	4-16-20	—	Indurated	0	—	Moderate	Moderate	Low

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Data: Version 13, Sep 16, 2019



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

11/6/2019
Page 2 of 2

Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7957—Knox complex, 18 to 30 percent slopes

Component: Knox (65%)

The Knox component makes up 65 percent of the map unit. Slopes are 18 to 30 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

Component: Sogn (35%)

The Sogn component makes up 35 percent of the map unit. Slopes are 18 to 20 percent. This component is on hillslopes on uplands. The parent material consists of loamy residuum weathered from limestone. Depth to a root restrictive layer, bedrock, lithic, is 4 to 20 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107XY028KS Shallow Limy (pe 35-37) ecological site. This soil does not meet hydric criteria.

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019

Dwellings and Small Commercial Buildings

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. This table shows the degree and kind of soil limitations that affect dwellings and small commercial buildings.

The ratings in the table are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the table indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Small commercial buildings are structures that are less than three stories high and do not have basements. The foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (which is inferred from the Unified classification). The properties that affect the ease and amount of excavation include flooding, depth to a water table, ponding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Information in this table is intended for land use planning, for evaluating land use alternatives, and for planning site investigations prior to design and construction. The information, however, has limitations. For example, estimates and other data generally apply only to that part of the soil between the surface and a depth of 5 to 7 feet. Because of the map scale, small areas of different soils may be included within the mapped areas of a specific soil.

The information is not site specific and does not eliminate the need for onsite investigation of the soils or for testing and analysis by personnel experienced in the design and construction of engineering works.

Government ordinances and regulations that restrict certain land uses or impose specific design criteria were not considered in preparing the information in this table. Local ordinances and regulations should be considered in planning, in site selection, and in design.

Report—Dwellings and Small Commercial Buildings

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Dwellings and Small Commercial Buildings--Wyandotte County, Kansas							
Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7957--Knox complex, 18 to 30 percent slopes							
Knox	65	Very limited		Very limited		Very limited	
		Slope	1.00	Slope	1.00	Slope	1.00
		Shrink-swell	0.91	Shrink-swell	0.76	Shrink-swell	0.91
Sogn	35	Very limited		Very limited		Very limited	
		Slope	1.00	Slope	1.00	Slope	1.00
		Depth to hard bedrock	1.00	Depth to hard bedrock	1.00	Depth to hard bedrock	1.00
		Shrink-swell	0.50	Shrink-swell	0.50	Shrink-swell	0.50

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Data: Version 13, Sep 16, 2019

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

Soil properties are important considerations in areas where soils are used as sites for the treatment and disposal of organic waste and wastewater. Selection of soils with properties that favor waste management can help to prevent environmental damage.

This table shows the degree and kind of soil limitations affecting the treatment of agricultural waste, including municipal and food-processing wastewater and effluent from lagoons or storage ponds. Municipal wastewater is the waste stream from a municipality. It contains domestic waste and may contain industrial waste. It may have received primary or secondary treatment. It is rarely untreated sewage. Food-processing wastewater results from the preparation of fruits, vegetables, milk, cheese, and meats for public consumption. In places it is high in content of sodium and chloride. In the context of this table, the effluent in lagoons and storage ponds is from facilities used to treat or store food-processing wastewater or domestic or animal waste. Domestic and food-processing wastewater is very dilute, and the effluent from the facilities that treat or store it commonly is very low in content of carbonaceous and nitrogenous material; the content of nitrogen commonly ranges from 10 to 30 milligrams per liter. The wastewater from animal waste treatment lagoons or storage ponds, however, has much higher concentrations of these materials, mainly because the manure has not been diluted as much as the domestic waste. The content of nitrogen in this wastewater generally ranges from 50 to 2,000 milligrams per liter. When wastewater is applied, checks should be made to ensure that nitrogen, heavy metals, and salts are not added in excessive amounts.

The ratings in the table are for waste management systems that not only dispose of and treat organic waste or wastewater but also are beneficial to crops. The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect agricultural waste management. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the tables indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Application of manure and food-processing waste not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. Manure is the excrement of livestock and poultry, and food-processing waste is damaged fruit and vegetables and the peelings, stems, leaves, pits, and soil particles removed in food preparation. The manure and food-processing waste are solid, slurry, or liquid. Their nitrogen content varies. A high content of nitrogen limits the application rate. Toxic or otherwise dangerous wastes, such as those mixed with the lye used in food processing, are not considered in the ratings.

The ratings are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the waste is applied, and the method by which the waste is applied. The properties that affect absorption include saturated hydraulic conductivity (Ksat), depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, and available water capacity. The properties that affect plant growth and microbial activity include reaction, the sodium adsorption ratio, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of waste. Permanently frozen soils are unsuitable for waste treatment.

Application of sewage sludge not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. In the context of this table, sewage sludge is the residual product of the treatment of municipal sewage. The solid component consists mainly of cell mass, primarily bacteria cells that developed during secondary treatment and have incorporated soluble organics into their own bodies. The sludge has small amounts of sand, silt, and other solid debris. The content of nitrogen varies. Some sludge has constituents that are toxic to plants or hazardous to the food chain, such as heavy metals and exotic organic compounds, and should be analyzed chemically prior to use.

The content of water in the sludge ranges from about 98 percent to less than 40 percent. The sludge is considered liquid if it is more than about 90 percent water, slurry if it is about 50 to 90 percent water, and solid if it is less than about 50 percent water.

The ratings in the table are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the sludge is applied, and the method by which the sludge is applied. The properties that affect absorption, plant growth, and microbial activity include Ksat, depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, available water capacity, reaction, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of sludge. Permanently frozen soils are unsuitable for waste treatment.

Report—Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge—Wyandotte County, Kansas					
Map symbol and soil name	Pct. of map unit	Application of sewage sludge		Application of manure and food-processing waste	
		Rating class and limiting features	Value	Rating class and limiting features	Value
7957—Knox complex, 18 to 30 percent slopes					
Knox	65	Very limited		Very limited	
		Slope	1.00	Slope	1.00
Sogn	35	Very limited		Very limited	
		Depth to bedrock	1.00	Slope	1.00
		Slope	1.00	Slow water movement	1.00
		Slow water movement	1.00	Depth to bedrock	1.00
		Droughty	0.98	Droughty	0.98
				Runoff	0.40

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019

Hydrologic Soil Group and Surface Runoff

This table gives estimates of various soil water features. The estimates are used in land use planning that involves engineering considerations.

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The four hydrologic soil groups are:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas.

Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based on slope, climate, and vegetative cover. The concept indicates relative runoff for very specific conditions. It is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal. The classes are negligible, very low, low, medium, high, and very high.

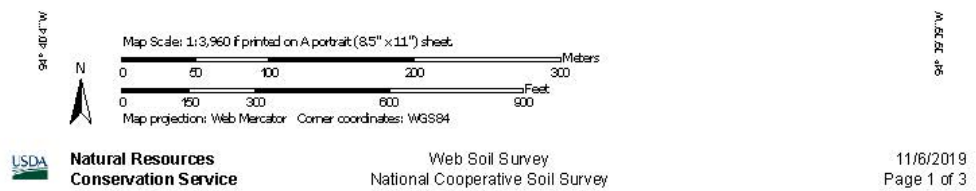
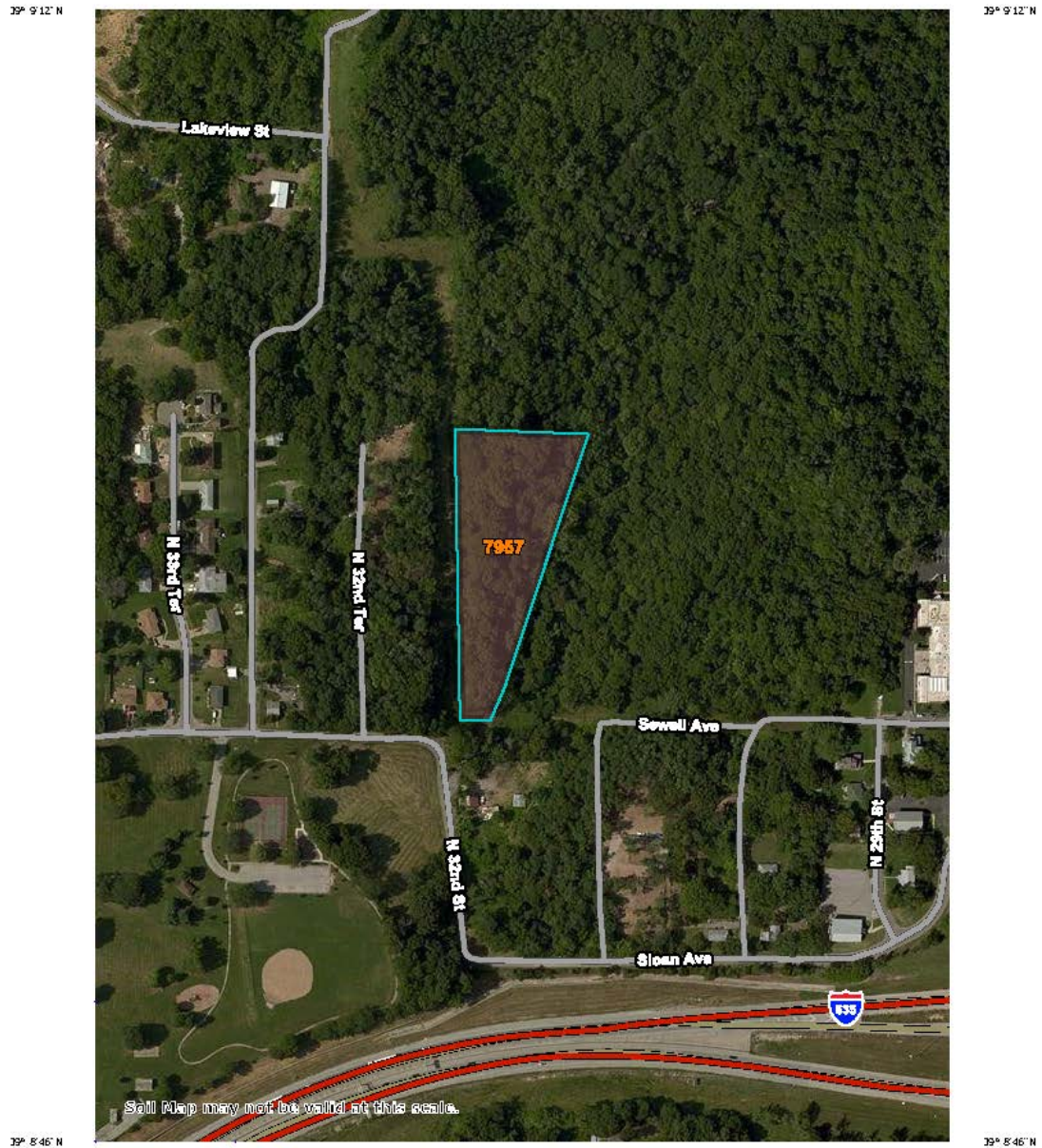
Report—Hydrologic Soil Group and Surface Runoff

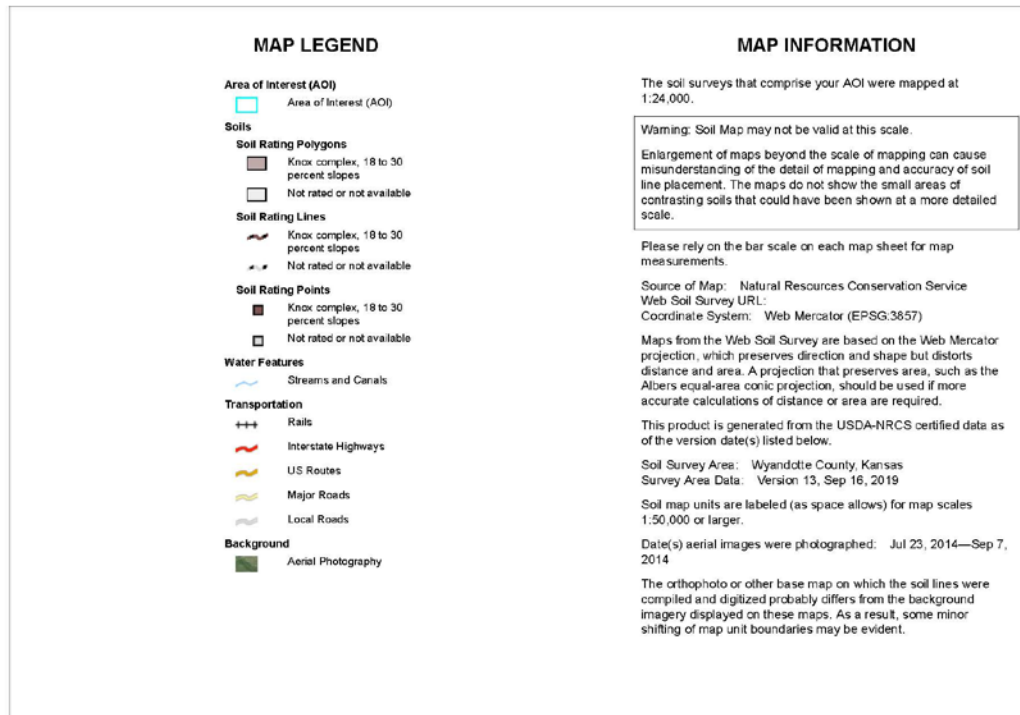
Absence of an entry indicates that the data were not estimated. The dash indicates no documented presence.

Hydrologic Soil Group and Surface Runoff--Wyandotte County, Kansas			
Map symbol and soil name	Pct. of map unit	Surface Runoff	Hydrologic Soil Group
7957—Knox complex, 18 to 30 percent slopes			
Knox	65	High	B
Sogn	35	High	D

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019





Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7957	Knox complex, 18 to 30 percent slopes	Knox complex, 18 to 30 percent slopes	3.1	100.0%
Totals for Area of Interest			3.1	100.0%

Description

A soil map unit is a collection of soil areas or nonsoil areas (miscellaneous areas) delineated in a soil survey. Each map unit is given a name that uniquely identifies the unit in a particular soil survey area.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



Wyandotte County Conservation District
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wyco.conservation@gmail.com

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

November 10, 2019

RE: SP-2017-118 Fred Toro chickens and livestock 3456 North 31st Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the special use for SP-2017-118 Fred Toro chickens and livestock 3456 North 31st Street.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam, 18 to 30 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- **This site is not suitable for any animals.** This site is heavily wooded. There is very little ground cover to absorb waste materials from animals. Some caged dogs were observed on this site. They are close to the stream and their waste could easily contaminate the nearby stream.
- As far as chickens are concerned, chicken waste is very toxic. All waste materials need to be removed from the site and disposed of in a safe manner. Animal waste that gets into the stream could cause health issues downstream.
- This site is adjacent to a historic cemetery.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7957—Knox complex, 18 to 30 percent slopes

Component: Knox (65%)

The Knox component makes up 65 percent of the map unit. Slopes are 18 to 30 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

Component: Sogn (35%)

The Sogn component makes up 35 percent of the map unit. Slopes are 18 to 20 percent. This component is on hillslopes on uplands. The parent material consists of loamy residuum weathered from limestone. Depth to a root restrictive layer, bedrock, lithic, is 4 to 20 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107XY028KS Shallow Limy (pe 35-37) ecological site. This soil does not meet hydric criteria.

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Restrictive Layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		<i>Low-RV-High</i>	<i>Range</i>		<i>Low-High</i>	<i>Low-High</i>			
		<i>In</i>	<i>In</i>		<i>In</i>	<i>In</i>			
7957—Knox complex, 18 to 30 percent slopes									
Knox		—	—		—	—	High	Moderate	Low
Sogn	Lithic bedrock	4-16-20	—	Indurated	0	—	Moderate	Moderate	Low

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Data: Version 13, Sep 16, 2019



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

11/6/2019
Page 2 of 2

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

Soil properties are important considerations in areas where soils are used as sites for the treatment and disposal of organic waste and wastewater. Selection of soils with properties that favor waste management can help to prevent environmental damage.

This table shows the degree and kind of soil limitations affecting the treatment of agricultural waste, including municipal and food-processing wastewater and effluent from lagoons or storage ponds. Municipal wastewater is the waste stream from a municipality. It contains domestic waste and may contain industrial waste. It may have received primary or secondary treatment. It is rarely untreated sewage. Food-processing wastewater results from the preparation of fruits, vegetables, milk, cheese, and meats for public consumption. In places it is high in content of sodium and chloride. In the context of this table, the effluent in lagoons and storage ponds is from facilities used to treat or store food-processing wastewater or domestic or animal waste. Domestic and food-processing wastewater is very dilute, and the effluent from the facilities that treat or store it commonly is very low in content of carbonaceous and nitrogenous material; the content of nitrogen commonly ranges from 10 to 30 milligrams per liter. The wastewater from animal waste treatment lagoons or storage ponds, however, has much higher concentrations of these materials, mainly because the manure has not been diluted as much as the domestic waste. The content of nitrogen in this wastewater generally ranges from 50 to 2,000 milligrams per liter. When wastewater is applied, checks should be made to ensure that nitrogen, heavy metals, and salts are not added in excessive amounts.

The ratings in the table are for waste management systems that not only dispose of and treat organic waste or wastewater but also are beneficial to crops. The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect agricultural waste management. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the tables indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Application of manure and food-processing waste not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. Manure is the excrement of livestock and poultry, and food-processing waste is damaged fruit and vegetables and the peelings, stems, leaves, pits, and soil particles removed in food preparation. The manure and food-processing waste are solid, slurry, or liquid. Their nitrogen content varies. A high content of nitrogen limits the application rate. Toxic or otherwise dangerous wastes, such as those mixed with the lye used in food processing, are not considered in the ratings.

The ratings are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the waste is applied, and the method by which the waste is applied. The properties that affect absorption include saturated hydraulic conductivity (Ksat), depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, and available water capacity. The properties that affect plant growth and microbial activity include reaction, the sodium adsorption ratio, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of waste. Permanently frozen soils are unsuitable for waste treatment.

Application of sewage sludge not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. In the context of this table, sewage sludge is the residual product of the treatment of municipal sewage. The solid component consists mainly of cell mass, primarily bacteria cells that developed during secondary treatment and have incorporated soluble organics into their own bodies. The sludge has small amounts of sand, silt, and other solid debris. The content of nitrogen varies. Some sludge has constituents that are toxic to plants or hazardous to the food chain, such as heavy metals and exotic organic compounds, and should be analyzed chemically prior to use.

The content of water in the sludge ranges from about 98 percent to less than 40 percent. The sludge is considered liquid if it is more than about 90 percent water, slurry if it is about 50 to 90 percent water, and solid if it is less than about 50 percent water.

The ratings in the table are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the sludge is applied, and the method by which the sludge is applied. The properties that affect absorption, plant growth, and microbial activity include Ksat, depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, available water capacity, reaction, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of sludge. Permanently frozen soils are unsuitable for waste treatment.

Report—Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge—Wyandotte County, Kansas					
Map symbol and soil name	Pct. of map unit	Application of sewage sludge		Application of manure and food-processing waste	
		Rating class and limiting features	Value	Rating class and limiting features	Value
7957—Knox complex, 18 to 30 percent slopes					
Knox	65	Very limited		Very limited	
		Slope	1.00	Slope	1.00
Sogn	35	Very limited		Very limited	
		Depth to bedrock	1.00	Slope	1.00
		Slope	1.00	Slow water movement	1.00
		Slow water movement	1.00	Depth to bedrock	1.00
		Droughty	0.98	Droughty	0.98
				Runoff	0.40

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019

Hydrologic Soil Group and Surface Runoff

This table gives estimates of various soil water features. The estimates are used in land use planning that involves engineering considerations.

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The four hydrologic soil groups are:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas.

Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based on slope, climate, and vegetative cover. The concept indicates relative runoff for very specific conditions. It is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal. The classes are negligible, very low, low, medium, high, and very high.

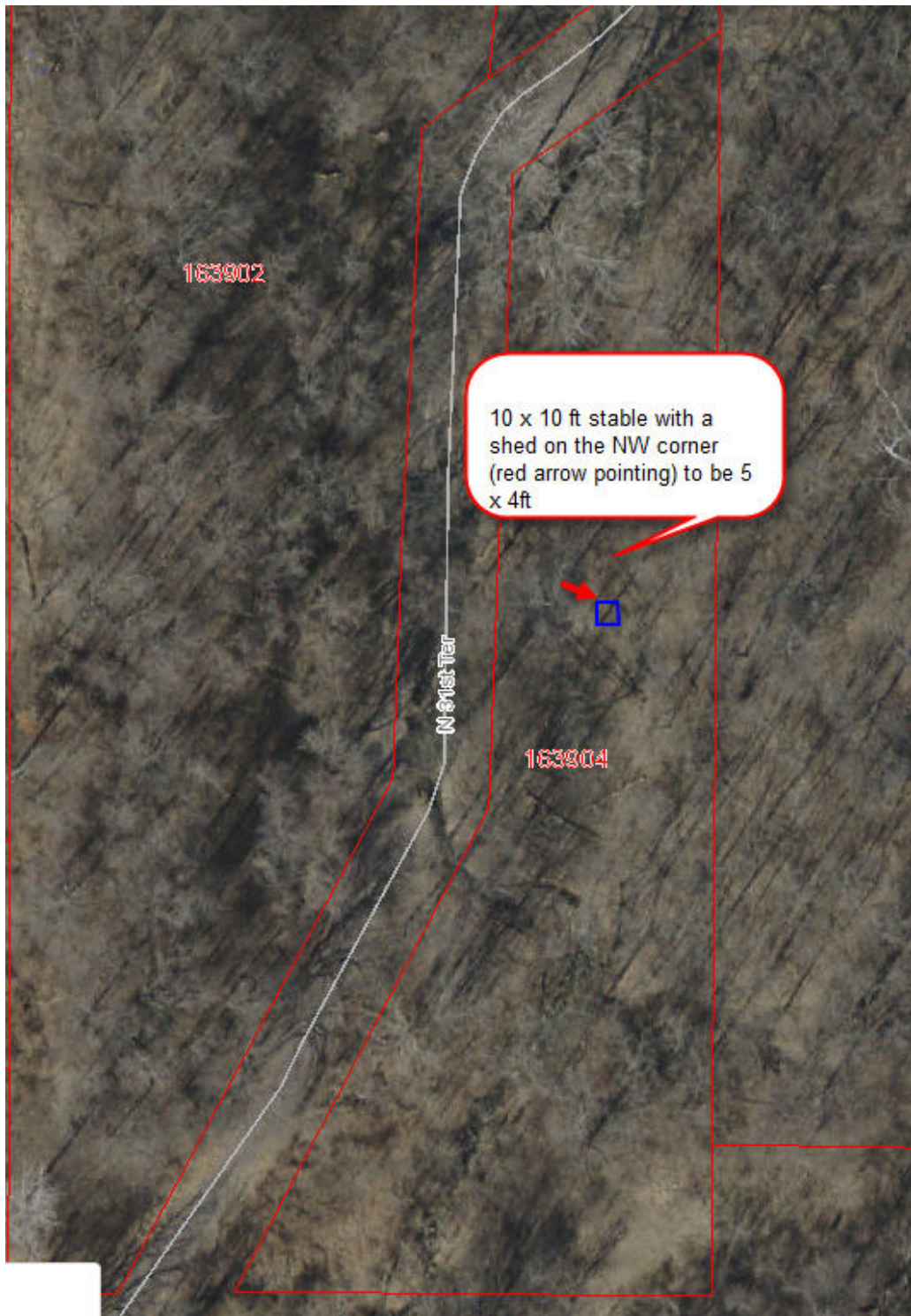
Report—Hydrologic Soil Group and Surface Runoff

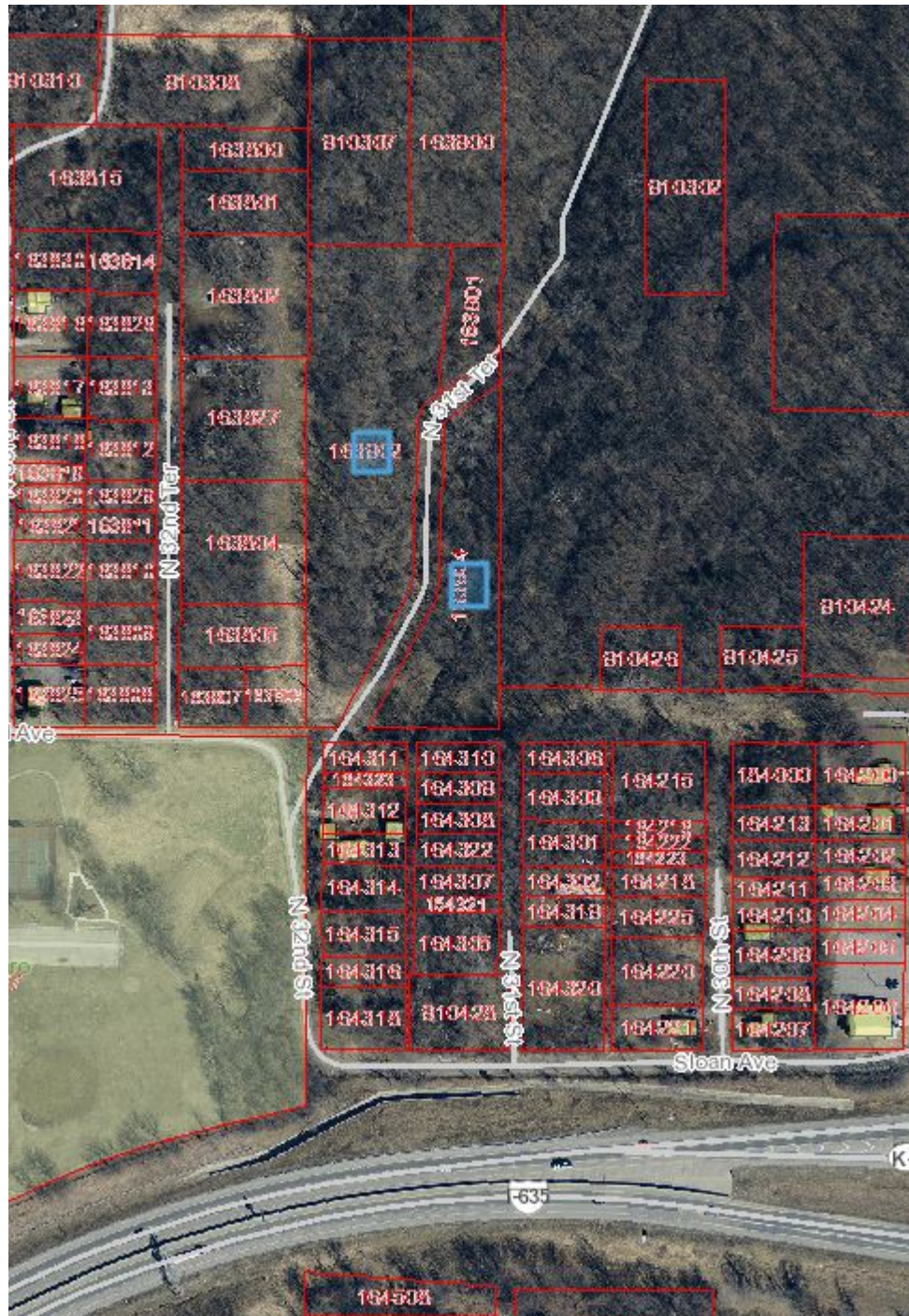
Absence of an entry indicates that the data were not estimated. The dash indicates no documented presence.

Hydrologic Soil Group and Surface Runoff--Wyandotte County, Kansas			
Map symbol and soil name	Pct. of map unit	Surface Runoff	Hydrologic Soil Group
7957—Knox complex, 18 to 30 percent slopes			
Knox	65	High	B
Sogn	35	High	D

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019





Parker, Janet

From: Marvin S. Robinson, II <robinsoniimarvins@yahoo.com>
Sent: Monday, April 13, 2020 3:12 PM
To: Hoard, Robert [KSHS]; Phil Dougherty; Bonita Gooch; Dr. Michael Swann; Matt.kleinmann; Althea Moses; Bryon Williams; Joanna Grace Farmer - Building Community Capacity -; MBA President; Mahoney, Maureen; Deanda Johnson; Ms. Kay Sharp Dir.ConstituentServices& Outreach; The Mr. M.C.Richardson UnitedMinorityMediaAssociation; Mr. Billy Friend; anthony.hope@oldquindaromuseum.org; Luther Smith; Janith English; Louisa Libby; Ziegler Laura A.; lhorsley@kcstar.com; Glenn - Kansas CityRice; Diane Miller; Townsend, Gayle E.; Diane Mutti-Burke; Anita Dixon; Leaders Brian; David Thomson; LWCF -NPS 402.661.1564; Center for Neighborhoods- UMKC; Stephen Lester; CenterforHealthEnvironment/Justice LoisGibbs-SHEROE; Mr. Eric Wesson; Mr. &Mrs. Marion-Denise Jordan; Fred Whitehead; KC UM SHS Research Center; Mary Wolf; Ed Dwight; Edith Haney-Galvin; Mary Rupert; Candice Price; Mr. Carl R. Price; Brenda Vann; Sidney King; Freedom's Frontier NHA; Julie Earnstein; Paul Loether; National Park Foundation; Senator Pat Roberts; Green Cindy (Moran); 11 Most endangered Historic Sites in USA NTHP; Brent Leggs; Thomas Randolph; Mr.Herbert Harris harris media production; Ejstrategy; Historic Kansas City; William Wells; Joe Wynn - Vets Group/VVA; National Park Foundation; PlanningInfo; Daniel Smith; Danielle Robinson; Michael Williams; UMKC Diversity and Inclusion; US Human Rights Network
Subject: Re: Upcoming Board for Zoning & Appeals for next Monday's -13 April 2020 "TIME SENSITIVE" a lot of our residents don't have REMOTE Technology Access to Attend MTG.

That would at least address the Archaeological foundations that are already on known maps, additionally

<https://www.kshs.org/p/site-protection/14658>

Has not been provided ample review, for our local LANDMARKS COMMISSION of the Unified Government nor an objective neutral review from our Wyandotte County Historic Society
On Monday, April 13, 2020, 02:58:11 PM CDT, Hoard, Robert [KSHS] <robert.hoard@ks.gov> wrote:

Hi all.

The proposed structure is pretty small. It is outside of the NRHP boundary, and might even be outside of the archeological site boundary. I don't have the commemorative site boundary handy at home. Still, I don't have grounds to oppose this. I intend to join in the meeting this evening by Zoom. If necessary, I believe I could get permission and resources to conduct an archeological survey of the proposed building site.

Wish best wishes for your health and well-being,
Bob



Robert J. Hoard PhD, State Archeologist

From: Marvin S. Robinson, II <robinsoniimarvins@yahoo.com>

Sent: Wednesday, April 8, 2020 5:02 PM

To: Rob Richardson <r Richardson@wycokck.org>; Gayle E. Townsend <gtownsend@wycokck.org>; Melissa Bynum <mbynum@wycokck.org>; Steve Collins <sac1947@gmail.com>; Julie Earnstein <julie_ernstein@nps.gov>; Deanda Johnson <deanda_johnson@nps.gov>; Diane Miller <diane_miller@nps.gov>; Stanley Walker <walker.stanley@epa.gov>; Brian Leaders <brian_leaders@nps.gov>; David Thomson <dave_thomson@nps.gov>; Paul Loether <paul_loether@nps.gov>; National Trust for Historic Preservation <email@savingplaces.org>; LWCF -NPS 402.661.1564 <andrea_messam@nps.gov>; Maureen Mahoney <mmahoney@wycokck.org>; MBA President <kcbapres@gmail.com>; Michael Williams <michael.williams@mail.house.gov>; Ms. Kay Sharp Dir.ConstituentServices& Outreach <kay_sharp@roberts.senate.gov>; Hoard, Robert [KSHS] <Robert.Hoard@ks.gov>; KC UM SHS Research Center <shsofmo-kc@umsystem.edu>; Hoard, Robert [KSHS] <Robert.Hoard@ks.gov>; Bryon Williams <bryon@ksu.edu>; Maggie Egberts <maggiejessie@ksu.edu>; Cox, Kenya [GO] <Kenya.Cox@ks.gov>; Deborah r.Kennedy Brownfield Proj.Mgr. 551.7628 <kennedy.deborah@epa.gov>; Joanna at Building Community Capacity <legacyoflove.global@gmail.com>; Green Cindy (Moran) <cindy_green@moran.senate.gov>; Rachel Nugent <rachel@rosinpreservation.com>; Elizabeth Rosin <elizabeth@rosinpreservation.com>; Rachel Barnhart <rachelb@rosinpreservation.com>; Althea Moses <moses.althea@epa.gov>; National Park Foundation <npcf@npca.org>; Bonita Gooch <gooch@tcvpub.com>; Mr. Billy Friend <bfriend@wyandotte-nation.org>; MC Richardson <ummaseventyfour@yahoo.com>; Danielle Robinson <danielle.robinson@mail.house.gov>; Daniel Smith <battleofwestport1864@yahoo.com>; Dr. Michael Swann <mmswann@ku.edu>; Venetia Washington <venetia.washington@mail.house.gov>; Senator Pat Roberts <pat.roberts@roberts.enews.senate.gov>; LaTonya Sanders <sanders.latonya@epa.gov>; Jonathan Harrington <harrington.jonathan@epa.gov>; Stephanie Rolley <strolley@ksu.edu>; Fred Whitehead <fredwh@swbell.net>; Janith English <jenglish7@kc.rr.com>; jrogers@wycokck.org <jrogers@wycokck.org>; Humanities Kansas <julie@humanitieskansas.org>; Shiriki Unganisha <shirikiw@gmail.com>; Nedra Bonds <nedrabonds@hotmail.com>; Humanities Kansas <abigail@humanitieskansas.org>; Murl <murl@humanitieskansas.org>; Bruce Ladd <bruce.l.ladd@hud.gov>; pdoughtery@slaggie.com <pdoughtery@slaggie.com>; Laura A. Ziegler <zieglerl@umkc.edu>; William Wells <william@asteamvillage.org>; Carmalita Williams <drcarma@blackarchives.org>; The New York Times <letters@nytimes.com>; Race/Related <racerelated@nytimes.com>; Mary Rupert <maryr@wyandottepublishing.com>; Louisa Libby <libbyusa@gmail.com>; Luther Smith <lutherhsmith@aol.com>; Center for Neighborhoods- UMKC <neighborhoods@umkc.edu>; info@npi.org <info@npi.org>; anthony.hope@oldquindaromuseum.org <anthony.hope@oldquindaromuseum.org>
Subject: Upcoming Board for Zoning & Appeals for next Monday's -13 April 2020 "TIME SENSITIVE" a lot of our residents don't have REMOTE Technology Access to Attend MTG.

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

#ZA - 19410- 000444 Reference

Sec. 27-609(2)

2

"SYNOPSIS: This appeal has been filed to build a stable on the property. Sec. 27-609(2) states that for any dwelling unit there may be permitted unit there may be permitted a single detached accessory structure. Appellant is requesting a second detached accessory: a violation of one structure."

<https://www.nps.gov/history/tribes/Documents/106.pdf>

Archeology



Archeology

Federal authorities, regulations and guidelines define how GSA preserves and treats archeological sites and obje...

An Introduction to Section 106 | Advisory Council on Historic Preservation



An Introduction to Section 106 | Advisory Council on Historic Preservation

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to consider the e...

Section 106: National Historic Preservation Act of 1966



Attention: Planning and Zoning/Commission

I am writing to speak against any vote or decision being made at tonight's meeting regarding the Quindaro Townsite preservation area. Such decisions should be made at a time when the highest levels of participation can be obtained that are accessible to all. Many lack the capacity to participate via Zoom. I further wish to state my opposition to the selling of these lands by the Unified Government of Kansas City, Kansas given its participation in many meetings and public events recognizing its historical significance.

For decades, residents of Kansas City, Kansas have fought to preserve this site of historic significance to Native Americans, African Americans and the Kansas City, Kansas community at large. Through these efforts, progress has been made in achieving varying levels of historical designation, and there is the potential to achieve higher designations.

As a resident of Kansas City, Kansas and as a member of the Greater Kansas City Black History Study Group, a branch of The Association for the Study of African American Life and History (ASALH), I am a strong supporter of historical preservation in general and specifically of the Quindaro Townsite. The mission of ASALH is to promote, research, preserve, interpret and disseminate information about Black life, history and culture to the global community. This site is a rich example of this mission.

Please postpone any vote or decision regarding the Quindaro Townsite and please desist in selling land within this area.

Sincerely,
Brenda M. Vann
2426 N. 73rd Place
Kansas City, KS 66109

!

Parker, Janet

From: Anna Brown <wyandoteagle@gmail.com>
Sent: Monday, April 13, 2020 2:58 PM
To: PlanningInfo
Subject: Fred Del Toro cases (SP-2019-117 and SP-2019-118)

Hello My name is Anna Brown and I'm a member of the Wyandot Nation of Kansas. I live at 212 NW North Shore Dr. Lake Waukomis, MO 64151. I am opposed to Fred Del Toro to adding the structure on his property. due to the historical significance right down the road from his property. Our tribe has been working with Freedom Frontier, The National Parks Service and many other local groups to make the Quindaro Town-site area a tourist destination. We are planning on having interpretive trails that would be passing right beside his property. As well as other areas near the Quindaro Town-site. Having a horse or other livestock near such an important historical site that hasn't been taken care of like it should have shouldn't be allowed.

Best Regards,
Anna Brown

Parker, Janet

From: Louisa Libby <libbyusa@gmail.com>
Sent: Monday, April 13, 2020 3:17 PM
To: PlanningInfo
Subject: Fred Del Torres request for structure

My name is Louisa Libby and I am the Vice President of the Wyandot Nation of Kansas. I am opposed to Mr. Del Torres adding a structure to his property. The blight that exists on his adjacent property is an indication on what he will do on a proposed structure on a new lot. His property is y is unsightly and a deterrent to those we take down for tours to the historic black cemetery. It does not represent the community of Quindaro.

My nation along with a multitude of other area, regional, state and national stake holders have been working hard to make the old Quindaro Townsite a historic landmark. There has already been approval/passed legislation to make the area a National Historical Commemorative Site. The National Parks is facilitating our meetings as we move forward to implement interpretive trails and a Visitors and Culture Center. We currently give folks tours down to the black cemetery, the trails will go down by that area also. It would be sad to have people walking this historic site with such blight in site. The visual site is concerning but it would cause one to question the security on a trail when they see that blight is allowed to continue. Codes in this area need to be enforced and acted upon immediately and without favor.

A larger concern is the hard work and years it has taken coordinate this effort to bring economic development into Quindaro and try to revitalize this historic area. Mr. Del Torres property is adjacent to this historic land, land where the Wyandot tribe of indians and black slaves seeking freedom came together. A site that was key on the Underground Railroad. When property is purchased next to historic landmarks the property owner as well as the local municipalities have a duty to keep their property up to a standard fitting to be a neighbor to such a piece of history Kansas City, Kansas and Quindaro was founded on.

Louisa Libby
Vice President Wyandot Nation of Kansas
212 NW North Shore Drive
Lake Waukomis, MO 64151

Parker, Janet

From: B S <runbsfun@gmail.com>
Sent: Monday, April 13, 2020 5:02 PM
To: PlanningInfo
Subject: Protesting a horse put on or near sacred grounds close to Quindaro Ruins

To whom it may concern.

There are already many animals living in deplorable conditions. None of the Hispanic buyers have been Grandfathered in as far as owning live stock on this area..

I have witnessed guns and these animals being shot and abused by neighbors when the animals are free range. They have not enough room for the number of animals. Horses goats pigs chickens on the property.

It is in the Interest of Quindaro Ruins Centenary and surrounding area that more animals on not enough land is defeating the purpose of what this HISTORIC community is rising to. With the Federal Government now recognizing the history of Old Quindaro.

Please do NOT allow anymore horses in that area!

There is already an issue of the Hispanic land buyers riding 4 wheelers in and on Quindaro Cemetery on sacred land.

Please i ask of you to stop this disrespect to the people of the past in History. Along with those buried there recently.

The general public is afraid of that area already as far as tourism. Help Wyandotte County in advance and nip this in the bud before it gets worse.

Please make the History of Old Quindaro live on with Honor.

Sincerely Yours

Brenda D Stacer

Brenda"s World Blogtalkradio LLC



Urban Planning and Land Use

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

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

To: Unified Government Board of Commissioners
From: City Staff
Date: July 30, 2020
Re: Petitions #SP-2019-117 and #SP-2019-118

GENERAL INFORMATION

Applicant:
Fred Del Toro

Status of Applicant:
Property Owner
76 South 18th Street
Kansas City, KS 66102

Requested Action:
SP-2019-117: Approval of special use permit to keep a horse on property (3447 N 31st Terr)

SP-2019-118: Approval of special use permit to keep livestock on the property (3456 N 31st Terr)

Date of Application:
October 24, 2019

Purpose:
To keep a horse on the property (3447 N 31st Terr); To keep livestock on property (3456 N 31st Terr)



Property Locations:

3447 North 31st Terrace

3456 North 31st Terrace

Commission Districts:

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

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

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

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

East: R-1(B) Single Family District with Narrow Lot Design; RP-5 Planned Apartment District

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

Existing Uses: North: Apartment Development; Commercial Development

South: Residential Development; Commercial Development

East: Residential Development

West: Applicants personal property; Residential Development; Quindaro Park

Total Tract Size: 1.46 acres (3447 N 31st Terr); 3.09 acres (3456 N 31st Terr)

Master Plan Designation: The City-Wide Master Plan designates the specified locations as Low-Density Residential.

Major Street Plan: The Major Street Plan designates North 31st Terrace as a Local Street.

Advertisement: The Wyandotte Echo – November 14, 2019

Letters to Property Owner – November 13, 2019, January 8, 2020, February 24, 2020, April 23, 2020 and July 27, 2020.

Public Hearings: December 9, 2019, February 10, 2020, April 13, 2020, April 30, 2020 and July 30, 2020.

Public Opposition: Numerous opposition has been made to the requested action. Dr. Steve Collins – Dr. Collins is in opposition to the requested action based on the historical narrative tied to the Quindaro Ruins. Attached are Dr. Collins words of opposition. Additionally, Dr. Collins has submitted a cited paper he wrote in 2007, further detailing the history of the site of the ruins. The area in which the applicant's property is located is designated as historical. Additionally, the site of the Quindaro Ruins has been recognized as an important site both locally and nationally. Dr. Collins believes the development of the applicant's site, in the intended fashion is inappropriate and will infringe upon the integrity of the historical lands. Concerns related to the

keeping of material on site, compliance with code, and access to the historical area itself have been expressed. Dr. Collins has also cited concerns related to run-off that may be associated with the keeping of livestock that has the potential to negatively impact the surrounding community.

A second individual in opposition called in, however there are no further records of who was in opposition or for what reason.

Additional emails for the April 13, 2020 City Planning Commission meeting were submitted and are attached.

There was opposition at the Board of Zoning Appeals and City Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant is seeking the approval of a special use permit for the purpose of keeping a horse on their property at the address of 3447 North 31st Terrace. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 1.46 acres. Similarly, the surrounding properties are residential in nature. Currently no structures exist on the property, however this application has been submitted in conjunction with BOZA 2356, a variance for the purpose of building stables on the property. The applicant is also seeking the approval of a special use permit for the purpose of keeping livestock on their property at the address of 3456 N 31st Terrace. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 3.09 acres. Similarly, the surrounding properties are residential in nature. Currently not structures exist on the property. Additionally, the applicant has stated there are several chickens/roosters in the area.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The surrounding properties are primarily residential in nature.

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

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

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

The removal of restrictions will not detrimentally affect nearby properties.

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

The property has been vacant for an unspecified amount of time and was purchased by the applicant in April of 2018.

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

Special use permits are not addressed in the Master Plan.

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

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

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

The proposed uses are not reasonably necessary for the convenience and welfare of the public. It should not have an effect on nearby properties so long as the operation is conducted in a safe and secure manner.

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

The intended uses should not be the source of such problems.

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

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

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

This is not applicable.

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

The relative gain to public health, safety, and welfare as compared to hardship imposed on the landowners is minimal. Assuming proper security measures are taken, this operation should not cause a public safety threat.

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

The proposed uses will not result in the overcrowding of the land.

PREVIOUS ACTIONS

- Applicant has applied for SP-2019-117 and SP-2019-118 in conjunction with BOZA 2356 (**BOZA #2356 was approved on April 13, 2020.**)
- Was heard on December 9, 2019 and was held over
- Was heard on February 10, 2020 and was held over for 60 days
- Was heard at the April 30, 2020 Unified Government Board of Commissioners meeting and held over for 90 days in order for a swap of property to be pursued with the Landbank. Staff has not received any update.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 25, 2019. There were two individuals in attendance but there were no questions, comments, or concerns. A second meeting was held on February 15, 2020 with those in opposition to answer questions and concerns.

KEY ISSUES

The locations associated with this application fall within the historical environs associated with the Quindaro Ruins. The Quindaro Ruins is a site of historical significance recognized both locally and nationally. There are concerns related to the intended development of this area both in action as well as design.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **DENIAL** of Special Use Permit Application #SP-2020-117, **due to lack of clean-up on the property by the applicant.**

The Planning Commission voted 5 to 4 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-118, subject to:

Urban Planning and Land Use Comments:

1. Please provide pictures of site.

2. What animals do you intend to keep and how many?

Applicant Response: Chickens and possibly a horse, did not think this through in applying for variance for building a stable, but if decided to put a horse then an application will be submitted.

Staff Response: Do you have an idea of how many chickens you intend to keep on the property?

Applicant Response: Haven't really thought of a total number of chickens in the property, it wouldn't be many in my opinion but currently I would be happy to just be able to get livestock (sheep and goats) in there and would be fine in not having chickens. In one of the Public Works Comments it stated:

At the meeting Mr. Del Toro stated that he would like 15 chickens and a total of a combination of 15 goats/sheep. The Planning Commission recommended a total of 15 chickens and a total of a combination of 6 goats/sheep for #SP-2019-118 for the property located at 3456 North 31st Terrace.

" 5. Per Sec. 27-340, Livestock means horses, mules, cattle, sheep, and goats. 6. No swine are permitted"

Staff Responses: You can have up to six chickens before a special use permit is required.

3. Please describe care and maintenance as related to the animals including facilities, security, and land.

Applicant Response: Property has been cleaned out from when originally purchased, lots of debris/trash in the area. Currently there is some lumber that will be disposed of. Future plan would be to place a fence around the property.

NOTE: An enclosure for the horse stable was approved by the Board of Zoning Appeals for the property at 3447 North 31st Terrace, but not a perimeter fence not already allowed by right.

4. Please detail how the property is maintained to accommodate the animals?

Applicant Response: No animals currently on the property, but a horse is placed on the property within an enclosure while a stable is in the works, an application will be submitted.

5. Per Sec. 27-340, Livestock means horses, mules, cattle, sheep, and goats.

Applicant Response: Noted

6. No swine are permitted.

Applicant Response: Noted.

Public Works Comments:

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

Staff Conclusion:

Having reviewed the concerns of the opposition it is the recommendation of staff that SP-2019-117 and SP-2019-118 be approved. In recognizing the historical significance of the Quindaro Ruins it is the belief of staff that the requested actions will have little impact on the site itself or the surrounding area. The applicant has indicated the intended location of the stable and has stated their willingness to move elsewhere within the confines of the property if it is determined that an alternative location would be less impactful on the Quindaro Ruins. Due to the size and form of the structure (120 s.f.) there is little reason to believe that the impact of the requested action will extend beyond the boundaries of the site. The applicant has been made aware that the site must be cleaned of any excess material or trash and has stated they will do so. Related to the keeping of livestock, concern has been expressed related to the size and type of operation. Initially the applicant had stated their desire to keep a single horse and chickens. The applicant has since stated they are open to not keeping chickens as a resolve given that sheep and goats are permitted. The applicant was informed that if they were to have chickens, they can only have up to six before a special use permit is required. The size of the operation is rather small and minimal in impact.

At the February 10, 2020 City Planning Commission meeting this application was held over for another 60 days providing time for further discussion in hopes to find a resolve between the applicant and the opposition. On February 15, 2020 the applicant held a meeting. At the meeting, there were questions as to the acquisition of the land, a point of entry not located on the applicant's property, and supposed crimes that had taken place on the site of the Quindaro Ruins, none of which is germane to the applicants intended actions. Ultimately the applicant and opposition were unable to come to a resolve concerning the applicants desired actions. It was suggested by the applicant that the opposition source out other contacts whom might have greater knowledge as to how the ruins and the point of entry are managed and maintained. Director Rob

Richardson found that the gate of concern at the point of entry to the Quindaro Ruins (not on the applicant's property) was at some point put in place to avoid illegal dumping. It is unclear who built and owns the gate, but the Unified Government and several of the surrounding neighbors possess keys. This applicant does not possess a key. Director Richardson did state, however, that there is difficulty in closing the gate as it closes off access to a public street. It is clear that the concerns pertaining to the gate and management of the Quindaro Ruins site are not a responsibility of the applicant and are unrelated to the applicant's requested actions. The applicant has stated however that they have consistently been in contact with the opposition as to how to find a resolve relating to the access and management of the property and moreover the closing of the gate.

After much conversation with both the applicant and the opposition attempts have been made by all parties to resolve any conflict that has arisen, however unsuccessfully. It is clear that there is much concern and conversation to be had as to the management and access of the Quindaro Ruins and the illicit behavior that continues to take place therein. It has been concluded by staff that the applicant and their intended actions does not infringe upon the protection of the Quindaro Ruins and that much of the concern that has been raised does not relate to the applicant's property specified by this application. Issues of land acquisition, illegal dumping and other illicit behavior, access and management, amongst many other issues pertaining to the site of the Quindaro Ruins are not germane to the intended actions of the applicant. Given that the nature of the special use permit is to be temporary, approval at this time is recommended.

STAFF COMMENTS AND SUGGESTIONS

The staff **does not** agree with the recommendation of the City Planning Commission in its denial of #SP-2019-117. By the Board of Zoning Appeals approving Appeal #2356 and the recommendation for denial by the City Planning Commission of this Special Use Permit, construction of a stable for the horse has been approved, but not the boarding of said horse. Additionally, the reason in the motion is contrary to standard practice where when an applicant enters the entitlement process as a result of rectifying a Notice of Violation, all work ceases. Mr. Del Toro had begun to clean up his site since the original site photographs in this application were submitted, and in response to the City Planning Commission's motion, staff has asked Mr. Del Toro to fully address the Notice of Violation prior to the April 30, 2020 hearing. Staff will visit the property on the day of the hearing to confirm its condition to present as part of the meeting record accordingly.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions #SP-2019-117 and #SP-2019-118 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 13, 2020 City Planning Commission Minutes
February 10, 2020 City Planning Commission Minutes
December 9, 2019 City Planning Commission Minutes
Meeting with Opposition Information – February 15, 2020
Neighborhood Meeting Information
Email from Applicant – Holdover
Letter from Opposition
Pictures
Conservation Comments (SP-2019-117)
Conservation Comments (SP-2019-118)
Aerial photograph displaying where the animal will be kept on the property (SP-2019-117)
Aerial Photograph
Additional Emails in Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	April 13, 2020	April 30, 2020
Special Use		Held Over
#SP-2019-117	Denial	
#SP-2019-228	Approval	

STAFF CONTACT: **Jacob Pellegrino**
 jpellegrino@wycokck.org

MOTIONS

#SP-2019-117:

I move the Unified Government Board of Commissioners **APPROVE** Petitions **#SP-2019-117** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petitions **#SP-2019-117** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

#SP-2019-118:

I move the Unified Government Board of Commissioners **DENY** Petitions **#SP-2019-118** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petitions **#SP-2019-118** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

April 13, 2020 City Planning Commission Minutes:

Hearing Starts at 1:50:02:

SPECIAL USE PERMIT APPLICATION #SP-2019-117 – FRED DEL TORO –

SYNOPSIS: Special Use Permit to keep a horse at 3447 North 31st Terrace.

SPECIAL USE PERMIT APPLICATION #SP-2019-118 – FRED DEL TORO –

SYNOPSIS: Special Use Permit to keep chickens and livestock at 3456 North 31st Terrace

Detailed Outline of Requested Action: The applicant is seeking the approval of a special use permit for the purpose of keeping a horse on their property at the address of 3447 North 31st Terrace. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 1.46 acres. Similarly, the surrounding properties are residential in nature. Currently no structures exist on the property, however this application has been submitted in conjunction with BOZA 2356, a variance for the purpose of building stables on the property. The applicant is also seeking the approval of a special use permit for the purpose of keeping livestock on their property at the address of 3456 N 31st Terrace. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 3.09 acres. Similarly, the surrounding properties are residential in nature. Currently no structures exist on the property. Additionally, the applicant has stated there are several chickens/roosters in the area.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated November 14, 2019;
7. The Notices to property owners dated November 13, 2019, January 8, 2020 and February 24, 2020; and
8. The testimony at the previous Board of Zoning Appeals meetings including the testimony given earlier this evening at the Board of Zoning Appeals meeting.

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

Recording Secretary Parker stated that these applications were held over from the February 10, 2020 meeting in conjunction with the corresponding Appeal #2356 for the applicant to have a meeting with the stakeholders (people within 200' and people who took former Director Richardson's card and let him know they would like to be included.)

The results of that meeting were included in the staff report and they were further discussed at tonight's Board of Zoning Appeals meeting.

Present in Support:

- Fred Del Toro, applicant

Present in Opposition:

- Recording Secretary Parker stated that she received emails in opposition from the following:
 - Anna Brown
 - Brenda M. Vann
 - Louisa Libby
 - Marvin Robinson II

Planning Director Hand asked the applicant for clarification on how many animals will be on the property. Mr. Del Toro stated a maximum of 15 chicken and a maximum of a combination of 10 goats/sheep, but he would be agreeable to whatever is put on him tonight.

Staff Recommendation Starts At 1:59:16: Planning Director Hand stated that as the comments from the Board of Zoning Appeals meeting were carried over, there is a total of 6 comments in opposition. He further stated that the special use permits would be for two (2) years and would come back for review at the end of that time. The first special use permit would be for one (1) horse (#SP-2019-117), and as per the conversation with Mr. Del Toro with staff today, the second special use permit (#SP-2019-118) would be for a maximum combined of 6 goats and/or sheep.

The Planning Commission directed questions/comments to the staff.

Motion and Vote Starts At 2:03:12:

On motion by Ms. Pauley, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL** of **Special Use Permit Application #SP-2019-117** due to lack of clean-up on the property by the applicant:

Carson	Chairman
Cho	Aye
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	No
Pauley	Aye
Reasons	No

Motion to recommend DENIAL Passed: 6 to 2

On motion by Mr. Reasons, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application #SP-2019-118:**

Carson	Aye
Cho	Aye
Connelly	No
Ernst	No
Huey	Aye
Jones	No
Miller	Aye
Pauley	No
Reasons	Aye

Motion to recommend APPROVAL Passed: 5 to 4
Subject to:

Urban Planning and Land Use Comments:

1. Please provide pictures of site.
2. What animals do you intend to keep and how many?

Applicant Response: Chickens and possibly a horse, did not think this through in applying for variance for building a stable, but if decided to put a horse then an application will be submitted.

Staff Response: Do you have an idea of how many chickens you intend to keep on the property?

Applicant Response: Haven't really thought of a total number of chickens in the property, it wouldn't be many in my opinion but currently I would be happy to just be able to get livestock (sheep and goats) in there and would be fine in not having chickens. In one of the Public Works Comments it stated:

At the meeting Mr. Del Toro stated that he would like 15 chickens and a total of a combination of 15 goats/sheep. The Planning Commission recommended a total of 15 chickens and a total of a combination of 6 goats/sheep for #SP-2019-118 for the property located at 3456 North 31st Terrace.

" 5. Per Sec. 27-340, Livestock means horses, mules, cattle, sheep, and goats. 6. No swine are permitted"

Staff Responses: You can have up to six chickens before a special use permit is required.

3. Please describe care and maintenance as related to the animals including facilities, security, and land.

Applicant Response: Property has been cleaned out from when originally purchased, lots of debris/trash in the area. Currently there is some lumber that will be disposed of. Future plan would be to place a fence around the property.

NOTE: An enclosure for the horse stable was approved by the Board of Zoning Appeals for the property at 3447 North 31st Terrace, but not a perimeter fence not already allowed by right.

4. Please detail how the property is maintained to accommodate the animals?

Applicant Response: No animals currently on the property, but a horse is placed on the property within an enclosure while a stable is in the works, an application will be submitted.

5. Per Sec. 27-340, Livestock means horses, mules, cattle, sheep, and goats.

Applicant Response: Noted

6. No swine are permitted.

Applicant Response: Noted.

Public Works Comments:

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

1) None.

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

1) None.

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

1) None

Staff Conclusion:

Having reviewed the concerns of the opposition it is the recommendation of staff that SP-2019-117 and SP-2019-118 be approved. In recognizing the historical significance of the Quindaro Ruins it is the belief of staff that the requested actions will have little impact on the site itself or the surrounding area. The applicant has indicated the intended location of the stable and has stated their willingness to move elsewhere within the confines of the property if it is determined that an alternative location would be less impactful on the Quindaro Ruins. Due to the size and form of the structure (120 s.f.) there is little reason to believe that the impact of the requested action will extend beyond the boundaries of the site. The applicant has been made aware that the site must be cleaned of any excess material or trash and has stated they will do so. Related to the keeping of livestock, concern has been expressed related to the size and type of operation. Initially the applicant had stated their desire to keep a single horse and chickens. The applicant has since stated they are open to not keeping chickens as a resolve given that sheep and goats are permitted. The applicant was informed that if they were to have chickens, they can only have up to six before a

special use permit is required. The size of the operation is rather small and minimal in impact.

At the February 10, 2020 City Planning Commission meeting this application was held over for another 60 days providing time for further discussion in hopes to find a resolve between the applicant and the opposition. On February 15, 2020 the applicant held a meeting. At the meeting, there were questions as to the acquisition of the land, a point of entry not located on the applicant's property, and supposed crimes that had taken place on the site of the Quindaro Ruins, none of which is germane to the applicants intended actions. Ultimately the applicant and opposition were unable to come to a resolve concerning the applicants desired actions. It was suggested by the applicant that the opposition source out other contacts whom might have greater knowledge as to how the ruins and the point of entry are managed and maintained. Director Rob Richardson found that the gate of concern at the point of entry to the Quindaro Ruins (not on the applicant's property) was at some point put in place to avoid illegal dumping. It is unclear who built and owns the gate, but the Unified Government and several of the surrounding neighbors possess keys. This applicant does not possess a key. Director Richardson did state, however, that there is difficulty in closing the gate as it closes off access to a public street. It is clear that the concerns pertaining to the gate and management of the Quindaro Ruins site are not a responsibility of the applicant and are unrelated to the applicant's requested actions. The applicant has stated however that they have consistently been in contact with the opposition as to how to find a resolve relating to the access and management of the property and moreover the closing of the gate.

After much conversation with both the applicant and the opposition attempts have been made by all parties to resolve any conflict that has arisen, however unsuccessfully. It is clear that there is much concern and conversation to be had as to the management and access of the Quindaro Ruins and the illicit behavior that continues to take place therein. It has been concluded by staff that the applicant and their intended actions does not infringe upon the protection of the Quindaro Ruins and that much of the concern that has been raised does not relate to the applicant's property specified by this application. Issues of land acquisition, illegal dumping and other illicit behavior, access and management, amongst many other issues pertaining to the site of the Quindaro Ruins are not germane to the intended actions of the applicant. Given that the nature of the special use permit is to be temporary, approval at this time is recommended.

February 10, 2020 City Planning Commission Minutes:

Recording Secretary Parker that since Mr. Del Toro's appeal was held over at the Board of Zoning Appeals meeting, action should be taken on SP-2019-117 and 118. Director Richardson stated that he would recommend that these applications be held over until the April 13, 2020 City Planning Commission meeting.

SPECIAL USE PERMIT APPLICATION #SP-2019-117 – FRED DEL TORO –

SYNOPSIS: Special Use Permit to keep a horse at 3447 North 31st Terrace.

SPECIAL USE PERMIT APPLICATION #SP-2019-118 – FRED DEL TORO –

SYNOPSIS: Special Use Permit to keep a horse at 3456 North 31st Terrace.

Detailed Outline of Requested Action: The applicant is seeking the approval of a special use permit for the purpose of keeping a horse on their property at the address of 3447 North 31st Terrace. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 1.46 acres. Similarly, the surrounding properties are residential in nature. Currently no structures exist on the property, however this application has been submitted in conjunction with BOZA 2356, a variance for the purpose of building stables on the property. The applicant is also seeking the approval of a special use permit for the purpose of keeping livestock on their property at the address of 3456 N 31st Terrace. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 3.09 acres. Similarly, the surrounding properties are residential in nature. Currently not structures exist on the property. Additionally, the applicant has stated there are several chickens/roosters in the area.

On motion by Dr. Serda, seconded by Mrs. Jones, the Planning Commission voted as follows to **HOLD OVER #SP-2019-117 and #SP-2019-118** until the April 13, 2020 City Planning Commission meeting in conjunction with the Appeal #2356 heard earlier this evening by the Board of Zoning Appeals:

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

Motion to HOLD OVER Passed: 7 to 0

December 9, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-117 – FRED DEL TORO –

SYNOPSIS: Special Use Permit to keep a horse at 3447 North 31st Terrace.

SPECIAL USE PERMIT APPLICATION #SP-2019-118 – FRED DEL TORO –

SYNOPSIS: Special Use Permit to keep a horse at 3456 North 31st Terrace.

Recording Secretary Parker stated that since the appeal for Mr. Del Toro was held over at the Board of Zoning Appeals meeting this evening the Planning Commission needs to take action on the two special use permits.

On motion Ms. Jones, seconded by Mr. Miller, the Planning Commission voted 5 to 0 to hold over Special Use Permit Application #SP-2019-117 and Special Use Permit Application #SP-2019-118 until the January 13, 2020 meeting.

Arrive at 12:56pm on February 15th, 2020
Location: 3345 Sewell Ave Kansas City, KS 66104 (Quindaro Park)
Signatures attached on email.

A couple of people asked how the land was purchased...Marvin, Doug and Tony.

- Purchased through the public delinquent sales tax

Were you aware that it was protected land? Marvin

- I did not research what type of land it was besides knowing it was vacant and had seen there were other plots of land with livestock and so its why I decided to purchase the land.
- Started going through the application when I received a letter of violation. Stopped cleaning the area until to see what the results of the court hearing was. From last weeks (February 10th meeting) I have started to clean up, contacted Mathew Smith to let him know about the cleanup.

Who gave you the key to the gate? Accie Taylor III (gives tours with the Museum)

- Got it from the city, got in contact with a guy who I believe his name is John.

Why did you keep the gate open? Accie Taylor III and other guys asked

- I was informed by the city to keep it closed and at other times to keep it open. The sheriff who drives in the area instructed me to keep it open and also talked with Mathew Smith and he informed me why it was closed due to dumping but that after it was closed it seemed to increase more dumping in the areas where gates were placed so it is better to keep it open. The gate has been kept open at all times for several months already.

Majority of the meeting that was held was regarding over how the land is protected and should be protected and there is a Qjundaro master plan. I was informed that their ancestors are buried in there. There was mentioning of the following:

- Harriet Tubman
- ATVs/motorcycles
- People throwing parties in the cemetery/area
- There can be more people present on April 13th to be opposed
- Rob Richardson (your boss I believe) does not know what he is talking about
- Race
- Land will be taken away eventually
- It was suggested that I sell or sue the City because I purchased that land that is protected

Meeting was adjourned around 2:10PM on February 15th, 2020. It was agreed to disagree. Initially called to adjourn by Douglas and then second by Marvin and I agreed to call the meeting with no agreement.

I spoke that my intent to meeting them was to come to an agreement as what was suggested by the Council. I suggested to gate off the entrance or getting in contact with the person who owns property and the end of the public road on the west side of the street to get permission to gate it and fencing the entire properties, but the conclusion on those opposed is they want nothing to be done in that area by me and just leave the land as is. They understand it is not me up in the cemetery but the belief is that since the gate is open and since I purchased the land all has been bad in the area. As I was leaving the area were more several cars still showing up and Marvin Robinson II had a sign in sheet himself as well and may have gotten more people to sign.

[Sign In](#)

-913-929-9039

MINUTES

Application Number: BZA-2356 19410-00044; SP-2019-117 19402-00109 and SP-2019-118 19402-00110

Date and Location: November 25th, 2019 at 2601 Ridge Ave Kansas City, KS 66102

Meeting called to order at: 6:00 PM

Names of people in attendance:

- Fred Del Toro
- See sign in sheet (no one showed up for meeting)
 - o Two other people signed the sheet who were hosting a neighborhood meeting as well. Did not know what to show as proof besides inquiring for their signatures.

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked question or gave comment- N/A
- What was the question or comment- N/A
- Who answered the question/comment - N/A
- What was the answer given - N/A

Meeting adjourned at: 6:27 PM

Minutes taken by: Miguel Del Toro

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
COUNTY OF _____) SS:

Comes now Fred Del Toro, of lawful age, sound mind and upon his/her oath states as follows:

BZA.2356 19410-00044
SP-2019-117 19402-00109
SP-2019-118 19402-00110

1. That I am the petitioner for Petition # _____
2. That I conducted a neighborhood meeting on 11/25/19 @ 6:00 PM.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

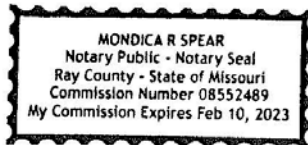
Further affiant saith not.

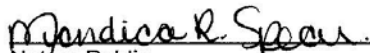


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of November 2019

My commission expires 10th of February 2023





Notary Public

[illegible]

Arrived	5:33 pm	11/25/19
Departed	6:27 pm	11/25/19



Fred Del Toro <deltoro.fred@gmail.com>

To: Pellegrino, Jacob



1/7/2020

 You replied to this message on 1/13/2020 10:42 AM.

Hi Jacob,

Sorry for the delayed response, I thought I had responded until I saw my drafts. Anyways, the structure size is to be 10 x 10 feet with a shed on the NW corner to be 5 x 4 ft; making it a total of 120 sq. feet. Besides just the drawing I provided at an earlier date, ideally the structure would be located about center of the overall property. If you don't mind waiting, this weekend I may be able to get you the longitude and latitude of where it would exactly be placed if approved.

If the structure needs to be at a certain area within the property, I can accommodate.

Also, do you know if the properties can be fenced in around their respective perimeters? I am curious because I've seen footprints in the area and just wanted to see if that was allowed. Thanks for helping out with this process, I'll add to my calendar to show up on 2/10/2020 instead of this month.

Thanks,
Fred

I'm Dr. Steve Collins, 14126 Leavenworth Road, Basehor Kansas. From 2001-2006 I was project manager for the Federal Save America's Treasures **Matching** Grant, awarded to the African Methodist Episcopal Church, to perform the **first formal stabilization** of the Quindaro ruins.

Among many others, The Quindaro ruins has was designated a **National Commemorative Site**, only the second time an American historic community was given this coveted award.

Quindaro is truly one of America's Treasures, right here in our community.

Consulting the **Northeast Area Master Plan of 2018**, you will find that Quindaro Townsite and immediate surrounding area has been designated an **Historic and**

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institutional Zone. The petitioner's property is found within this zone. The plan promotes preserving NE neighborhood character, which include the Quindaro Townsite historic zone and the petitioner's property. The masterplan has a specific vision of **Sharing** and **capitalizing** on the rich history of the Area. The **John Brown Statue** and the **Quindaro Townsite** are listed **FIRST** Under NE area **community assets**.

The plan notes **Blight** as a central challenge to the Northeast Area. Under **Health** the plan suggests Improving the health outcomes of Northeast Area residents by mitigating environmental health risks. Will the **diseases associated with chicken's (i.e. bacterial infections, predator attraction, bird flu, unpleasant stink, etc.)**, will chicken droppings runoff into Quindaro Creek become an incubator for disease to the neighbors; perhaps suggesting **environmental racism**, in a

neighborhood dominated by people of color? The masterplan states that "*Not enough has been done to preserve and promote the historic legacy of the Quindaro Ruins*". The first criteria for evaluating the twin goals of promoting ***Tourism and Entertainment for NE area*** are, **increased visitor and tourism revenue. Will visitors remember the questionable appearance that currently surrounds the western gateway to the townsite; will the appearance entice others to visit, let alone spend money?**

The National Park Service is holding **Quindaro Stakeholder's meetings** to development the Quindaro Townsite. Among other issues, **that of standards for the surrounding properties to adhere to historic themes are being discussed.**

The undeniable impression one has coming through the Western Gateway today is that of clutter, buildings of varying quality, and **questionable construction and appearance**. Should we move ahead with actions which approve any building, without establishing standards for the Historic Zoning around the Townsite and at its entrances? I assure you that the standard the owner has set is very far from desirable for a nationally important historic area. Your visit to the site will reinforce what I'm saying.

The petition presents another problem.

Someone has built a bridge over Quindaro Creek from the public road (North 31st Street) to the petitioner's property. Was this bridge authorized? The placement of a large post in the middle of Quindaro Creek, supports this bridge.

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The post's placement in the narrow stream **turns just one high velocity flow into two high velocity flows on either side of the post.** The steep creek banks become **more in danger of erosion as a result.** If not already accomplished, a code inspection should occur to determine what damage this bridge may do to the public road and if determined to be a threat, shouldn't it be removed?

The existence of uninviting construction materials in disarray appears on the petitioner's property west of North 31st street; additionally **the appearance of A new framework for a structure (which appears to be of new wood, not yet weathered) exists on the east side.** Is this the second structure on the property. Is this the 'out building' the petitioner requests to build? Has the structure been approved? I don't know the answers to

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these questions, but shouldn't all these issues be taken into consideration before any action is taken to develop the property, or for any new building in the historic zone?

I've already mentioned **the absence of a locked gate at the western entrance at your December meeting**. A long standing president was that this gate was always locked, with access **only after permission was granted by the AME church or the city**.

The gate is not locked at all at the present time. **The nationally significant townsite of Quindaro and all its improvements and cemetery are insecure.**

Based on the above, **recommendations include:**

- 1) denying outright the special use permit at this time,
- 2) investigating the compliance of the property owner to codes that relate to his property including revealing the nature of the building under construction,
- 3) Investigating the health threat of chickens and the erosion threat to the public road due to the building of a bridge over Quindaro Creek and whether it was approved,
- 4) Restore the long-established president of **the Locked gate policy** which means the gate is locked at all times not in use to enter or exit the property, which would include the property owners, maintenance crews, and tours of visitors.

Thank You.











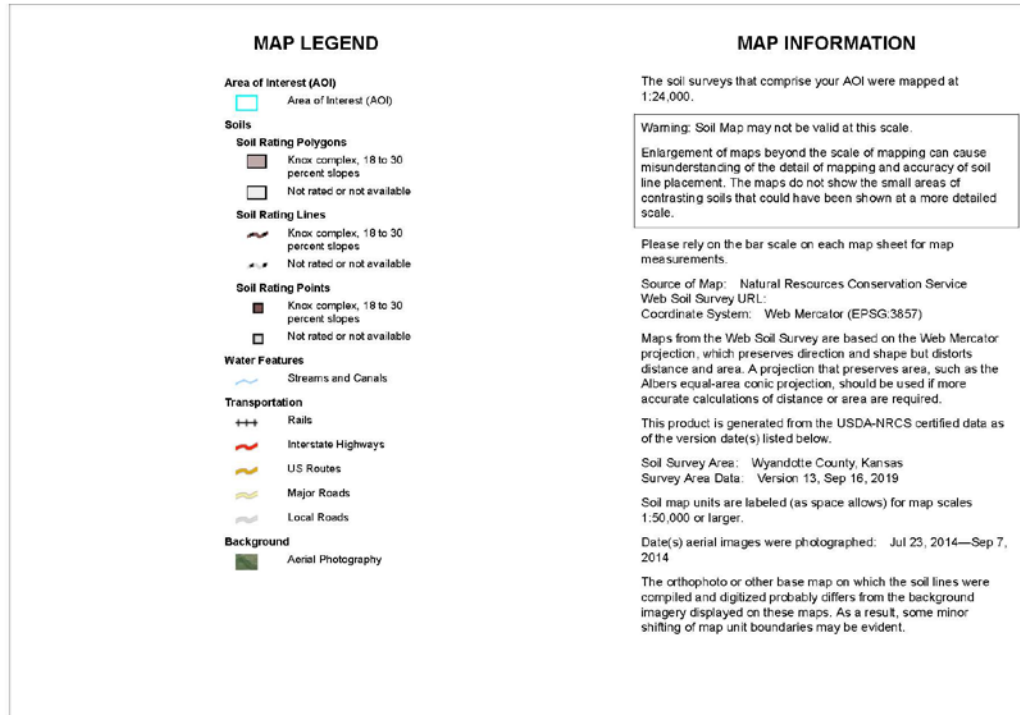












Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7957	Knox complex, 18 to 30 percent slopes	Knox complex, 18 to 30 percent slopes	1.5	100.0%
Totals for Area of Interest			1.5	100.0%

Description

A soil map unit is a collection of soil areas or nonsoil areas (miscellaneous areas) delineated in a soil survey. Each map unit is given a name that uniquely identifies the unit in a particular soil survey area.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



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

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

November 10, 2019

RE: SP-2017-117 BOZ 2356 Fred Del Toro one horse 3447 North 31st Terrace

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the special use for SP-2017-117 Fred Del Toro one horse 3447 North 31st Terrace.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam, 18 to 30 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- **This site is not suitable for any animals.** This site is heavily wooded. One horse was observed in a small pen right adjacent to a stream. It is very easy to contaminate the stream with animal waste. This could cause major health issues downstream.
- The other thing with the small pen is that the animal is standing and laying in contaminated soil all the time. It is hard on the animal's feet to be in wet contaminated soils all the time. Due to the wooded conditions, the area does not dry out very fast. This is an abusive condition to keep an animal in.

- The shack that is on site is not much of a building. The roof appears to be a pick-up topper. If the horse is allowed to stay, a building needs to be built to have a dry space for it.
- This site is adjacent to a historic cemetery.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Restrictive Layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		<i>Low-RV-High</i>	<i>Range</i>		<i>Low-High</i>	<i>Low-High</i>			
		<i>In</i>	<i>In</i>		<i>In</i>	<i>In</i>			
7957—Knox complex, 18 to 30 percent slopes									
Knox		—	—		—	—	High	Moderate	Low
Sogn	Lithic bedrock	4-16-20	—	Indurated	0	—	Moderate	Moderate	Low

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Data: Version 13, Sep 16, 2019



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

11/6/2019
Page 2 of 2

Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7957—Knox complex, 18 to 30 percent slopes

Component: Knox (65%)

The Knox component makes up 65 percent of the map unit. Slopes are 18 to 30 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

Component: Sogn (35%)

The Sogn component makes up 35 percent of the map unit. Slopes are 18 to 20 percent. This component is on hillslopes on uplands. The parent material consists of loamy residuum weathered from limestone. Depth to a root restrictive layer, bedrock, lithic, is 4 to 20 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107XY028KS Shallow Limy (pe 35-37) ecological site. This soil does not meet hydric criteria.

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019

Dwellings and Small Commercial Buildings

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. This table shows the degree and kind of soil limitations that affect dwellings and small commercial buildings.

The ratings in the table are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the table indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Small commercial buildings are structures that are less than three stories high and do not have basements. The foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (which is inferred from the Unified classification). The properties that affect the ease and amount of excavation include flooding, depth to a water table, ponding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Information in this table is intended for land use planning, for evaluating land use alternatives, and for planning site investigations prior to design and construction. The information, however, has limitations. For example, estimates and other data generally apply only to that part of the soil between the surface and a depth of 5 to 7 feet. Because of the map scale, small areas of different soils may be included within the mapped areas of a specific soil.

The information is not site specific and does not eliminate the need for onsite investigation of the soils or for testing and analysis by personnel experienced in the design and construction of engineering works.

Government ordinances and regulations that restrict certain land uses or impose specific design criteria were not considered in preparing the information in this table. Local ordinances and regulations should be considered in planning, in site selection, and in design.

Report—Dwellings and Small Commercial Buildings

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Dwellings and Small Commercial Buildings--Wyandotte County, Kansas							
Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7957--Knox complex, 18 to 30 percent slopes							
Knox	65	Very limited		Very limited		Very limited	
		Slope	1.00	Slope	1.00	Slope	1.00
		Shrink-swell	0.91	Shrink-swell	0.76	Shrink-swell	0.91
Sogn	35	Very limited		Very limited		Very limited	
		Slope	1.00	Slope	1.00	Slope	1.00
		Depth to hard bedrock	1.00	Depth to hard bedrock	1.00	Depth to hard bedrock	1.00
		Shrink-swell	0.50	Shrink-swell	0.50	Shrink-swell	0.50

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Data: Version 13, Sep 16, 2019

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

Soil properties are important considerations in areas where soils are used as sites for the treatment and disposal of organic waste and wastewater. Selection of soils with properties that favor waste management can help to prevent environmental damage.

This table shows the degree and kind of soil limitations affecting the treatment of agricultural waste, including municipal and food-processing wastewater and effluent from lagoons or storage ponds. Municipal wastewater is the waste stream from a municipality. It contains domestic waste and may contain industrial waste. It may have received primary or secondary treatment. It is rarely untreated sewage. Food-processing wastewater results from the preparation of fruits, vegetables, milk, cheese, and meats for public consumption. In places it is high in content of sodium and chloride. In the context of this table, the effluent in lagoons and storage ponds is from facilities used to treat or store food-processing wastewater or domestic or animal waste. Domestic and food-processing wastewater is very dilute, and the effluent from the facilities that treat or store it commonly is very low in content of carbonaceous and nitrogenous material; the content of nitrogen commonly ranges from 10 to 30 milligrams per liter. The wastewater from animal waste treatment lagoons or storage ponds, however, has much higher concentrations of these materials, mainly because the manure has not been diluted as much as the domestic waste. The content of nitrogen in this wastewater generally ranges from 50 to 2,000 milligrams per liter. When wastewater is applied, checks should be made to ensure that nitrogen, heavy metals, and salts are not added in excessive amounts.

The ratings in the table are for waste management systems that not only dispose of and treat organic waste or wastewater but also are beneficial to crops. The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect agricultural waste management. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the tables indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Application of manure and food-processing waste not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. Manure is the excrement of livestock and poultry, and food-processing waste is damaged fruit and vegetables and the peelings, stems, leaves, pits, and soil particles removed in food preparation. The manure and food-processing waste are solid, slurry, or liquid. Their nitrogen content varies. A high content of nitrogen limits the application rate. Toxic or otherwise dangerous wastes, such as those mixed with the lye used in food processing, are not considered in the ratings.

The ratings are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the waste is applied, and the method by which the waste is applied. The properties that affect absorption include saturated hydraulic conductivity (Ksat), depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, and available water capacity. The properties that affect plant growth and microbial activity include reaction, the sodium adsorption ratio, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of waste. Permanently frozen soils are unsuitable for waste treatment.

Application of sewage sludge not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. In the context of this table, sewage sludge is the residual product of the treatment of municipal sewage. The solid component consists mainly of cell mass, primarily bacteria cells that developed during secondary treatment and have incorporated soluble organics into their own bodies. The sludge has small amounts of sand, silt, and other solid debris. The content of nitrogen varies. Some sludge has constituents that are toxic to plants or hazardous to the food chain, such as heavy metals and exotic organic compounds, and should be analyzed chemically prior to use.

The content of water in the sludge ranges from about 98 percent to less than 40 percent. The sludge is considered liquid if it is more than about 90 percent water, slurry if it is about 50 to 90 percent water, and solid if it is less than about 50 percent water.

The ratings in the table are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the sludge is applied, and the method by which the sludge is applied. The properties that affect absorption, plant growth, and microbial activity include Ksat, depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, available water capacity, reaction, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of sludge. Permanently frozen soils are unsuitable for waste treatment.

Report—Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge—Wyandotte County, Kansas					
Map symbol and soil name	Pct. of map unit	Application of sewage sludge		Application of manure and food-processing waste	
		Rating class and limiting features	Value	Rating class and limiting features	Value
7957—Knox complex, 18 to 30 percent slopes					
Knox	65	Very limited		Very limited	
		Slope	1.00	Slope	1.00
Sogn	35	Very limited		Very limited	
		Depth to bedrock	1.00	Slope	1.00
		Slope	1.00	Slow water movement	1.00
		Slow water movement	1.00	Depth to bedrock	1.00
		Droughty	0.98	Droughty	0.98
				Runoff	0.40

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019

Hydrologic Soil Group and Surface Runoff

This table gives estimates of various soil water features. The estimates are used in land use planning that involves engineering considerations.

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The four hydrologic soil groups are:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas.

Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based on slope, climate, and vegetative cover. The concept indicates relative runoff for very specific conditions. It is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal. The classes are negligible, very low, low, medium, high, and very high.

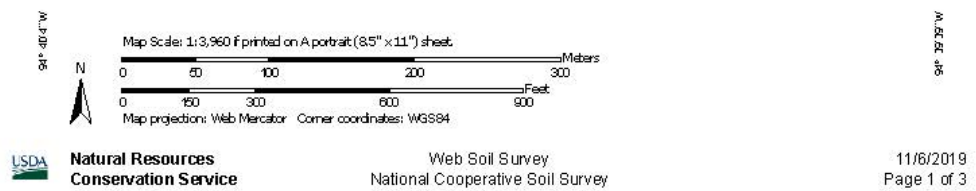
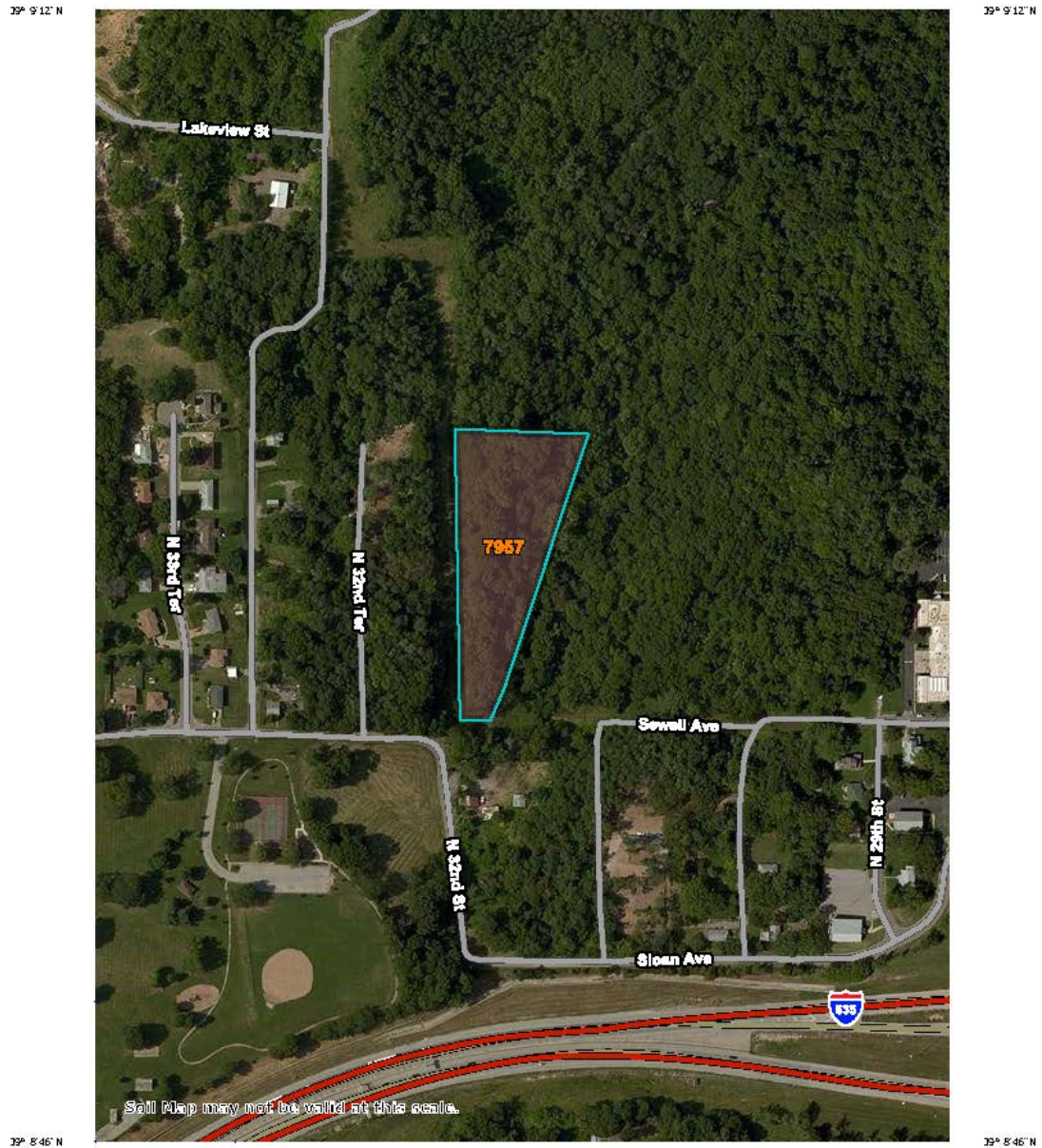
Report—Hydrologic Soil Group and Surface Runoff

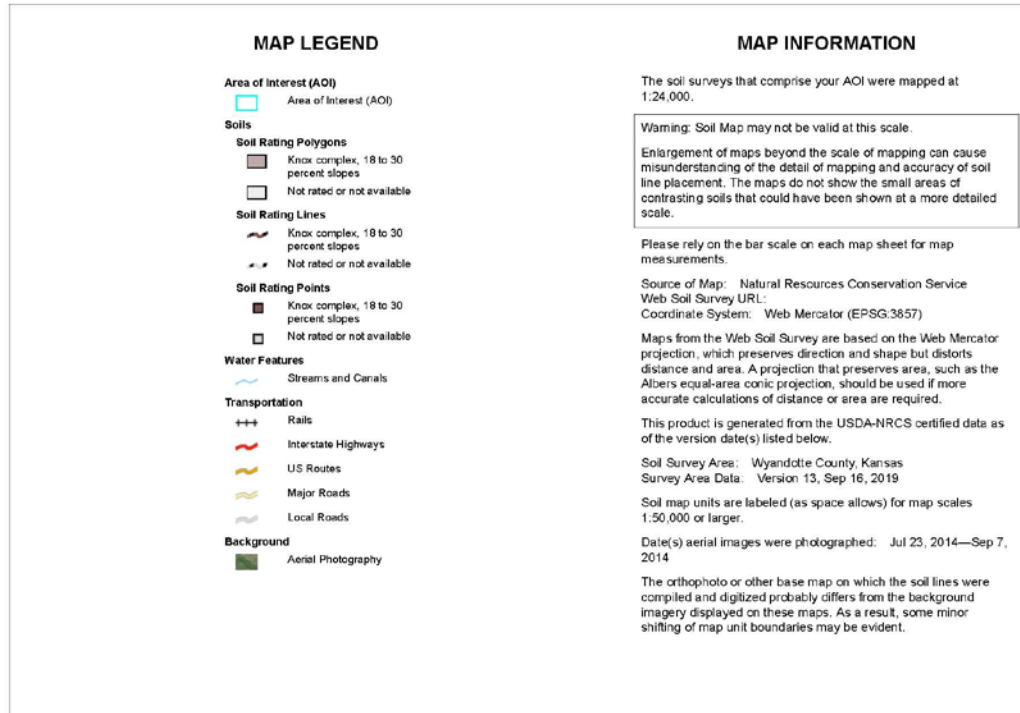
Absence of an entry indicates that the data were not estimated. The dash indicates no documented presence.

Hydrologic Soil Group and Surface Runoff--Wyandotte County, Kansas			
Map symbol and soil name	Pct. of map unit	Surface Runoff	Hydrologic Soil Group
7957—Knox complex, 18 to 30 percent slopes			
Knox	65	High	B
Sogn	35	High	D

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019





Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7957	Knox complex, 18 to 30 percent slopes	Knox complex, 18 to 30 percent slopes	3.1	100.0%
Totals for Area of Interest			3.1	100.0%

Description

A soil map unit is a collection of soil areas or nonsoil areas (miscellaneous areas) delineated in a soil survey. Each map unit is given a name that uniquely identifies the unit in a particular soil survey area.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



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

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

November 10, 2019

RE: SP-2017-118 Fred Toro chickens and livestock 3456 North 31st Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the special use for SP-2017-118 Fred Toro chickens and livestock 3456 North 31st Street.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam, 18 to 30 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- **This site is not suitable for any animals.** This site is heavily wooded. There is very little ground cover to absorb waste materials from animals. Some caged dogs were observed on this site. They are close to the stream and their waste could easily contaminate the nearby stream.
- As far as chickens are concerned, chicken waste is very toxic. All waste materials need to be removed from the site and disposed of in a safe manner. Animal waste that gets into the stream could cause health issues downstream.
- This site is adjacent to a historic cemetery.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7957—Knox complex, 18 to 30 percent slopes

Component: Knox (65%)

The Knox component makes up 65 percent of the map unit. Slopes are 18 to 30 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna, Deep Loess Protected Backslope Woodland ecological site. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

Component: Sogn (35%)

The Sogn component makes up 35 percent of the map unit. Slopes are 18 to 20 percent. This component is on hillslopes on uplands. The parent material consists of loamy residuum weathered from limestone. Depth to a root restrictive layer, bedrock, lithic, is 4 to 20 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107XY028KS Shallow Limy (pe 35-37) ecological site. This soil does not meet hydric criteria.

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Restrictive Layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		<i>Low-RV-High</i>	<i>Range</i>		<i>Low-High</i>	<i>Low-High</i>			
		<i>In</i>	<i>In</i>		<i>In</i>	<i>In</i>			
7957—Knox complex, 18 to 30 percent slopes									
Knox		—	—		—	—	High	Moderate	Low
Sogn	Lithic bedrock	4-16-20	—	Indurated	0	—	Moderate	Moderate	Low

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Data: Version 13, Sep 16, 2019



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

11/6/2019
Page 2 of 2

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

Soil properties are important considerations in areas where soils are used as sites for the treatment and disposal of organic waste and wastewater. Selection of soils with properties that favor waste management can help to prevent environmental damage.

This table shows the degree and kind of soil limitations affecting the treatment of agricultural waste, including municipal and food-processing wastewater and effluent from lagoons or storage ponds. Municipal wastewater is the waste stream from a municipality. It contains domestic waste and may contain industrial waste. It may have received primary or secondary treatment. It is rarely untreated sewage. Food-processing wastewater results from the preparation of fruits, vegetables, milk, cheese, and meats for public consumption. In places it is high in content of sodium and chloride. In the context of this table, the effluent in lagoons and storage ponds is from facilities used to treat or store food-processing wastewater or domestic or animal waste. Domestic and food-processing wastewater is very dilute, and the effluent from the facilities that treat or store it commonly is very low in content of carbonaceous and nitrogenous material; the content of nitrogen commonly ranges from 10 to 30 milligrams per liter. The wastewater from animal waste treatment lagoons or storage ponds, however, has much higher concentrations of these materials, mainly because the manure has not been diluted as much as the domestic waste. The content of nitrogen in this wastewater generally ranges from 50 to 2,000 milligrams per liter. When wastewater is applied, checks should be made to ensure that nitrogen, heavy metals, and salts are not added in excessive amounts.

The ratings in the table are for waste management systems that not only dispose of and treat organic waste or wastewater but also are beneficial to crops. The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect agricultural waste management. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the tables indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Application of manure and food-processing waste not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. Manure is the excrement of livestock and poultry, and food-processing waste is damaged fruit and vegetables and the peelings, stems, leaves, pits, and soil particles removed in food preparation. The manure and food-processing waste are solid, slurry, or liquid. Their nitrogen content varies. A high content of nitrogen limits the application rate. Toxic or otherwise dangerous wastes, such as those mixed with the lye used in food processing, are not considered in the ratings.

The ratings are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the waste is applied, and the method by which the waste is applied. The properties that affect absorption include saturated hydraulic conductivity (Ksat), depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, and available water capacity. The properties that affect plant growth and microbial activity include reaction, the sodium adsorption ratio, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of waste. Permanently frozen soils are unsuitable for waste treatment.

Application of sewage sludge not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. In the context of this table, sewage sludge is the residual product of the treatment of municipal sewage. The solid component consists mainly of cell mass, primarily bacteria cells that developed during secondary treatment and have incorporated soluble organics into their own bodies. The sludge has small amounts of sand, silt, and other solid debris. The content of nitrogen varies. Some sludge has constituents that are toxic to plants or hazardous to the food chain, such as heavy metals and exotic organic compounds, and should be analyzed chemically prior to use.

The content of water in the sludge ranges from about 98 percent to less than 40 percent. The sludge is considered liquid if it is more than about 90 percent water, slurry if it is about 50 to 90 percent water, and solid if it is less than about 50 percent water.

The ratings in the table are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the sludge is applied, and the method by which the sludge is applied. The properties that affect absorption, plant growth, and microbial activity include Ksat, depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, available water capacity, reaction, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of sludge. Permanently frozen soils are unsuitable for waste treatment.

Report—Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge—Wyandotte County, Kansas					
Map symbol and soil name	Pct. of map unit	Application of sewage sludge		Application of manure and food-processing waste	
		Rating class and limiting features	Value	Rating class and limiting features	Value
7957—Knox complex, 18 to 30 percent slopes					
Knox	65	Very limited		Very limited	
		Slope	1.00	Slope	1.00
Sogn	35	Very limited		Very limited	
		Depth to bedrock	1.00	Slope	1.00
		Slope	1.00	Slow water movement	1.00
		Slow water movement	1.00	Depth to bedrock	1.00
		Droughty	0.98	Droughty	0.98
				Runoff	0.40

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019

Hydrologic Soil Group and Surface Runoff

This table gives estimates of various soil water features. The estimates are used in land use planning that involves engineering considerations.

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The four hydrologic soil groups are:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas.

Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based on slope, climate, and vegetative cover. The concept indicates relative runoff for very specific conditions. It is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal. The classes are negligible, very low, low, medium, high, and very high.

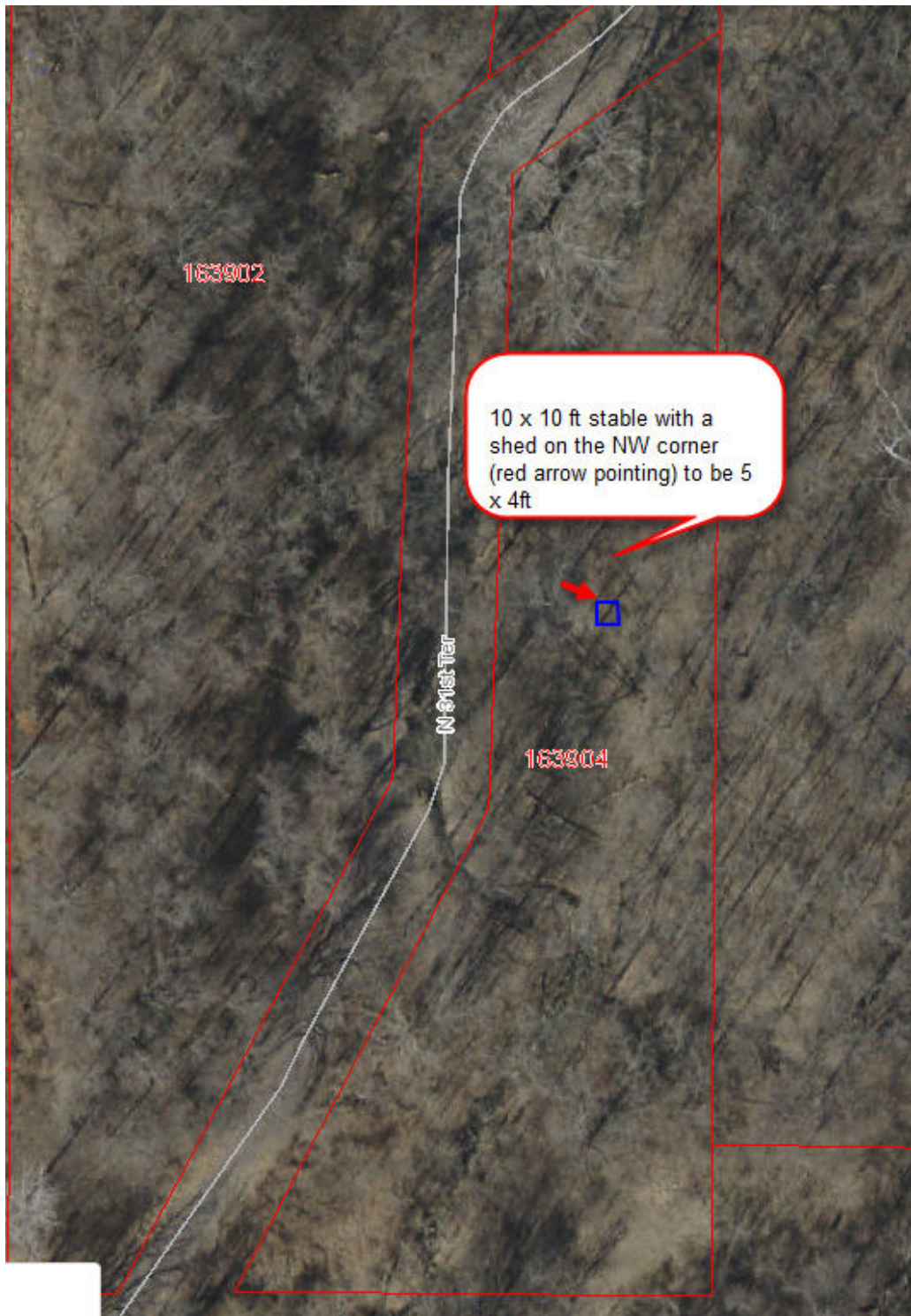
Report—Hydrologic Soil Group and Surface Runoff

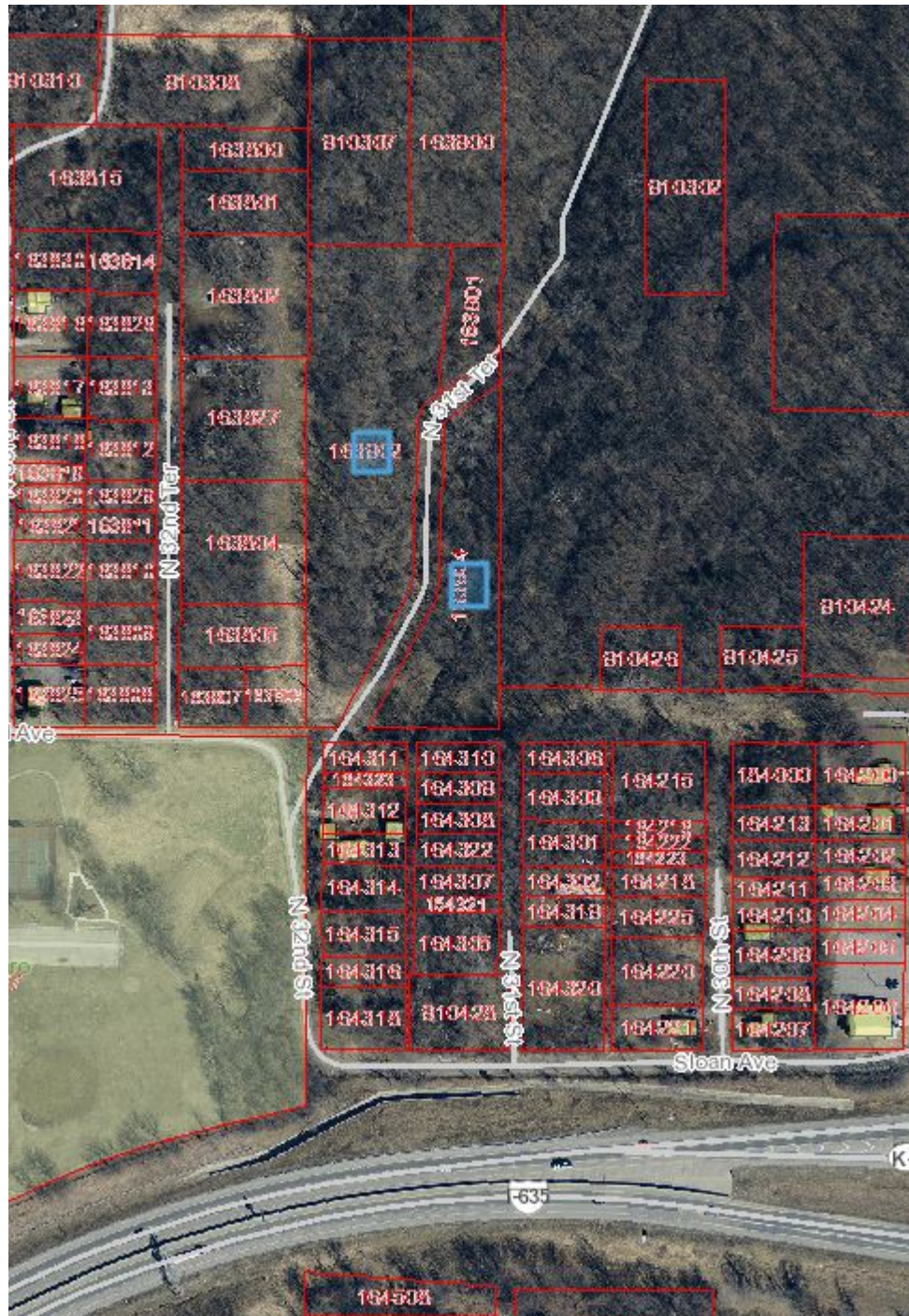
Absence of an entry indicates that the data were not estimated. The dash indicates no documented presence.

Hydrologic Soil Group and Surface Runoff--Wyandotte County, Kansas			
Map symbol and soil name	Pct. of map unit	Surface Runoff	Hydrologic Soil Group
7957—Knox complex, 18 to 30 percent slopes			
Knox	65	High	B
Sogn	35	High	D

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 13, Sep 16, 2019





Parker, Janet

From: Marvin S. Robinson, II <robinsoniimarvins@yahoo.com>
Sent: Monday, April 13, 2020 3:12 PM
To: Hoard, Robert [KSHS]; Phil Dougherty; Bonita Gooch; Dr. Michael Swann; Matt.kleinmann; Althea Moses; Bryon Williams; Joanna Grace Farmer - Building Community Capacity -; MBA President; Mahoney, Maureen; Deanda Johnson; Ms. Kay Sharp Dir.ConstituentServices& Outreach; The Mr. M.C.Richardson UnitedMinorityMediaAssociation; Mr. Billy Friend; anthony.hope@oldquindaromuseum.org; Luther Smith; Janith English; Louisa Libby; Ziegler Laura A.; lhorsley@kcstar.com; Glenn - Kansas CityRice; Diane Miller; Townsend, Gayle E.; Diane Mutti-Burke; Anita Dixon; Leaders Brian; David Thomson; LWCF -NPS 402.661.1564; Center for Neighborhoods- UMKC; Stephen Lester; CenterforHealthEnvironment/Justice LoisGibbs-SHEROE; Mr. Eric Wesson; Mr. &Mrs. Marion-Denise Jordan; Fred Whitehead; KC UM SHS Research Center; Mary Wolf; Ed Dwight; Edith Haney-Galvin; Mary Rupert; Candice Price; Mr. Carl R. Price; Brenda Vann; Sidney King; Freedom's Frontier NHA; Julie Earnstein; Paul Loether; National Park Foundation; Senator Pat Roberts; Green Cindy (Moran); 11 Most endangered Historic Sites in USA NTHP; Brent Leggs; Thomas Randolph; Mr.Herbert Harris harris media production; Ejstrategy; Historic Kansas City; William Wells; Joe Wynn - Vets Group/VVA; National Park Foundation; PlanningInfo; Daniel Smith; Danielle Robinson; Michael Williams; UMKC Diversity and Inclusion; US Human Rights Network
Subject: Re: Upcoming Board for Zoning & Appeals for next Monday's -13 April 2020 "TIME SENSITIVE" a lot of our residents don't have REMOTE Technology Access to Attend MTG.

That would at least address the Archaeological foundations that are already on known maps, additionally

<https://www.kshs.org/p/site-protection/14658>

Has not been provided ample review, for our local LANDMARKS COMMISSION of the Unified Government nor an objective neutral review from our Wyandotte County Historic Society
On Monday, April 13, 2020, 02:58:11 PM CDT, Hoard, Robert [KSHS] <robert.hoard@ks.gov> wrote:

Hi all.

The proposed structure is pretty small. It is outside of the NRHP boundary, and might even be outside of the archeological site boundary. I don't have the commemorative site boundary handy at home. Still, I don't have grounds to oppose this. I intend to join in the meeting this evening by Zoom. If necessary, I believe I could get permission and resources to conduct an archeological survey of the proposed building site.

Wish best wishes for your health and well-being,
Bob



Robert J. Hoard PhD, State Archeologist

From: Marvin S. Robinson, II <robinsoniimarvins@yahoo.com>

Sent: Wednesday, April 8, 2020 5:02 PM

To: Rob Richardson <r Richardson@wycokck.org>; Gayle E. Townsend <gtownsend@wycokck.org>; Melissa Bynum <mbynum@wycokck.org>; Steve Collins <sac1947@gmail.com>; Julie Earnstein <julie_ernstein@nps.gov>; Deanda Johnson <deanda_johnson@nps.gov>; Diane Miller <diane_miller@nps.gov>; Stanley Walker <walker.stanley@epa.gov>; Brian Leaders <brian_leaders@nps.gov>; David Thomson <dave_thomson@nps.gov>; Paul Loether <paul_loether@nps.gov>; National Trust for Historic Preservation <email@savingplaces.org>; LWCF -NPS 402.661.1564 <andrea_messam@nps.gov>; Maureen Mahoney <mmahoney@wycokck.org>; MBA President <kcbapres@gmail.com>; Michael Williams <michael.williams@mail.house.gov>; Ms. Kay Sharp Dir.ConstituentServices& Outreach <kay_sharp@roberts.senate.gov>; Hoard, Robert [KSHS] <Robert.Hoard@ks.gov>; KC UM SHS Research Center <shsofmo-kc@umsystem.edu>; Hoard, Robert [KSHS] <Robert.Hoard@ks.gov>; Bryon Williams <bryon@ksu.edu>; Maggie Egberts <maggiejessie@ksu.edu>; Cox, Kenya [GO] <Kenya.Cox@ks.gov>; Deborah r.Kennedy Brownfield Proj.Mgr. 551.7628 <kennedy.deborah@epa.gov>; Joanna at Building Community Capacity <legacyoflove.global@gmail.com>; Green Cindy (Moran) <cindy_green@moran.senate.gov>; Rachel Nugent <rachel@rosinpreservation.com>; Elizabeth Rosin <elizabeth@rosinpreservation.com>; Rachel Barnhart <rachelb@rosinpreservation.com>; Althea Moses <moses.althea@epa.gov>; National Park Foundation <npcf@npca.org>; Bonita Gooch <gooch@tcvpub.com>; Mr. Billy Friend <bfriend@wyandotte-nation.org>; MC Richardson <ummaseventyfour@yahoo.com>; Danielle Robinson <danielle.robinson@mail.house.gov>; Daniel Smith <battleofwestport1864@yahoo.com>; Dr. Michael Swann <mmswann@ku.edu>; Venetia Washington <venetia.washington@mail.house.gov>; Senator Pat Roberts <pat.roberts@roberts.enews.senate.gov>; LaTonya Sanders <sanders.latonya@epa.gov>; Jonathan Harrington <harrington.jonathan@epa.gov>; Stephanie Rolley <strolley@ksu.edu>; Fred Whitehead <fredwh@swbell.net>; Janith English <jenglish7@kc.rr.com>; jrogers@wycokck.org <jrogers@wycokck.org>; Humanities Kansas <julie@humanitieskansas.org>; Shiriki Unganisha <shirikiw@gmail.com>; Nedra Bonds <nedrabonds@hotmail.com>; Humanities Kansas <abigail@humanitieskansas.org>; Murl <murl@humanitieskansas.org>; Bruce Ladd <bruce.l.ladd@hud.gov>; pdoughtery@slaggie.com <pdoughtery@slaggie.com>; Laura A. Ziegler <zieglerl@umkc.edu>; William Wells <william@asteamvillage.org>; Carmalita Williams <drcarma@blackarchives.org>; The New York Times <letters@nytimes.com>; Race/Related <racerelated@nytimes.com>; Mary Rupert <maryr@wyandottepublishing.com>; Louisa Libby <libbyusa@gmail.com>; Luther Smith <lutherhsmith@aol.com>; Center for Neighborhoods- UMKC <neighborhoods@umkc.edu>; info@npi.org <info@npi.org>; anthony.hope@oldquindaromuseum.org <anthony.hope@oldquindaromuseum.org>
Subject: Upcoming Board for Zoning & Appeals for next Monday's -13 April 2020 "TIME SENSITIVE" a lot of our residents don't have REMOTE Technology Access to Attend MTG.

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

#ZA - 19410- 000444 Reference

Sec. 27-609(2)

2

"SYNOPSIS: This appeal has been filed to build a stable on the property. Sec. 27-609(2) states that for any dwelling unit there may be permitted unit there may be permitted a single detached accessory structure. Appellant is requesting a second detached accessory: a violation of one structure."

<https://www.nps.gov/history/tribes/Documents/106.pdf>

Archeology



Archeology

Federal authorities, regulations and guidelines define how GSA preserves and treats archeological sites and obje...

An Introduction to Section 106 | Advisory Council on Historic Preservation



An Introduction to Section 106 | Advisory Council on Historic Preservation

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to consider the e...

Section 106: National Historic Preservation Act of 1966



Attention: Planning and Zoning/Commission

I am writing to speak against any vote or decision being made at tonight's meeting regarding the Quindaro Townsite preservation area. Such decisions should be made at a time when the highest levels of participation can be obtained that are accessible to all. Many lack the capacity to participate via Zoom. I further wish to state my opposition to the selling of these lands by the Unified Government of Kansas City, Kansas given its participation in many meetings and public events recognizing its historical significance.

For decades, residents of Kansas City, Kansas have fought to preserve this site of historic significance to Native Americans, African Americans and the Kansas City, Kansas community at large. Through these efforts, progress has been made in achieving varying levels of historical designation, and there is the potential to achieve higher designations.

As a resident of Kansas City, Kansas and as a member of the Greater Kansas City Black History Study Group, a branch of The Association for the Study of African American Life and History (ASALH), I am a strong supporter of historical preservation in general and specifically of the Quindaro Townsite. The mission of ASALH is to promote, research, preserve, interpret and disseminate information about Black life, history and culture to the global community. This site is a rich example of this mission.

Please postpone any vote or decision regarding the Quindaro Townsite and please desist in selling land within this area.

Sincerely,
Brenda M. Vann
2426 N. 73rd Place
Kansas City, KS 66109

!

Parker, Janet

From: Anna Brown <wyandoteagle@gmail.com>
Sent: Monday, April 13, 2020 2:58 PM
To: PlanningInfo
Subject: Fred Del Toro cases (SP-2019-117 and SP-2019-118)

Hello My name is Anna Brown and I'm a member of the Wyandot Nation of Kansas. I live at 212 NW North Shore Dr. Lake Waukomis, MO 64151. I am opposed to Fred Del Toro to adding the structure on his property. due to the historical significance right down the road from his property. Our tribe has been working with Freedom Frontier, The National Parks Service and many other local groups to make the Quindaro Town-site area a tourist destination. We are planning on having interpretive trails that would be passing right beside his property. As well as other areas near the Quindaro Town-site. Having a horse or other livestock near such an important historical site that hasn't been taken care of like it should have shouldn't be allowed.

Best Regards,
Anna Brown

Parker, Janet

From: Louisa Libby <libbyusa@gmail.com>
Sent: Monday, April 13, 2020 3:17 PM
To: PlanningInfo
Subject: Fred Del Torres request for structure

My name is Louisa Libby and I am the Vice President of the Wyandot Nation of Kansas. I am opposed to Mr. Del Torres adding a structure to his property. The blight that exists on his adjacent property is an indication on what he will do on a proposed structure on a new lot. His property is y is unsightly and a deterrent to those we take down for tours to the historic black cemetery. It does not represent the community of Quindaro.

My nation along with a multitude of other area, regional, state and national stake holders have been working hard to make the old Quindaro Townsite a historic landmark. There has already been approval/passed legislation to make the area a National Historical Commemorative Site. The National Parks is facilitating our meetings as we move forward to implement interpretive trails and a Visitors and Culture Center. We currently give folks tours down to the black cemetery, the trails will go down by that area also. It would be sad to have people walking this historic site with such blight in site. The visual site is concerning but it would cause one to question the security on a trail when they see that blight is allowed to continue. Codes in this area need to be enforced and acted upon immediately and without favor.

A larger concern is the hard work and years it has taken coordinate this effort to bring economic development into Quindaro and try to revitalize this historic area. Mr. Del Torres property is adjacent to this historic land, land where the Wyandot tribe of indians and black slaves seeking freedom came together. A site that was key on the Underground Railroad. When property is purchased next to historic landmarks the property owner as well as the local municipalities have a duty to keep their property up to a standard fitting to be a neighbor to such a piece of history Kansas City, Kansas and Quindaro was founded on.

Louisa Libby
Vice President Wyandot Nation of Kansas
212 NW North Shore Drive
Lake Waukomis, MO 64151

Parker, Janet

From: B S <runbsfun@gmail.com>
Sent: Monday, April 13, 2020 5:02 PM
To: PlanningInfo
Subject: Protesting a horse put on or near sacred grounds close to Quindaro Ruins

To whom it may concern.

There are already many animals living in deplorable conditions. None of the Hispanic buyers have been Grandfathered in as far as owning live stock on this area..

I have witnessed guns and these animals being shot and abused by neighbors when the animals are free range. They have not enough room for the number of animals. Horses goats pigs chickens on the property.

It is in the Interest of Quindaro Ruins Centenary and surrounding area that more animals on not enough land is defeating the purpose of what this HISTORIC community is rising to. With the Federal Government now recognizing the history of Old Quindaro.

Please do NOT allow anymore horses in that area!

There is already an issue of the Hispanic land buyers riding 4 wheelers in and on Quindaro Cemetery on sacred land.

Please i ask of you to stop this disrespect to the people of the past in History. Along with those buried there recently.

The general public is afraid of that area already as far as tourism. Help Wyandotte County in advance and nip this in the bud before it gets worse.

Please make the History of Old Quindaro live on with Honor.

Sincerely Yours

Brenda D Stacer

Brenda"s World Blogtalkradio LLC



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners
From: Planning and Urban Design
Date: July 30, 2020
Re: Petition #SP-2020-56

GENERAL INFORMATION

Applicant:
Thomas Morgan III

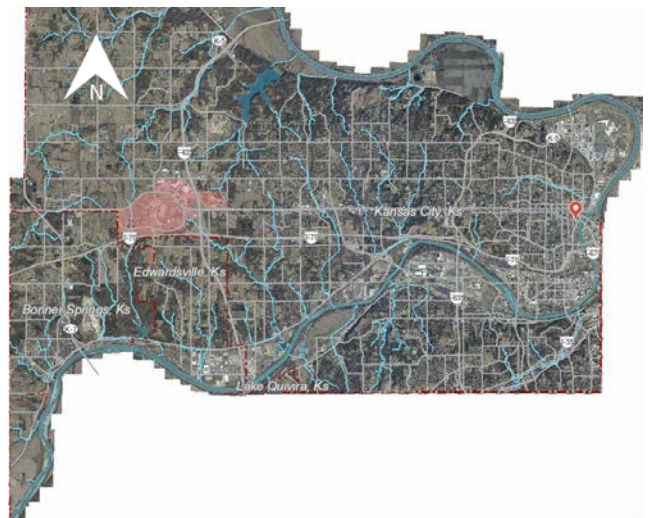
Status of Applicant:
Property Owner
431 N Thompson Street
Kansas City, Kansas 66101

Requested Action:
Renewal of Special Use Permit SP-2019-38
(expires 6/27/2020).

Date of Application:
May 29, 2020

Purpose:
To continue operation of a
short-term rental/AIRBNB.

Property Location:
431 N Thompson Street



Commission Districts:	Commissioner At Large: Tom Burroughs District Commissioner: Brian McKiernan
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single Family Homes South: Single Family Homes East: Single Family Homes West: Single Family Homes
Total Tract Size:	0.08 Acre
Master Plan Designation:	The City-Wide Master plan designates this area as Urban Density.
Major Street Plan:	Thompson Street is classified as a Local Street.
Required Parking:	Two off-street parking spaces shall be provided on the premises for each single-family dwelling.
Advertisement:	<u>The Wyandotte Echo</u> – June 18, 2020 Letters to Property Owner – June 19, 2020 and July 27, 2020
Public Hearings:	July 13, 2020 and July 30, 2020
Public Opposition:	One person appeared in opposition at the July 13, 2020 City Planning Commission meeting.
Public Support:	None to date

PROPOSAL

Detailed Outline of Requested Action: The applicant, Thomas Morgan III, is applying for the renewal of Special Use Permit SP-2019-38 (expires 6/27/2020), which allows for the operation of a short-term rental/AIRBNB.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is residential in nature, primarily comprised of single-family homes in the Strawberry Hill neighborhood.

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

The zoning and uses of the property are set out above. The proposed use will be compatible with surrounding residences if operated properly. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding. There have been no noise complaints during the time the property has been used as a short-term rental.

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

The property is suitable as a single family home. There have been no Notices of Violation during the time that the property has been operated as a short-term rental. Removal of the restrictions of requiring a Special Use Permit for such activities has the potential to create issues.

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

The property is not vacant, it is an existing single-family residence.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use will not increase vehicular traffic to the point where it exceeds the capacity of the local street to accommodate it as it functions as a single-family residence on a short-term basis.

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

The proposed use provides a convenience to the public in the form of lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as it is an existing single-family residence.

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

Noise is an issue that is related to short-term rentals, however, there have been no noise complaints during the time that the property has been used as such. Dust, vibration, or excessive illumination are not expected to be issues.

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

The proposed use will not pollute the air, land, or water as it is an existing, permitted single-family residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out neighborhood.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides convenience lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary or secondary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests allowed at one time is four (4). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

SP-2019-38

NEIGHBORHOOD MEETING

Due to the COVID-19, the neighborhood meeting requirement has been suspended for the July applications. However, applicants are still required to send a letter to neighboring property owners, as detailed as possible about the proposal, including contact information. This letter was sent out on June 18, 2020. It is attached below. The applicant received a few responses which were addressed. Documentation is attached below.

KEY ISSUES

Noise
Parking
Lack of Guttering Causing Issue to Neighbor's Foundation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-56, subject to:

Planning and Urban Design Comments:

1. Please provide updated photos of the property.

Staff Comment: Applicant has provided updated photos of the property. They are attached below.

2. How will you communicate with the neighbors if there are any issues?

Applicant Response: I currently have contact information for neighbors around me - they also have my contact information. I am sending out written notice to each of them regarding the status of the Airbnb and will include my contact information again in case they need it.

3. How will you pay appropriate lodging taxes?

Applicant Response: Taxes are to be collected by AIRBNB and Homeaway.

4. How many rooms are rented?

Applicant Response: The entire house which includes two (2) bedrooms will be rented.

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

Applicant Response: This has been updated to allow a maximum of five (5) guests.

6. What is the maximum number of vehicles and where will they park?

Applicant Response: Maximum of two (2) vehicles. One (1) may park on the street. The other MUST park in garage off of alley.

7. Please provide a dimensioned site plan or diagram that shows where parking is located.

Staff Comment: Applicant has provided a site plan that shows where parking is located. It is attached below.

8. How often are guests in the residence?

Applicant Response: This varies but on average three (3) – four (4) days a week.

9. Do you have a rental license from the Unified Government?

Applicant Response: Yes

10. Provide a detailed description of the areas rented for AIRBNB.

Applicant Response: The entire single-family residence will be available to rent. This includes 2 bedrooms, 2 full bathrooms, a living room, dining area and kitchen. Also included is a back deck, fenced in private back yard and 1 car unattached garage. The property was recently renovated and is extremely safe and well-constructed including an alarm system.

11. Please provide a dimensioned floor plan that shows all rented space.

Staff Comment: Applicant has provided dimensioned floor plans. They are attached below.

12. 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; and,

- h. Electric panel and circuits must be safe.

Applicant Response: Whole home was renovated from the studs out in 2017 and 2018 and all required permits and inspections were completed. This provides that the home is very safe with modern upgrades including new electrical, new roof, new plumbing, new HVAC. All of the above requirements needed for a safe rental have been met.

13. Have you been in compliance with the conditions outlined in SP-2019-38, which state:

- a. Host will maintain a safe environment described above.
- b. Host will obtain a business license with the Unified Government.
- c. The maximum number of guests is limited to five (5) people.
- d. Parking for renters shall be in the garage and/or parking pad off the alley.

Applicant Response: All of the above have been strictly enforced and will continue.

14. Please provide a manual of rules and regulations that you have for renters including language that states no parties are allowed.

Staff Comment: Applicant has provided the manual of rules and regulations. It is attached below.

15. Please explain the issue with your neighbor regarding water runoff from your roof and how it was or will be resolved.

Applicant Response: This was taken care of last year. Gutters were installed and all runoff was directed onto my property.

16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Engineering Comments:

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

- 1) None.

B) Items that are conditions of approval:

- 1) None.

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

- 1) None

Business License Comments:

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

Conditions:

- 1) If approved, the Special Use Permit will be valid for two (2) years;
- 2) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
- 3) Applicant must continue to comply with all conditions outlined in SP-2019-39, which include:
 - a) Host will maintain a safe environment described above;
 - b) Host will maintain a business license with the Unified Government;
 - c) The maximum number of guests is limited to five (5) people;
 - d) Parking for renters shall be in the garage and/or parking pad off the alley.
- 4) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning + Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2020-56 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Zoning Map
Photos Provided by Applicant
Floor Plans
Letter from Neighborhood Association
Photos Provided by Staff, Dated June 16, 2020
Site Plan
Manual of Rules and Regulations
Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

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

STAFF CONTACT: **Shana Shanteau**
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-56** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2020-56** , as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-56 – THOMAS W. MORGAN III -

SYNOPSIS: Renewal of a Special Use Permit (#SP-2018-39 – expired 6/27/2020) for a short-term rental/AIRBNB at 431 North Thompson Street. **Detailed Outline of Requested Action:** The applicant, Thomas Morgan III, is applying for the renewal of Special Use Permit SP-2019-38 (expires 6/27/2020), which allows for the operation of a short-term rental/AIRBNB.

Present in Support:

- Jacob S. Patton, co-owner of the property, 819 Southwest Boulevard, Kansas City, Kansas 66103

Present in Opposition:

- Nick Tomasic III, 518 North Thompson, Kansas City, Kansas 66101 (expressed concern about noise complaints from neighbors.)

Staff Recommendation: Planning Director Hand stated that the staff did not find any complaints on the record, but that does not mean that there were not any complaints as per the testimony. There were a couple of people that expressed support and concern about this AIRBNB. The staff carried over the conditions from the previous approval and recommends approval for two (2) years.

Motion and Recommendation:

On motion by Mr. Connelly, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE** Special Use Permit Application #SP-2020-56:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	No
Reasons	Aye

Motion to APPROVE Passed: 7 to 1

Planning and Urban Design Comments:

1. Please provide updated photos of the property.

Staff Comment: Applicant has provided updated photos of the property. They are attached below.

- 2. How will you communicate with the neighbors if there are any issues?**

Applicant Response: I currently have contact information for neighbors around me - they also have my contact information. I am sending out written notice to each of them regarding the status of the Airbnb and will include my contact information again in case they need it.

- 3. How will you pay appropriate lodging taxes?**

Applicant Response: Taxes are to be collected by AIRBNB and Homeaway.

- 4. How many rooms are rented?**

Applicant Response: The entire house which includes two (2) bedrooms will be rented.

- 5. What is the maximum number of people that will be staying at any one time?**

Applicant Response: This has been updated to allow a maximum of five (5) guests.

- 6. What is the maximum number of vehicles and where will they park?**

Applicant Response: Maximum of two (2) vehicles. One (1) may park on the street. The other MUST park in garage off of alley.

- 7. Please provide a dimensioned site plan or diagram that shows where parking is located.**

Staff Comment: Applicant has provided a site plan that shows where parking is located. It is attached below.

- 8. How often are guests in the residence?**

Applicant Response: This varies but on average three (3) – four (4) days a week.

- 9. Do you have a rental license from the Unified Government?**

Applicant Response: Yes

- 10. Provide a detailed description of the areas rented for AIRBNB.**

Applicant Response: The entire single-family residence will be available to rent. This includes 2 bedrooms, 2 full bathrooms, a living room, dining area and kitchen. Also included is a back deck, fenced in private back yard and

1 car unattached garage. The property was recently renovated and is extremely safe and well-constructed including an alarm system.

11. Please provide a dimensioned floor plan that shows all rented space.

Staff Comment: Applicant has provided dimensioned floor plans. They are attached below.

12. 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; and,**
- h. Electric panel and circuits must be safe.**

Applicant Response: Whole home was renovated from the studs out in 2017 and 2018 and all required permits and inspections were completed. This provides that the home is very safe with modern upgrades including new electrical, new roof, new plumbing, new HVAC. All of the above requirements needed for a safe rental have been met.

13. Have you been in compliance with the conditions outlined in SP-2019-38, which state:

- a. Host will maintain a safe environment described above.**
- b. Host will obtain a business license with the Unified Government.**
- c. The maximum number of guests is limited to five (5) people.**
- d. Parking for renters shall be in the garage and/or parking pad off the alley.**

Applicant Response: All of the above have been strictly enforced and will continue.

14. Please provide a manual of rules and regulations that you have for renters including language that states no parties are allowed.

Staff Comment: Applicant has provided the manual of rules and regulations. It is attached below.

15. Please explain the issue with your neighbor regarding water runoff from your roof and how it was or will be resolved.

Applicant Response: This was taken care of last year. Gutters were installed and all runoff was directed onto my property.

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Planning Engineering Comments:

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

1) None.

B) Items that are conditions of approval:

1) None.

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

2) None

Business License Comments:

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

Conditions:

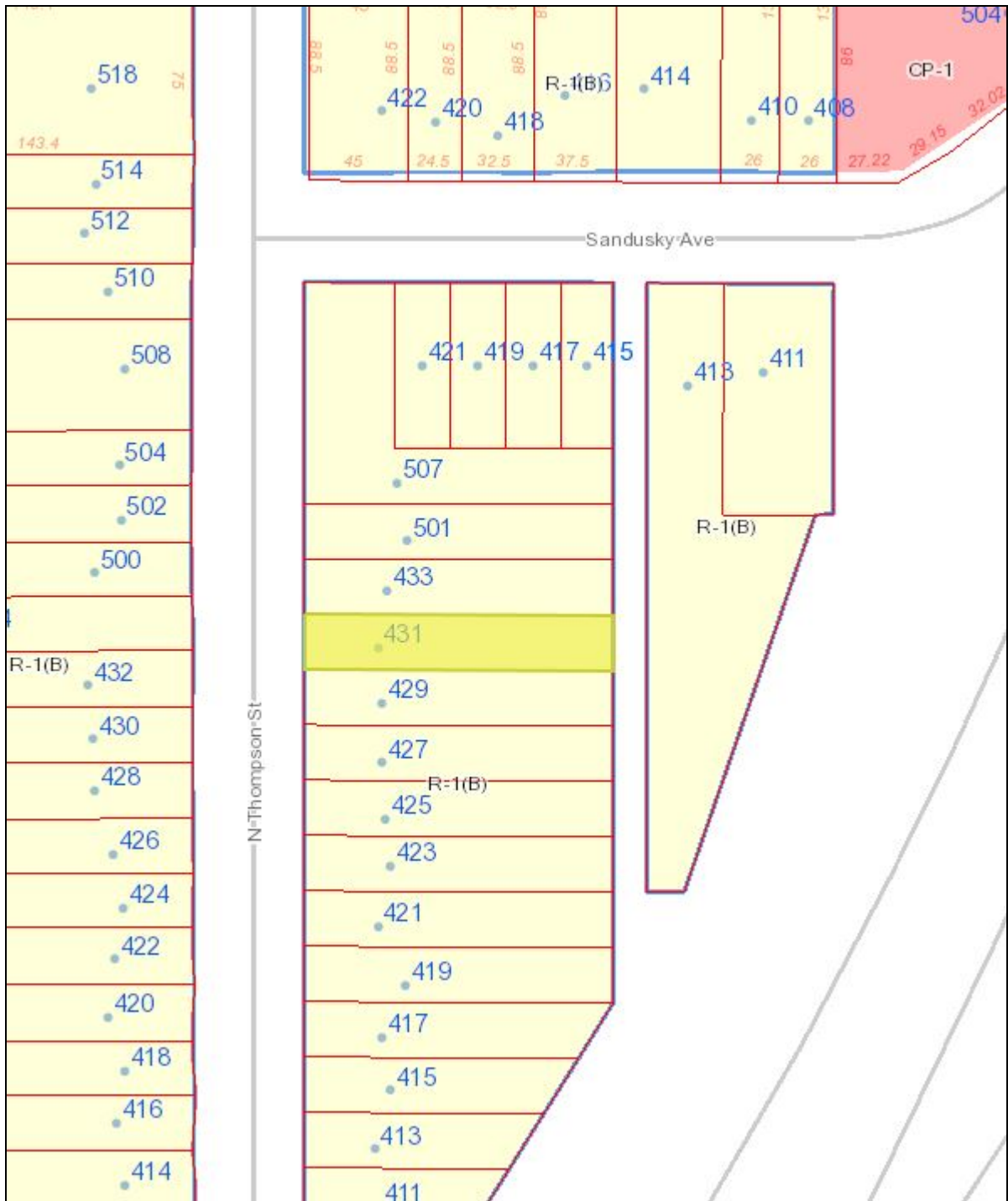
1) If approved, the Special Use Permit will be valid for two (2) years;

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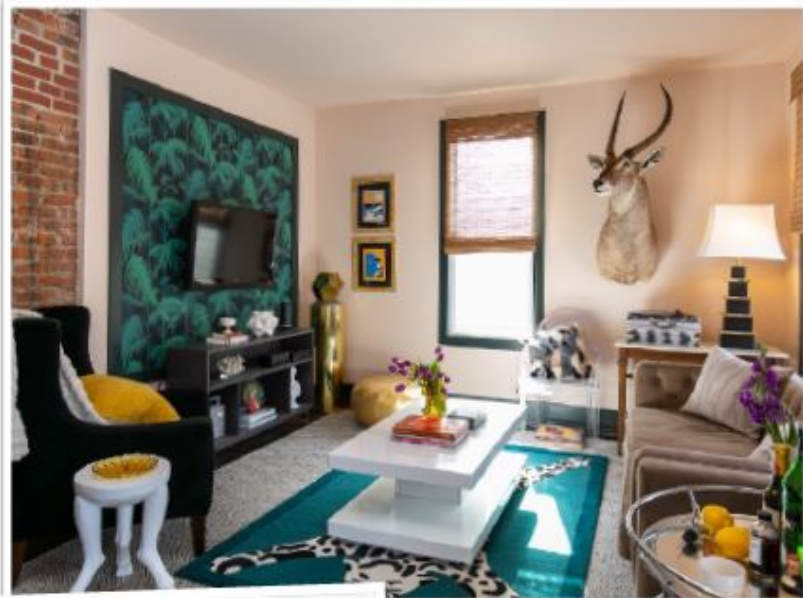
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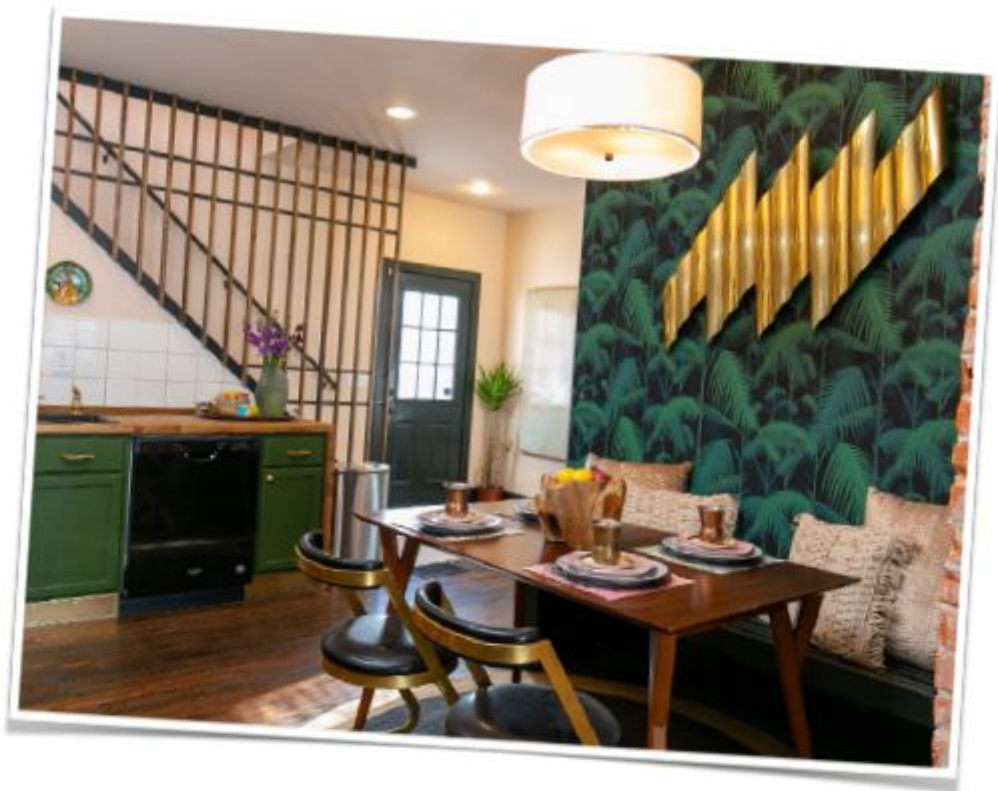
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 - c) The maximum number of guests is limited to five (5) people;
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- 4) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning + Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.



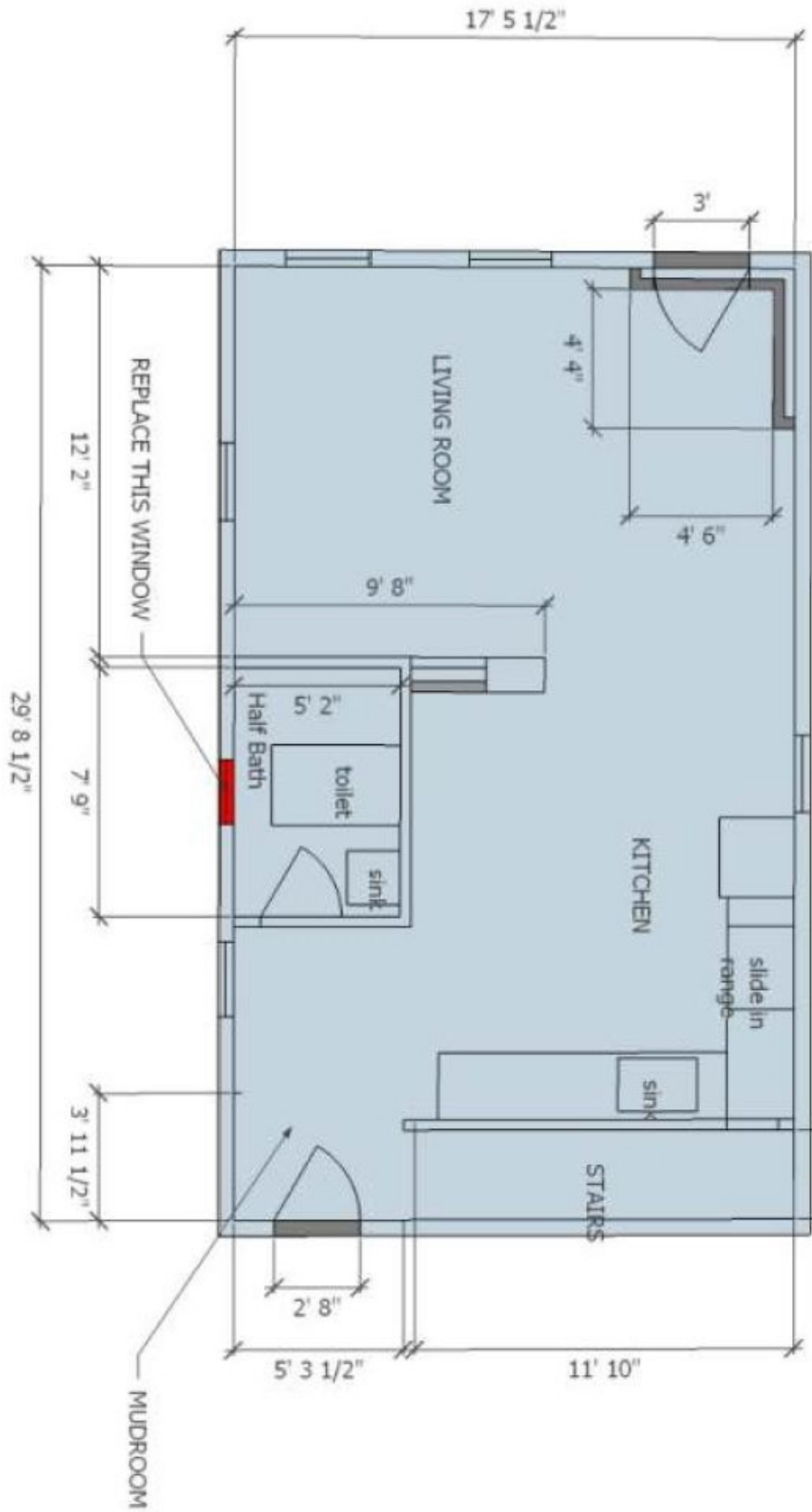
431 N Thompson St KC, KS



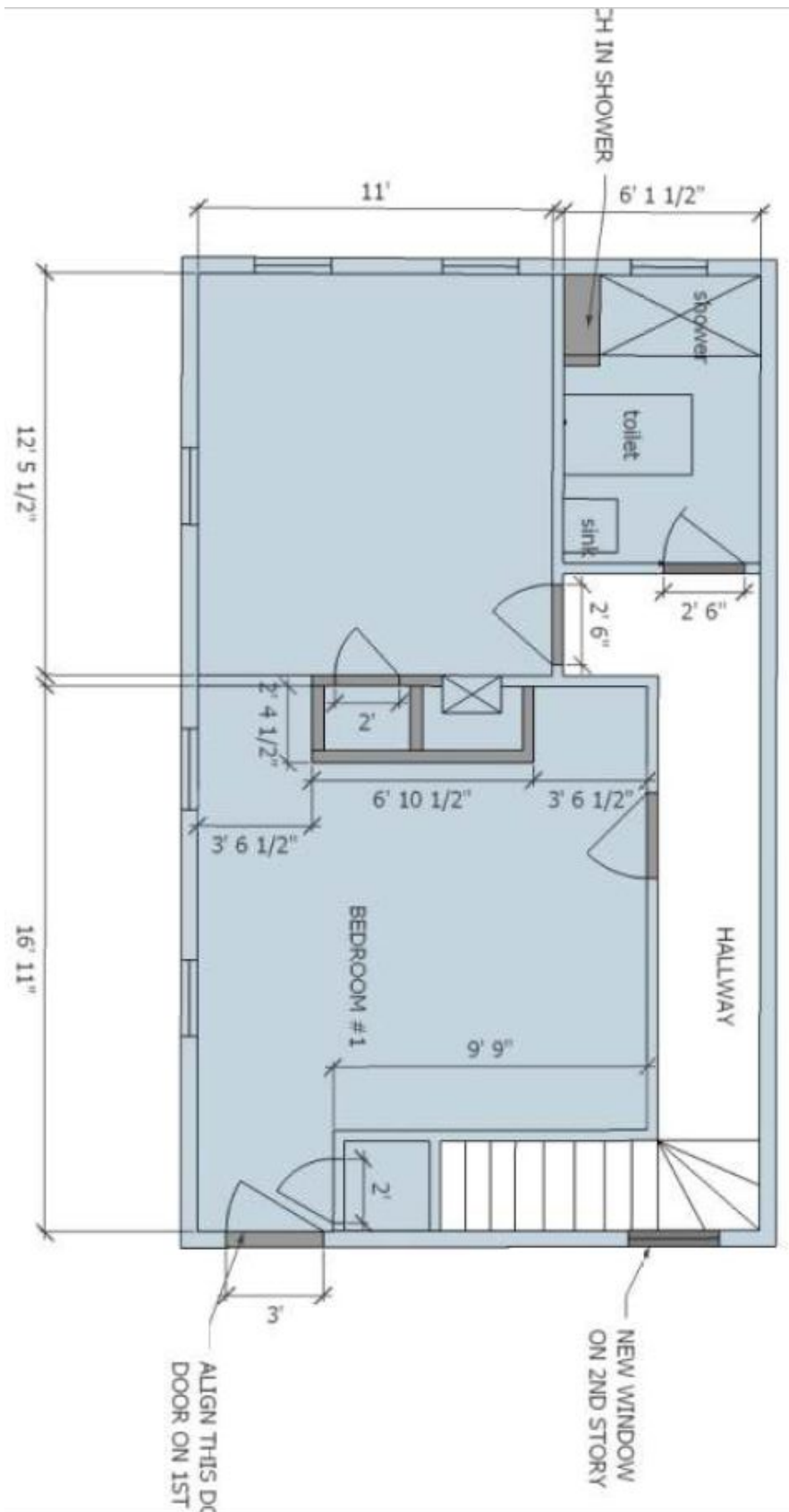




Floor Plan - First Floor



Floor Plan – Second Floor



Strawberry Hill Neighborhood Association, Inc.

P.O. Box 171117, Kansas City, KS 66117

913.802.4758 | SHNASecretary@gmail.com

www.strawberryhillkck.org



26 March 2019

To the Department of Urban Planning and Land Use:

We are writing to inform the department that Tuesday, the 26th of March 2019, the board of the Strawberry Hill Neighborhood Association met and discussed petition #SP-19402-00029 / #SP-2019-38, Thomas W. Morgan III/AirBNB or Short Term Rental, to discuss the proposed special use permit to allow the use of a residential unit as a short term rental, AKA AirBNB.

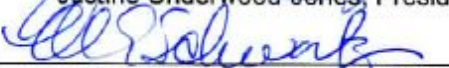
On Thursday, March the 21st, our president contacted the applicant to discuss concerns that had been brought to her by a neighbor residing on N. Thompson St., very near to the property in question. The applicant became upset and proceeded to adopt a hostile posture with our president, who was forced to end the call. The concerned neighbor later contacted our president and advised that he had been in touch with the applicant, who did smooth over the concerns and that he was tentatively okay with the special use permit, as it can be revoked or not renewed if this use proves to be a concern.

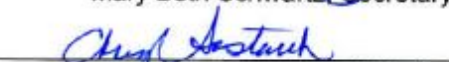
Our board prefers not to adopt a stance on special use permits for AirBNBs unless a neighbor contacts us with a specific concern that cannot be resolved. Despite the hostile exchange with our president, the applicant did engage with the neighbor in question and was ultimately able to allay his concerns, thus we have chosen to maintain a neutral stance on this application and leave this to the Board of Zoning Appeals and UG staff to work out with the applicant and any residents who choose to weigh in on the matter.

However, it should be the case that, as a show of respect for the property being used as a short term rental, and for the incredibly nearby, adjacent properties, we kindly ask that staff require the applicant to install guttering on the property in a reasonable amount of time if the application is approved. This will ensure that his property does not affect the neighbor's foundations due to watershed from the applicant's roof, and will avoid future conflict between the residents, while protecting Mr. Morgan's investment.

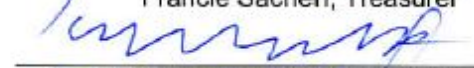
Kindest regards,


Justine Underwood-Jones, President


Mary Beth Schwartz, Secretary


Cheryl Sostarich, Board Member


Francie Sachse, Treasurer


Curtis Roderick, Board Member


Erin Guthrie, Board Member

Photos Provided by Staff, Dated June 16, 2020







Garage Parking for house. One (1) car.

Street parking allowed one (1) car maximum

Check In Instruc- tions & Rules

-Absolutely NO SMOKING.

-Quiet hours are from 10:00 PM to 8:00 AM.
PLEASE be respectful of neighbors regarding
noise. The houses are very close to one another
so no gatherings are
allowed on the back decks after 10PM.

-No Parties are Allowed

-Parking is tight in the area so please limit
one car to the front of the house and one car to
the garage out back. This is a city ordinance
that is STRICTLY enforced.

-If you need the microwave it's under the cabi-
net next to the oven. Help yourself to available
paper plates and cups.

-If you have any issues with the television
please contact me. Please do not order any PPV
movies. Netflix, Prime, Disney+ movies are
available for your use. Please use guest ac-
count.

-There is a SimpliSafe alarm system. If you'd like to use it during your stay contact me and I'll give code info.

-Toilet paper/paper towels are under the sink in the kitchen.

-Ironing board and iron are in the blue room closet.

-If everything doesn't look perfect or if you need assistance please do not hesitate to reach out to me directly at 816.645.9470 Enjoy your stay!

6/18/2020

Trey Morgan

819 Southwest Boulevard

Kansas City, Kansas 66103

Neighborhood Meeting

I have filed an application for renewal with the Department of Urban Planning and Land Use #SP-2020-56. The purpose of this Special Use Permit is for a Short-Term Rental at the following address: 431 N Thompson St., Kansas City, Kansas 66101.

I am having a neighborhood meeting on June 29th, 2020 at 5:00 PM. This meeting will be held via Zoom Videoconferencing due to social distancing recommendations. The meeting invitation is as follows:

Join Zoom Meeting

<https://us04web.zoom.us/j/71859981907?pwd=NVlnaTNUdTU0UnUweTU0NUF2OFNudz09>

Meeting ID: 718 5998 1907

Password: 1i4aP3

The purpose of this meeting is to explain the proposed renewal application and to answer any questions/concerns you have.

I look forward to seeing you on the Zoom meeting. If you are unable to attend, please contact me at the phone number listed below.

Sincerely,

Trey Morgan

816-645-9470

MINUTES:

Application Number __SP-2020-56__

Date and Location: __ZOOM videoconference__

Meeting called to order at: __5:00PM__

Names of people in attendance:

Thomas Morgan (applicant)

Jake Patton (co-owner of property)

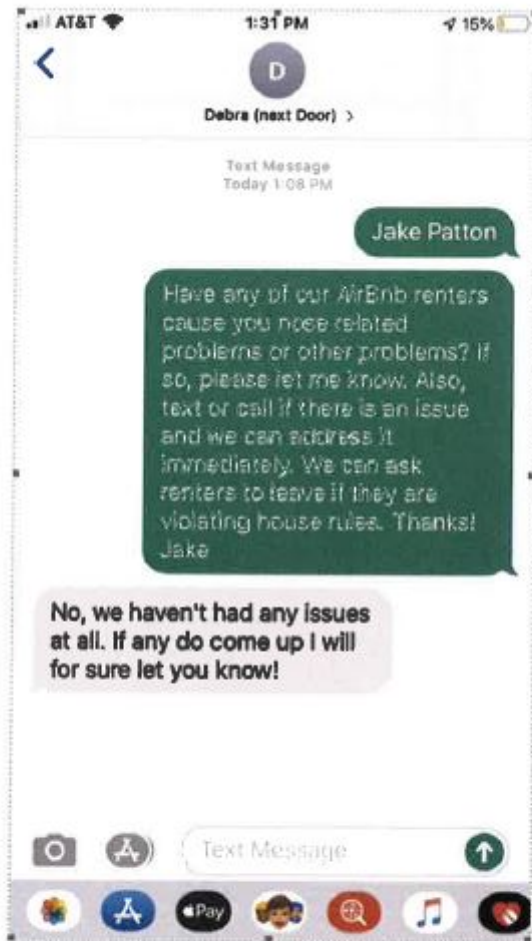
Minutes:

No other guests attended the conference call. The call was held open from 4:55PM until 5:30PM to allow for late arrivals.

Meeting adjourned at:

Minutes taken by: __THOMAS MORGAN__

- Myself and the other property owner (Jake Patton) have had two conversations with neighbors recently about the use of the property as an AirBnb. The first was with the renter directly north of the property. Her name is Deborah. Jake asked her if she had any noise related issues or other issues. She responded that she had not. Please see the attached text conversation. The second conversation was a phone call with the neighbor three doors south, Art. Art stated that he did not want an overnight motel in the neighborhood. I assured him that I personally monitor the property and vet all guests who stay. I also assured him that main house rules are focused on respecting the neighborhood and neighbors. He was unable to cite an specific instance of disturbance he had experienced over the past year of the property being used as an AirBnB.





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: July 30, 2020

Re: Petition #SP-2020-64

GENERAL INFORMATION

Applicant:
Tita Lagrimas

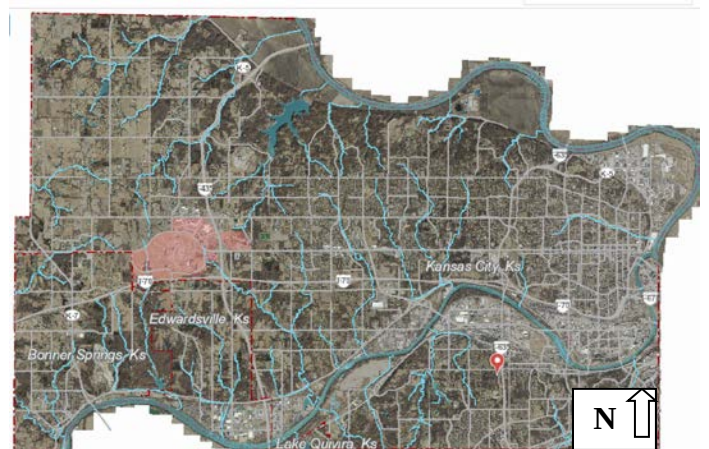
Status of Applicant:
Representative
Tradebe Environmental Services, LLC
1433 East 83rd Avenue, Suite 200
Merrillville, IN 46410

Requested Action:
Renewal of a Special Use Permit
(expired February 28, 2020)

Date of Application:
June 9, 2020

Purpose:
To continue to operate a hazardous waste
transfer facility.

Property Location:
1620 South 45th Street



FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The property is within a light industrial business park area with Metropolitan Avenue and Interstate 635 within ¼ mile from the property.

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

The zoning and uses of properties nearby are set out above. Although the zoning was changed for this specific use, a hazardous waste transfer station is not compatible with nearby properties. The use should still be sited on a property in an existing M-3 Heavy Industrial District area.

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

In addition to their Special Use Permit, the property was rezoned to MP-3 Planned Heavy Industrial District, so any heavy industrial use is permitted that does not require a special use permit. Removal of restrictions may detrimentally affect nearby property if a noxious use operates at the property. The planned zoning restrictions provides some protection over what types of uses occur there in the future.

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

The property is not vacant. It is an existing waste transfer station.

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

Special Use Permits are not addressed in the Master Plan.

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

The proposed use will not increase the amount of vehicular traffic to the point where it exceeds the capacity of South 45th Street due its close proximity to Interstate 635 via Metropolitan Avenue.

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

The proposed use provides a service to universities, hospitals and research facilities in addition to providing transportation service for community household hazardous waste collection events. The proposed use may injure the appropriate

use and marketability of nearby property if the hazardous materials are not adequately handled and secured.

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

The noise, vibration, dust or illumination that would normally be associated with such use is of such duration and intensity as not to create problems for nearby property because the use does not create excessive noise, vibration or illumination relative to other types of industrial uses that would be permitted in the zoning district.

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

If the proper procedures, guidelines and conditions are followed, the proposed transfer station will not pollute the air, land or water.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing use in a built-out neighborhood.

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

The relative gain to the public health, safety and welfare compared on the hardship imposed on the landowner is minimal. The proposed use will have a positive economic impact, but there is risk of environmental harm if hazardous materials are not handled properly.

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

The proposed use will not result in overcrowding of land or cause undue concentrations of population as it is commercial/industrial in nature.

PREVIOUS ACTIONS

The applicant was previously approved for a Change of Zone (#3172) and Special Use Permit (#SP-2018-97) by the Unified Government Board of Commissioners on February 28, 2019 for one (1) year.

NEIGHBORHOOD MEETING

The applicant held a virtual neighborhood meeting on June 22, 2020. According to the applicant, no one attended the virtual meeting except the applicant and property owners.

KEY ISSUES

Potential for environmental harm

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-64, subject to:

Planning and Urban Design Comments:

1. Subject to approval, a \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department within thirty (30) days of the Board of Commissioners meeting.

2. How will you ensure the safety and security of the hazardous materials?

Applicant Response: Safety and security activities for the Site operations are identified in the Operation Summary, pages 1 through 3.

3. Submit an operations plan.

Applicant Response: See attached, Tradebe – Kansas City, KS Operation and Security Summary Plan.

4. Have there been any changes to the business operation in the last year?
 - a. Special use permit was approved for one (1) year.

Applicant Response: No changes have occurred to the site's business operations.

5. What are the proposed hours of operation?

Applicant Response: The normal hours of operation are 8:00 AM to 5:00 PM, Monday through Friday. There are occasions that due to traffic, weather conditions or customer requirements, Tradebe personnel are at the facility earlier than 8:00 AM; return to the facility after 5:00 PM or work at the site on a weekend.

6. What is the proposed truck route?

Applicant Response: Usual truck traffic routes are utilized for exiting off Interstate 635 traveling across (southbound) or onto Metropolitan Avenue (exit Interstate 635 northbound) and proceeding south onto 45th Street to the facility. These routes may change due to roadway construction and/or interstate traffic issues on the aforementioned roadways.

7. Per Business Licensing:

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

Planning Engineering Comments:

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

Conditions:

- 1) The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning + Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 2) A \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department within thirty (30) days of the Board of Commissioners meeting;
- 3) The hours of operation shall generally be from 8:00 AM to 5:00 PM with the understanding that employees may arrive earlier than 8:00 AM, depart later than 5:00 PM and/or occasionally work on the weekend;
- 4) Strict adherence to the Operation and Security Plan;
- 5) Comply with local, State and Federal procedures, regulations and guidelines; and,
- 6) Shall keep immaculate records of Transfer Logs and Inspection Logs, so at such time during your term, they may be inspected if asked.

Additional Stipulation from meeting:

1. The applicant will contact the emergency agencies concerning the chemicals being transported.

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2020-64** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
Applicant Response Letter
Operational and Safety Plan
Neighborhood Meeting Minutes
Site Photographs Provided by Staff Dates on June 17, 2020.

REVIEW OF INFORMATION AND SCHEDULE

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

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-64** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2020-64, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

Hearing starts at 4:18:10:

SPECIAL USE PERMIT APPLICATION #SP-2020-64 – TITA LAGRIMAS WITH TRADEBE ENVIRONMENTAL SERVICES LLC. – SYNOPSIS: Renewal of a Special Use Permit (#SP-2018-97 – expired 2/28/2020) for a 10-day transfer facility non-regulated, DOT hazardous materials and hazardous waste, containers will be transferred from one truck to another, no transported containers will be kept inside the building at 1620 South 45th Street. **Detailed Outline of Requested Action:** The applicant, Tita Lagrimas with Tradebe Environmental Services, LLC wants to continue to operate a hazardous waste transfer facility. A list of potential materials that would be handled by the facility are included in the attachments. The transfer station is a 10-day transfer facility for hazardous materials and waste. The containers are transferred from one truck to another; no transported containers are kept inside the building.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated July 13, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated June 18, 2020; and
7. The Notices to property owners dated June 18, 2020.

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

Present in Support:

- Bob Vaughn, representing the applicant, 1620 South 45th Street, Kansas City, Kansas
- Micky Sandifer, 1420 Midland Drive, Shawnee, Kansas
- Joanne Hanson, 530 Terrace Trail, Lake Quivira, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:30:35: Planning Director Hand stated that there have been no issues with this operation. The staff has included the previous conditions of approval along with the operation plan from the last approval as referenced by Planning Commissioner Ernst. The staff would agree with the additional condition of reaching out to the emergency agencies (regarding the list of chemicals being transported in the event of an emergency.) Staff recommends approval for five (5) years subject to the conditions in the staff report.

Motion and Vote starts at 4:31:55:

On motion by Ms. Armstrong, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application #SP-2020-64**:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	No
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to recommend APPROVAL Passed: 7 to 1

Subject to:

Planning and Urban Design Comments:

1. Subject to approval, a \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department within thirty (30) days of the Board of Commissioners meeting.
2. How will you ensure the safety and security of the hazardous materials?

Applicant Response: Safety and security activities for the Site operations are identified in the Operation Summary, pages 1 through 3.

3. Submit an operations plan.

Applicant Response: See attached, Tradebe – Kansas City, KS Operation and Security Summary Plan.

4. Have there been any changes to the business operation in the last year?
 - a. Special use permit was approved for one (1) year.

Applicant Response: No changes have occurred to the site's business operations.

5. What are the proposed hours of operation?

Applicant Response: The normal hours of operation are 8:00 AM to 5:00 PM, Monday through Friday. There are occasions that due to traffic, weather conditions or customer requirements, Tradebe personnel are at the facility earlier than 8:00 AM; return to the facility after 5:00 PM or work at the site on a weekend.

6. What is the proposed truck route?

Applicant Response: Usual truck traffic routes are utilized for exiting off Interstate 635 traveling across (southbound) or onto Metropolitan Avenue (exit Interstate 635 northbound) and proceeding south onto 45th Street to the facility. These routes may change due to roadway construction and/or interstate traffic issues on the aforementioned roadways.

7. Per Business Licensing:

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

Planning Engineering Comments:

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

Conditions:

- 1) The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning + Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 2) A \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department within thirty (30) days of the Board of Commissioners meeting;
- 3) The hours of operation shall generally be from 8:00 AM to 5:00 PM with the understanding that employees may arrive earlier than 8:00 AM, depart later than 5:00 PM and/or occasionally work on the weekend;
- 4) Strict adherence to the Operation and Security Plan;

- 5) Comply with local, State and Federal procedures, regulations and guidelines; and,
- 6) Shall keep immaculate records of Transfer Logs and Inspection Logs, so at such time during your term, they may be inspected if asked.

Additional Stipulation from meeting:

1. The applicant will contact the emergency agencies concerning the chemicals being transported.



Tradebe Environmental Services, LLC
/ Tradebe Transportation, LLC

Kansas City Kansas 10-Day Transfer Facility
Draft Petition Number SP2020-0064
Tradebe Responses Items 2, 3,4,5 & 6

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

Item 2. How will you ensure the safety and security of the hazardous materials? Safety and
Tradebe Response: Safety and security activities for the Site operations are identified in the Operation Summary, pages 1 through 3.

In general Safety and Security activities include: securely locked building and trailers, inspections, employee training; and the use of specialized equipment (e.g., security monitoring and trailer access).

Item 3. Submit an operations plan.

Tradebe Response: See attached, Tradebe – Kansas City, KS Operation and Security Plans Summary

Item 4. Have there been any changes to the business operation in the last year?

Tradebe Response: No changes have occurred to the site's business operations.

Item 5. What are the proposed hours of operation?

Tradebe Response: The normal hours of operation are 8am to 5pm, Monday through Friday. There are occasions that due to traffic, weather conditions or customer requirements, Tradebe personnel are at the facility earlier than 8 am; return to the facility after 5pm or work at the site on a week end.

Item 6. What is the proposed truck route?

Tradebe Response: Usual truck traffic routes utilized are for exiting off Interstate 635 traveling across (southbound) or onto Metropolitan Avenue (exit I 635 northbound) and proceeding south onto 45th Street to the facility. These routes may change due to roadway construction and/or interstate traffic issues on the aforementioned roadways.


Tita LaGrimas
VP of Regulatory Affairs and Sustainability
Tradebe Environmental Services, LLC

6/25/2020

Date



**Tradebe Environmental Services, LLC
/ Tradebe Transportation, LLC
Kansas City Kansas 10-Day Transfer Facility
Operation and Security Plans Summary**

Background

Tradebe Environmental Services, LLC (Tradebe) provides recyclable material, hazardous, non-hazardous and universal waste collection; packaging; and transportation services to universities; commercial organizations and a variety of industrial customers. Tradebe also provides transportation for community household hazardous waste (HHW) collection events. The aforementioned materials are then taken to an alternate Tradebe facility that is licensed to receive, store, process or send the material on to another processing facility. During the course of transportation to the ultimate destination facility identified on the shipping document, the aforementioned materials may be transferred from one transportation vehicle to another vehicle at a 10 Day Transfer Facility. The transfer activity is conducted - at a location referred to as a 10 Day Transfer facility - before the material resumes being transported to a processing facility.

A 10-Day Transfer Facility operations receive oversight from a state environmental protection agency.

Description of 10-Day Transfer Facility Operations

Containers of the aforementioned materials are transported from manufacturers and /or generators in accordance with Department of Transportation (DOT) requirements and transported by a qualified commercial driver licensed (CDL) vehicle operator. Containers of regulated materials must meet the applicable DOT and EPA regulations prior to being removed from the originating facility. Containers are inspected at the generator's site by Tradebe personnel prior to be loaded onto the transport truck.

Typically, the aforementioned materials are transported from generator's site to the 10-Day Transfer Facility via a straight box truck - a straight box truck has a cab and an enclosed van as one unit. On occasion a tractor trailer vehicle may be used for shipments from the generator's facility to a 10 Day site. A semi-trailer is placed at a 10-Day Transfer Facility loading dock and used for shipments from the 10 Day Transfer.

At the 10-Day Transfer Facility, material containers on the straight truck are transferred to the semi-trailer by use of a drum cart, pallet jack or possibly by use of a forklift. Semi-trailers are used to transport the material containers from the 10-Day Transfer Facility to the permitted storage or processing facilities. At a 10 Day Transfer Facility, material containers are staged on the straight trucks or semi-trailers; no containers are placed in a 10 Day Transfer Facility building.

At a 10 Day Transfer Facility, material containers cannot be kept on site for longer than 10 days. The material container movements, (e.g., inbound, transfers and outbound activities) are documented on 10-Day Transfer Log, a copy of the Transfer Log document can be found as Attachment 1 to this document. The 10-Day Transfer facility is also required to be inspected. Inspections conducted at the facility review facility documents; container transfer locations; building condition; safety and security equipment as well as the outside of the operations including the truck parking / staging areas. The inspection activity is looking for issues or concerns that need investigation or requiring corrective actions. Site security is discussed in greater detail at the end of this document. A copy of an inspection log can also be found in Attachment 1.



Tradebe 10-Day Transfer Facility Operations

The Tradebe 10-Day Transfer Facility is staffed with an Operations Manager and Field Chemists. The Operations Manager oversees the facility activities. Field Chemists are dispatched to generator's locations and conducted various waste related activities at the generator sites as well providing other environmental services for Tradebe's customers. Field Chemists have Commercial Driver's License (CDL) and operate the straight trucks.

Tradebe's 10-Day Transfer Facility personnel undergo various training programs, which includes the OSHA Hour 40 Haz-Woper Hour and 8 Hour Haz-Woper refresher classes. Personnel receive DOT and USEPA RCRA hazardous waste training before they are allowed to work at either a generator's site or at the 10-Day Transfer Facility.

At the Kansas City 10-Day Transfer Facility supplies, such as: empty containers; absorbent materials; packaging materials and response supplies are either stored on a semi-trailer or kept inside the building. The supply items are used by the Tradebe's Field Chemists in the normal course of servicing the Tradebe customers.

As previously stated, the semi-trailers are used to consolidate material containers from straight trucks, which will be delivered to an EPA permitted facility, either a Tradebe location or an approved alternate facility for processing the material. The shipping documents (e.g., Bill of Ladings or manifests) and the associated paperwork accompanying the material containers originate at the customer's location and copies are kept with the material containers until delivery at the processing facility. Photocopies of all shipping documents are maintained in the 10-Day Transfer Facility file along with the facility's 10-Day Transfer Facility log. These documents are maintained on site and are available for review by agency personnel.

The 10-Day Transfer Facility log also identifies the shipments of materials to the respective storage or receiving locations. A date, listed on the log, identifies when the first container is transferred onto an outbound semi-trailer. This "first container" date starts the Day Count which means that the trailer with the first container must be leave (i.e., transported off) the 10 Day Transfer facility before the 10th calendar day is reached. The Day Count is monitored by Tradebe personnel. The 10 Day limit is in accordance with U.S. DOT regulations. When a trailer is shipped from the 10 Day Transfer Facility, an empty semi-trailer is put into position and the transfer / Day Count process starts over again.

The types of materials that are transferred at the facility may be product, recyclable material, universal waste, as well as both hazardous and non-hazardous wastes. These materials may be packaged as lab packs; in compressed gas cylinders; and as household hazardous wastes; Attachment 2 contains the list of EPA Hazardous Waste Codes the shipments may contain. All applicable containers are labeled and marked in accordance with the DOT and USEPA labels and markings requirements. Additional information associated with DOT shipping documents; chemical handling and Emergency Responses Guide books are kept on site or are available via the internet.

Tradebe 10-Day Transfer Facility Operations Site Security

The following sections describe the actions taken by Tradebe personnel for the safe and secure handling of materials passing through a 10-Day Transfer facility.

As previously described, the Tradebe 10-Day Transfer Facility personnel are educated and experienced professionals in the field of hazardous material management. Training for 10-Day personnel includes "In-Depth Security" training as per the US Department of Transportation (DOT) HM232 Security program criteria.



In accordance with DOT HM232 regulations, aspects of the Kansas City Site Security program cannot be distributed outside the Tradebe organization.

Site Security:

The Kansas City site has general area lighting which illuminates the building and property around the building. All building entrance points are locked when the site is unattended. Tradebe personnel conduct regular inspections of the transportation equipment, site and grounds around the site. These inspections are performed and documented at least once per operating day.

Semi-trailers used in the transportation of materials passing through the site have the trailer doors secured with pad locks. Trailers staged at the loading dock are parked against the building, preventing any entrance to the trailer. Stage trailers have a fifth (5th) wheel lock on the trailer to prevent unauthorized movement of the trailer from the building.

Specialized Security Equipment:

The Kansas City has a security system that is activated when personnel are not at the site. The Security system has security cameras that are activated by motion detectors. Several security functions are activated once motion is detected around the site. First, floodlights are turned on to illuminate the area. Next, a video recording system records the cameras' video outputs.

Upon a "motion detected" signal from the security system, a notification is sent from the site to the primary and back up facility managers' mobile phones. The managers can access the live video from the various camera. The managers can then activate the site alarm system before calling the local law enforcement.

10-DAY TRANSFER LOG

Trailer Number:

Date/Time In	Generator Name	Transporter	Container	Manifest Document Number	Date Out	Destination Facility	Comment

Tradebe Transportation, LLC

USEPA Waste Codes - 10 Day Transportation Transfer Sites

D001	D002	D003	D004	D005	D006	D007	D008	D009	D010	D011	D012	D013
D014	D015	D016	D017	D018	D019	D020	D021	D022	D023	D024	D025	D026
D027	D028	D029	D030	D031	D032	D033	D034	D035	D036	D037	D038	D039
D040	D041	D042	D043	F001	F002	F003	F004	F005	F006	F007	F008	F009
F010	F011	F012	F019	F020	F021	F022	F023	F024	F025	F026	F027	F028
F032	F034	F035	F037	F038	F039	K001	K002	K003	K004	K005	K006	K007
K008	K009	K010	K011	K013	K014	K015	K016	K017	K018	K019	K020	K021
K022	K023	K024	K025	K026	K027	K028	K029	K030	K031	K032	K033	K034
K035	K036	K037	K038	K039	K040	K041	K042	K043	K044	K045	K046	K047
K048	K049	K050	K051	K052	K060	K061	K062	K069	K071	K073	K083	K084
K085	K086	K087	K088	K093	K094	K095	K096	K097	K098	K099	K100	K101
K102	K103	K104	K105	K106	K107	K108	K109	K110	K111	K112	K113	K114
K115	K116	K117	K118	K123	K124	K125	K126	K131	K132	K136	K141	K142
K143	K144	K145	K147	K148	K149	K150	K151	K156	K157	K158	K159	K161
K169	K170	K171	K172	K174	K175	K176	K177	K178	K181	P001	P002	P003
P004	P005	P006	P007	P008	P009	P010	P011	P012	P013	P014	P015	P016
P017	P018	P020	P021	P022	P023	P024	P026	P027	P028	P029	P030	P031
P033	P034	P036	P037	P038	P039	P040	P041	P042	P043	P044	P045	P046
P047	P048	P049	P050	P051	P054	P056	P057	P058	P059	P060	P062	P063
P064	P065	P066	P067	P068	P069	P070	P071	P072	P073	P074	P075	P076
P077	P078	P081	P082	P084	P085	P087	P088	P089	P092	P093	P094	P095
P096	P097	P098	P099	P101	P102	P103	P104	P105	P106	P108	P109	P110
P111	P112	P113	P114	P115	P116	P118	P119	P120	P121	P122	P123	P127
P128	P185	P188	P189	P190	P191	P192	P194	P196	P197	P198	P199	P201
P202	P203	P204	P205	U001	U002	U003	U004	U005	U006	U007	U008	U009
U010	U011	U012	U014	U015	U016	U017	U018	U019	U020	U021	U022	U023
U024	U025	U026	U027	U028	U029	U030	U031	U032	U033	U034	U035	U036
U037	U038	U039	U041	U042	U043	U044	U045	U046	U047	U048	U049	U050
U051	U052	U053	U055	U056	U057	U058	U059	U060	U061	U062	U063	U064
U066	U067	U068	U069	U070	U071	U072	U073	U074	U075	U076	U077	U078
U079	U080	U081	U082	U083	U084	U085	U086	U087	U088	U089	U090	U091
U092	U093	U094	U095	U096	U097	U098	U099	U101	U102	U103	U105	U106
U107	U108	U109	U110	U111	U112	U113	U114	U115	U116	U117	U118	U119
U120	U121	U122	U123	U124	U125	U126	U127	U128	U129	U130	U131	U132
U133	U134	U135	U136	U137	U138	U140	U141	U142	U143	U144	U145	U146
U147	U148	U149	U150	U151	U152	U153	U154	U155	U156	U157	U158	U159
U160	U161	U162	U163	U164	U165	U166	U167	U168	U169	U170	U171	U172
U173	U174	U176	U177	U178	U179	U180	U181	U182	U183	U184	U185	U186
U187	U188	U189	U190	U191	U192	U193	U194	U196	U197	U200	U201	U202
U203	U204	U205	U206	U207	U208	U209	U210	U211	U213	U214	U215	U216
U217	U218	U219	U220	U221	U222	U223	U225	U226	U227	U228	U234	U235
U236	U237	U238	U239	U240	U243	U244	U246	U247	U248	U249	U271	U278
U279	U280	U328	U353	U359	U364	U367	U372	U373	U387	U389	U394	U395
U404	U409	U410	U411									

TRADEBE PUBLIC MTG. MINUTES:

Application Number SP-20402-0049 (Ref. SP 2020-64)

Date and Location: June 22, 2020 – 3: PM

VIRTUAL - ZOOM Meeting ID 992 6200 9609

Password: 757257

Call in #: 312.626.6799

Meeting called to order at: 3:pm

Names of people in attendance:

Ms. Joanne Hanson (Sandifer Properties)

Mr. Mickey Sandifer (Sandifer Properties)

Mr. Albert Mas (Tradebe)

Mr. Nate Embry (Tradebe)

(documentation -Tradebe Public Meeting Attendance sheet)

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Tradebe advised we have been operating at the site for over 1 year and we are seeking the renewal of the Special Use Permit, to continue operating at the site.

Tradebe reviewed basic information as to who Tradebe Environmental Services, LLC is and what we do as a company. Tradebe discussed what are the site activities conducted at a 10 Day Transfer facility. We advised that waste containers are not stored at 10 day site; waste is not removed from a container or transferred from one container to another; nor is any waste processed at the facility.

Tradebe advise typically four (4) personnel are assigned to this location with normal working hours of 8 am to 5 pm, Monday through Friday.

Questions and answers (include the following):

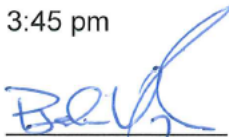
- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

No questions or comments raised during meeting regarding Tradebe operations at the site. (documentation Tradebe Public Meeting Q & A sheet).

Documents provided to Unified Government and attached to this summary: Public meeting attendance sheet; Public meeting question/comment sheet; Affidavit - Neighborhood Meeting and copies of the Tradebe Public Meeting Notification letters.

Meeting adjourned at: 3:45 pm

Minutes taken by:

 6/24/2020
Bob Vaughn,
Tradebe Environmental Manager
(219) 354-2376





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: July 30, 2020

Re: Change of Zone Petition #3226 and #MP-2020-5

GENERAL INFORMATION

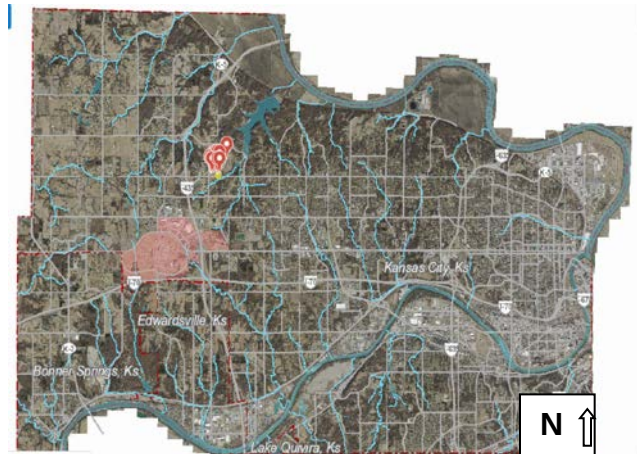
Applicant:
Scannell Properties #436, LLC

Status of Applicant:
Representative
Seth Reece with Olsson Associates
7301 West 133rd Street, Suite 200
Overland Park, KS 66213

Requested Actions:
Change of Zone from A-G Agriculture
and CP-2 Planned General Business
Districts to CP-1 Planned Limited
Business and MP-2 Planed General
Industrial Districts.

A Master Plan Amendment from
Entertainment (Prairie Delaware Piper
Master Plan) to Business Park (Prairie
Delaware Piper Master Plan).

Date of Application:
May 26, 2020



Purpose: To rezone and plat six (6) industrial lots and one (1) commercial lot to build multiple warehousing and distribution centers and retail buildings.

Property Location: 9700 Leavenworth Road

Commission District: Commissioner At Large: Melissa Bynum
District Commissioner: Michael (Mike) Kane

Existing Zoning: A-G Agriculture and CP-2 Planned General Business Districts

Adjacent Zoning:

North:	A-G Agriculture and R-1 Single Family Districts
South:	A-G Agriculture District
East:	R-1 Single Family, CP-1 Planned Limited Business and CP-2 Planned General Business Districts
West:	A-G Agriculture, R-1 Single Family and CP-2 Planned General Districts

Adjacent Uses:

North:	Single family homes (across Hurrelbrink Road)
South:	Large lot single family homes (across Leavenworth Road)
East:	Wyandotte County Lake Park, a commercial event center and single-family homes
West:	Single family homes

Total Tract Size: 431.75 Acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Entertainment.

Major Street Plan: The Major Street Plan classifies Leavenworth Road as a Class A Thoroughfare.

The Prairie Delaware Piper Master Plan classifies 99th Street as a Major Arterial.

Required Parking: For buildings larger than 50,000 square feet, parking is determined by the Director of Planning. Where questions arise concerning increments over 50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the Planning Commission.

Advertisement: The Wyandotte Echo – Change of Zone - June 18, 2020; Master Plan Amendment – June 18, 2020
Letters to Property Owners – June 17, 2020 and July 27, 2020.

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

Public Support: Staff has received a letter in support along with people that appeared in support at the July 13, 2020 City Planning Commission meeting.

Public Opposition: Staff has received e-mails and phone calls in opposition of the proposed distribution center along with people that appeared in opposition at the July 13, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Scannell Properties #436, LLC applied for a change of zone request from A-G Agriculture and CP-2 Planned General Business District to CP-1 Limited Business and MP-2 Planned General Industrial District, preliminary plat seven (7) lots and amended the Prairie Delaware Piper Master Plan from Entertainment to Business Park to build five (5) industrial buildings for warehousing, distribution and manufacturing totaling 3,148,613 square feet and 51,00 square feet of commercial retail on 431.75 acres at 9700 Leavenworth Road.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The area is dominated by the vacant Woodlands facility. Other prominent features include large lot residences to the north and south, an established single family neighborhood to the west and Wyandotte County Lake Park to the east.

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

The zoning and uses of properties nearby are set out above. The proposed industrial warehouse and distribution center is not compatible with the residential properties in the area. The neighborhood commercial center is compatible because the northeast corner of North 99th Street and Leavenworth Road is commercially zoned for various types of retail and makes sense as a small node for the residents in the area and those that frequent Wyandotte County Lake Park, and if approved, the workers of the industrial park.

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

The property is not suitable for the industrial uses which it has been restricted. The removal of the restrictions may affect nearby property. While this site was formerly the Woodlands, operating from 1987 to 2008, the vehicles that frequented the racetrack were not over-the-road trucks that shipped goods throughout the country. The racetrack had peak times during the evenings and

weekends only. This distribution hub will be operating 24 hours a day, 7 days a week, 365 days a year.

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

The buildings on the property have not been in use since 2008, but as late as 2018, the parking lot was used as an overflow lot for General Motors vehicles.

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

Distribution uses support economy but provide an increasing smaller share of jobs due to automation. The business park's proximity to residential homes may injure the visual quality or marketability of nearby property if the site is not fully screened from public view (99th Street, Leavenworth Road and Hurrelbrink Road). The type of use will induce development that will increase but could significantly impact the visual quality of existing character and Wyandotte County Lake.

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

The proposed development will significantly increase passenger vehicles and over-the-road trucks in ways that could adversely affect the road capacity of both North 99th Street and Leavenworth Road. Public Works is reviewing the Traffic Impact Study and their comments were forwarded ahead of this report.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan. A master plan amendment has been filed and is part of this application. The proposed Business Park plan amendment will significantly change the Entertainment character adjacent to one of the region's most cherished recreational assets.

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

The proposed use should not cause environmental harm because a detention pond is proposed to the west which will capture runoff before it is discharged into the storm sewer. It will also deed over acres of land to Wyandotte County Lake Park (the total acreage is still be discussed between the Parks Department and the applicant).

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

a. Water service

Available.

b. Sanitary sewer service

Available.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #223.

e. Fire

Fire service is provided by Fire Station #4 located at 81st Street and Leavenworth Road.

f. Transit

Kansas City ATA provides transit service along Leavenworth Road, Route #113 with a transit stop proposed at the neighborhood retail center.

g. Schools

Piper USD 203

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a beneficial economic impact on the community by turning a vacant property into a tax generating use. It will also induce significant commercial and residential development demand.

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

With revisions, the proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they originally intended.

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

The development can be used safely without danger to health, flood, erosion or excessive noise. Excessive noise, parking lot and building lighting, and headlights may be further mitigated by an increased berm, landscaping and lowering the building into the development.

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

The Major Street Plan classifies Leavenworth Road as a Class A Thoroughfare and the Master Plan classifies North 99th Street as a Major Arterial, Internal streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

Planning Engineering Staff and Public Works have concerns about this development's ingress/egress onto Leavenworth Road and 99th Street and their alignment with driveways across from the site.

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

With revisions, buildings and streets will be arranged as to afford adequate light, and open space to facilitate fire protection.

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

Staff had previous conversations with the applicant to shield and screen the distribution center from Leavenworth Road, 99th Street, Hurrelbrink Road and 91st Street by using the existing topography and berms on site based on the existing racetrack. Based on the plans, due regard to topography was thought about with Bennett Lake, but it will be highly visible from Leavenworth Road.

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

convenient access to such facilities.

The southeast corner of the development around Bennett Lake and Marshall Creek is in the initial discussions of being dedicated to the Parks Department as a linkage to Wyandotte County Lake Park.

PREVIOUS ACTIONS

The site was approved to be a pari-mutuel racing facility in 2016, after a change in ownership which was initially approved in 1987.

NEIGHBORHOOD MEETING

That applicant held a virtual neighborhood meeting on June 22, 2020 and an in-person meeting on June 29, 2020. According to the applicant, opposition was expressed by numerous property owners and residents. Their opposition ranged from property tax incentives, uses allowed in M-2 district, installing trails, screening, truck traffic to the specific tenants.

KEY ISSUES

Compliance with the Prairie Delaware Piper Master Business Park Guidelines
Compliance with the Sidewalk and Trails Master Plan
Building Design
Landscaping and Screening
Planning Engineering Comments
Wetlands

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Change of Zone Application #3226 and Master Plan Amendment #MP-2020-5, subject to:

Planning and Urban Design Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners meeting.

Applicant Response: Acknowledged, this fee will be paid following the Board of Commissioners meeting.

2. As previously mentioned, the Economic Development Department is facilitating between the Parks Department and the developer to build a trail spur that will connect to Wyandotte County Lake Park from Leavenworth

Road. A cross-section of Greenway Trail is attached herein.

Applicant Response: The developer and City are working on the specifics on this. Currently the developer would dedicate the land to the City and the City would build the trail.

3. Staff discussed with the applicant about constructing a five (5) foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.

Applicant Response: Acknowledged, the revised plans include a five (5) foot trail within the public right-of-way along the south side of Hurrelbrink Road from 99th Street to the east property line on Hurrelbrink Road.

4. A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).

Applicant Response: Acknowledged, these trails are shown on the plans and will be provided with the proposed development.

5. No truck traffic on North 99th Street is permitted. Coordination with truck drivers to the distribution center is required.

Is the northern most entrance on North 99th Street for employees or emergency vehicles? If the entrance is for KCKFD, the entrance must be gated, and a NOx box installed for access.

Applicant Response: Acknowledged, as it has been discussed with staff and is noted in the traffic study trucks are not planned to use 99th Street. The north entrance would be for emergency vehicles.

6. The bus stop depicted on the site plan is located between the retail center and the private street leading to North 99th Street. Is this bus stop serving the employee base for the retail center, Building A and all future expansion of the business park?

Applicant Response: The developer is in discussions with the City and the local transit authority to provide a bus stop within the project site. Currently the stop is shown within the retail area, but this could change based on what the transit authority decides. It is the intent and hope that a bus stop will be provided within the development.

7. What tenants are you trying to attract for the neighborhood retail center that will not only serve the employees, but the surrounding residents?

Applicant Response: The neighborhood retail center would serve the surrounding community (residents and employees of the development.)

The tenants would be determined by the market, but the thought is the service related tenants would be provided at this location.

8. How many employees will be working during the largest shift in Building A?
- How many shifts?
 - Is there overlapping?
 - 24 hours, 7 days a week?

Applicant Response: There are four shifts. The two shifts combine/overlap into on main day shift, and likewise one main night shift. The main day/night shifts trips will overlap some, but they technically do not overlap by start/end times. See the chart below for reference. The proposed tenant of Building A would be in operation 24 hours a day.

9. What are the proposed hours of operation for this Building A?

Applicant Response: The proposed tenant of Building A would be in operation 24 hours a day.

10. What phase will the neighborhood retail center begin construction?

Applicant Response: The neighborhood retail center would be developed when retailers decide the area can support their services. This will be determined by the market. We would expect this to occur after the first few phases of the development.

Building Architecture:

1. The neighborhood retail center parking lot has been relocated to the rear; however, the buildings can be moved closer towards the southwest corner of the intersection and redesigned to be a true neighborhood node rather than a linear development along Leavenworth Road to create a walkable, rural town center that can link to the trail network.

Architecturally, the center shall comply with the Commercial Design Guidelines.

Applicant Response: As discussed with City Staff, the existing public right-of-way at the intersection does not allow for the retail buildings along Leavenworth Road to be pushed closer to the intersection. Currently we have provided a pedestrian plaza area closest to the intersection to create a focal point into the development. Pushing the buildings to the street was done per staff request, which we agree with. It creates an architectural wall along Leavenworth Road, which will help enhance the character of the intersection as well as help screen the business park from the public street. The architecture of the retail center will comply with the City's Commercial Design Guidelines. When the retail starts to move forward

within the development plans shall be submitted to the City for review and approval to assure all requirements are being met.

Staff Response: At this point in time, the retail area and zoning are placeholders. As the applicant's representative stated, a development plan (preliminary and final) will be submitted. Staff has continually promoted and will continue to push for a more cohesive retail center that is an integrated and walkable with the surrounding neighborhood as well as the office space within Building B for residents and employees alike.

- 2. A comprehensive Design Criteria Manual shall be submitted to set the standard for design (architectural features, fenestration, building materials and color, etc.), landscaping, screening, on-site amenities, lighting, signage for all future tenants and/or development within the business park and neighborhood retail center.**

Applicant Response: A Design Criteria Manual has been provided with the resubmittal for the M-2 zoning area setting the standard for design of the development. The C-1 design criteria will meet the City's requirements and will be provided at the time the retail area is moving forward within this development.

- 3. Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public for the industrial buildings and internalized for the commercial buildings.**

Applicant Response: Acknowledged, these requires will be met within the development.

Staff Response: After meeting with the applicant and representative, the downspouts in the industrial buildings will be internalized.

Landscaping and Screening:

- 1. In previous conversations, Planning Staff raised the concern of screening the overall development from public view. We encouraged the applicant and developer to preserve as much of the natural topography and vegetation as possible, specifically the 250-foot berm along North 99th Street. The berm does not affect the screening of Building A but cutting 100 feet into the slope of the berm will most definitely affect the visibility of Building B for the residents west on North 99th Street.**

Furthermore, we discussed with the applicant, maintaining these natural landforms would not only reduce the visual impact of the distribution center, but reduce the cost of construction additional fencing or installing excessive landscaping.

Applicant Response: The berm as proposed actually provides better screening into the development than the existing berm along 99th Street

since the top of the existing berm is pushed further away from the public street. The sight lines into the development were paid close attention to while designing the project. Please refer to the Sight Line Sections on sheets L1.91, L1.92, and L1.93 for specifics of the views into the streets into the development from car/pedestrian level with the resubmittal to help illustrate the views into the proposed development. We have taken careful consideration into the proposed design of the development to help soften and screen the business park from the public view as much as possible. This includes the proposed grading, berming, and landscaping.

2. The Prairie Delaware Piper Master Plan Light Industry/Business Park designation requires landscape buffers, trails and outdoor sitting areas. Additionally, 25% of the site must be maintained as open space.

Applicant Response: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the City Code requires, trails have been provided within the development, outdoor sitting/pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development. See sheet C3.0 for the open space calculations.

3. The site lines (sight alignment) cross sections illustrated on sheets L1.91 and L1.92 must have a site plan that depicts the location of the viewpoint towards the Woodlands property (i.e. an arrow indicating the starting point and direction).
 - a. In addition to the sight lines taken from North 99th Street and Leavenworth Road, provide additional cross sections for Hurrelbrink Road and North 91st Street.

Applicant Response: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the City Code requires, trails have been provided within the development, outdoor sitting/pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development.

4. Sec. 27-469(g) Trees are required at not less than one (1) 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. The architectural screen can either be fencing or landscaping.

The site for the proposed industrial zoning is 312.97 acres, including Lot 1 through Lot 6, which requires 1,363 trees, divided into the individual lots based on acreage and exclusive of the street trees and parking lot island trees requirements.

Applicant Response: Acknowledged, these requirements are being met. We are providing more trees than what is required by City Code. The calculations are shown on sheet L1.00.

5. Sec. 27-464(g) Trees are required at not less than one (1) tree per 7,000 square feet of site area. The Commercial Design Guidelines has a 75 percent multiplier, so based on 12.46 acres, 136 trees are required to be planted. This total does not include trees for parking lot islands or street trees along 99th Street and Leavenworth Road.

Applicant Response: Acknowledged, these requirements are being met. We are providing more trees than what is required by City Code. The calculations are shown on sheet L1.00.

6. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6') feet when planted. All shrubs shall be five (5) gallons when planted.

Applicant Response: As has been discussed with City Staff, the development will meet the City's requirements for plant material. The City Code requires two (2) inch caliper shade trees, six (6) feet tall ornamental trees and six (6) feet tall evergreen trees, which will be provided within the development.

7. All landscaping shall be irrigated.

Applicant Response: Landscape beds around buildings will be irrigated, but the areas around the perimeter of the site will be landscaped with native plantings to help conserve water. Irrigation will not be provided in the native areas as has been discussed with staff.

8. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Applicant Response: Acknowledged, the required screening will be provided with the development. Details and notes have been added to the landscape plans.

9. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (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.

Applicant Response: Acknowledged, details have been added to the landscape plans.

10. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen. This should not be seen from all views as noted in Landscaping and Screening Comment #3.

Applicant Response: Acknowledged, details have been added to the landscape plans.

11. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.

Applicant Response: Acknowledged, details have been added to the landscape plans.

12. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as 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 light bulbs shall not be permitted in view of adjacent property or public right-of-way.

Applicant Response: Acknowledged, details have been added to the landscape plans.

13. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.

Applicant Response: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Acknowledged.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:**
- 1) None.**
- B) Items that are conditions of approval (stipulations):**
- 1) Based on the traffic impact study prepared by Olsson and following discussions with UG Public Works and Planning and Urban Design Staff, the traffic study will be revised and refined to match actual traffic conditions with each additional phase of the proposed development. For each phase the traffic study will need to analyze traffic after that phase has been completed and after entire buildout. Further, each traffic study will need to provide a focus on impacts to 99th Street; impacts to the intersections of 103rd and Leavenworth; 99th and Donahoo; 99th and Leavenworth; and the Main Entrance to the Development and Leavenworth Road.**
 - 2) UG Public Works strongly recommends a traffic signal installed at the main entrance off Leavenworth Road in lieu of the proposed acceleration lane /right turn lane.**
 - 3) “No Trucks” sign shall be installed on Donahoo and 99th Street and all truck traffic shall use Leavenworth road.**
 - 4) As future build out occurs, additional public improvements to the public infrastructure may be required. In this regard, the applicant shall continue to coordinate with UG Public Works and Planning and Urban Design Departments on the public street improvements related with the proposed development. Further discussion with staff may be required.**
 - 5) With final development plans, if this project includes public street and storm sewer improvements; The public street and storm sewer improvement plans shall meet UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required and shall be reviewed and approved by UG staff prior to construction permit acquisition.**
 - 6) KDOT review and approval shall be required prior public street improvements on Leavenworth Road / K-5 (Kansas Highway).**
 - 7) 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.**
 - 8) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.**
- C) Comments that are not critical to engineering’s recommendations for this specific submittal, but may be helpful in preparing future documents:**
- 1) Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the**

requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

Conditions:

- 1) A \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners meeting.**
- 2) In conjunction with Public Works restricting access to 99th Street, redesign the internal circulation and movement so all traffic uses the Leavenworth Road exit. Additionally, the ingress/egress onto 99th Street shall be for emergency vehicle access only, similar to North 69th Street at the Turner Logistics Center.**

The redesign shall be hidden behind Building B, gated, and out of sight as to not attract attention as a viable exit for employees.

- 3) Staff will continue to push for a more cohesive retail center that is an integrated and walkable with the surrounding neighborhood as well as the office space within Building B for residents and employees alike. The retail development will comply with the Commercial Design Guidelines.**
- 4) A covenant restriction on the final plat (and subsequent iterations) as well as the filed deed shall prohibit manufacturing on site. Only MP-1 Planned Light Industrial and Industrial Park District uses are permitted on the industrial zoned land.**
- 5) Coordination with City Staff, KCATA and the Transit Department is required to determine the exact location of the transit stop for the overall development. The bus stop placement shall be finalized before the Final Development Plan is presented to the City Planning Commission.**
- 6) Further conversations with the Troy Shaw, County Engineer is necessary, but when the final plat is submitted, additional right-of-way along the south side of Hurrelbrink Road shall be dedicated for the local trail in order to keep the east/west connection to Wyandotte County Lake Park as much within trees as possible. Additionally, Hurrelbrink Road is classified as a Parkway in the Major Street Plan, therefore in the future when the road is improved, adequate right-of-way is already dedicated to make those improvements.**
- 7) A five (5) foot trail shall be constructed along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.**
- 8) A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).**
- 9) The developer will fund the trail around Bennett Lake and the Parks Department will build and manage the trail system.**
- 10) The Design Criteria Manual shall be adhered to for all future phases of development.**
- 11) Downspouts shall be internalized.**
- 12) Landscaping in the parking lot and around the building shall be irrigated.**

- 13) Do not mass grade the entire 431 acres for the construction of Building A. Keep the trees that are not within the Lot 1 and those that effectively screen the building from public view.
- 14) The viewsheds of Building A from Hurrelbrink Road, 99th Street, Leavenworth Road and 91st Street shall be preserved. The existing tree mass that is illustrated on sheets L1.91, L1.92 and L1.93 will screen Building A and future phases from the public view, however staff has concerns that the plantings are not dense enough where there is not an existing tree mass, specifically Alignment #3 taken from 99th Street.

Each successive phase requires its own sight line study to ensure that the development is fully screened from public view.

- 15) Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.

A mitigation measure that has been proposed and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four (4) foot open fence in the front yard, so a variance is required

- 16) BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (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.
- 17) All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen.
- 18) Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.
- 19) All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.
- 20) Shall comply with the sign ordinance.
- 21) Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.

A mitigation measure that has been proposed and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The

screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four (4) foot open fence in the front yard, so a variance is required if the proposed fence is taller than four (4) feet or is solid or opaque.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #3226 and Master Plan Amendment #MP-2020-5, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

July 13, 2020 City Planning Commission Minutes
GeoSpatial Services Department Comments
Prairie Delaware Piper Master Plan Development Policies and Guidelines for Area 1
Sidewalk and Trails Master Plan Trail Cross-Sections
Applicant Response Letter
Neighborhood Meeting Minutes dated June 22, 2020
Neighborhood Meeting Minutes dated June 29, 2020
Preliminary Plat
Site Plan
Grading Plan
Photometric Plan
Landscape Plan
Building Elevations
Site Photography provided by Staff Dated June 17, 2020
Letters of Opposition
Letter in Support from Greg Kindle

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	July 13, 2020	July 30, 2020
Rezoning	Approval	
Public Hearing	July 13, 2020	TBD
Preliminary Plat	Approval	
Public Hearing	July 13, 2020	July 30, 2020
Master Plan Amendment	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Master Plan Amendment #MP-2020-5, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Master Plan Amendment #MP-2020-5, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned:

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition #3226 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3226 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

July 13, 2020 City Planning Commission Minutes:

Hearing starts at 1:38:55:

MASTER PLAN AMENDMENT #MP-2020-5 – SHAUN COFER WITH SCANNELL PROPERTIES #436, LLC. – SYNOPSIS: Master Plan Amendment from Entertainment to Business Park at 9700 Leavenworth Road.

CHANGE OF ZONE APPLICATION #3226 – SHAUN COFER WITH SCANNELL PROPERTIES #436, LLC. – SYNOPSIS: Change of Zone from A-G Agriculture and CP-2 Planned General Business Districts to C-1 Limited Business and M-2 General Industrial Districts for a business park and neighborhood retail center at 9700 Leavenworth Road.

WOODLANDS REDEVELOPMENT PLAT – SYNOPSIS: Preliminary Plat for one (1) commercial and six (6) industrial lots at 9700 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Scannell Properties #436, LLC applied for a change of zone request from A-G Agriculture and CP-2 Planned General Business District to CP-1 Limited Business and MP-2 Planned General Industrial District, preliminary plat seven (7) lots and amended the Prairie Delaware Piper Master Plan from Entertainment to Business Park to build five (5) industrial buildings for warehousing, distribution and manufacturing totaling 3,148,613 square feet and 51,00 square feet of commercial retail on 431.75 acres at 9700 Leavenworth Road.

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

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

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he spoke with Commissioner Kane briefly about this application today. Commissioner Mohler stated that he spoke with Commissioner Bynum briefly about this application today.

Present in Support:

- Seth Reece, Olsson Associates, Engineer, Surveyor and Landscape Architect
- Kenneth McBride, 9429 Leavenworth Road, Kansas City, Kansas
- Jeff Miles, 3300 North 99th Street, Kansas City, Kansas
- Joe Barnes, 9828 Hurrelbrink Road, Kansas City, Kansas
- Dan Poolman, 9822 Hurrelbrink Road, Kansas City, Kansas

- Joe Vaught, 9231 Leavenworth Road, Kansas City, Kansas
- Taylor Aycock, 3500 North 99th Street, Kansas City, Kansas
- Shaun Coffey, applicant
- Recording Secretary Parker read a letter into the record from Greg Kindle, Director of Wyandotte County Economic Development Council

Present in Opposition:

- Karen Lauber, 3120 North 99th Street, Kansas City, Kansas 66109
- Judy Laster, 3205 North 99th Street, Kansas City, Kansas 66109
- Laurie Torrez, 9828 Donahoo Road, Kansas City, Kansas 66109
- Kate Clark, 4330 North 93rd Lane, Kansas City, Kansas 66109
- Jamie Brann, 3124 North 99th Street, Kansas City, Kansas 66109
- Adrian Torrez, 9828 Donahoo Road, Kansas City, Kansas 66109
- Jenny Greer, 11397 Leavenworth Road, Kansas City, Kansas 66109
- Christy Soptic, 3816 North 99th Street, Kansas City, Kansas 66109

Staff Recommendation starts at 3:28:35: Planning Director Hand stated that the staff views the Change of Zone, Master Plan Amendment and Plat as a significant change and stands by its recommendation of approval with all the conditions. The conditions focus primarily on preserving the existing character of the site, which is why the Commission heard a lot about berms, preserving existing tree standards, maintaining ridge lines, etc. to shield the development on the site. If you drive by the Woodlands today, you cannot see the structures on the site and these structures will be further back except for one near the retail center. The staff also focused on the traffic impacts and improvements. He stated that Leavenworth Road was built to handle traffic of this magnitude. Staff highly recommends that the entrance on 99th Street only be used for emergency vehicles and staff realizes that this will necessitate a redesign of internal circulation and movement so all traffic uses the Leavenworth Road entrance/exit. Based on the internal review of the traffic study submitted by the applicant the staff does not see that this would have a major impact on traffic safety. Director Hand showed the Commission the internal road on the screen and where it would be gated. If that gate is lifted up, it becomes another secondary entrance. He further stated that each of the six (6) buildings will require a final development plan review and staff is conditioning a sight line plan be submitted just as it has been for this application and an updated traffic analysis, which will specifically address the primary entrance on Leavenworth Road, 99th and Leavenworth Road and Leavenworth and 103rd Street (where there are some current safety issues) and the length of 99th Street and Donahoo. He further stated that one of the conditions is that they post “not truck” signs on 99th Street and 99th and Donahoo stating that it is not a truck route which will help with potential I-435 traffic, as well as the closure of the 99th Street entrance mentioned earlier. He stated that the second 99th Street entrance is for the retail node only. That road is currently across from an existing commercial property. Planning Director Hand stated that the first final plan reviewed should include the traffic signal (he showed the Commission where it would be located on the plan) as approved by KDOT. It is important to have this traffic signal in the first plan review to address all future traffic at the site and in preparation for the neighborhood commercial going in. He stated that the staff has requested the dedication of additional right-of-way along Hurrelbrink. The Prairie Delaware Piper Master Plan notes Donahoo Road from Hurrelbrink to K-7 as a parkway/boulevard so

the staff is asking that the developer continue to negotiate that width with the staff. In the interim, the sidewalk/trail along Hurrelbrink can fit into that dedicated right-of-way. The staff is confirming a 12' sidewalk along Leavenworth Road after. Any development will attract other development and when that occurs in the future the sidewalk will be picked up and continued to 91st Street. With the new signal on Leavenworth Road the property owner across the street has asked for additional screening and that is one of the conditions and can be included in the improvement to the roadway. That can be done in the final plan for Building A. Director Hand stated that in the Master Plan the proposed commercial node is slated for neighborhood retail and as currently proposed as pad sites and staff will continue to work with the applicant during the plan review and for it to become a true walkable neighborhood center as envisioned by the Master Plan. From there the sidewalk and trails will go to the north on 99th Street and east on Leavenworth Road and connect to Wyandotte Lake Park. The staff also believes that there can be better connectivity from that retail node to the rest of the site to serve the working population. He stated that the applicant talked about roadway improvements on 99th Street. He stated that the staff is not currently asking for improvements on 99th Street except for sidewalks on the developer's property, but as development occurs and with future traffic analyze, staff may ask for improvements on 99th Street. Director Hand stated that the staff was recently notified by the Kansas State Historical Office that they had been notified about the old farmhouse and that they are reviewing it for historical significance; that does not have anything to do with this approval, but the staff will keep apprised of their review. The applicant has worked with the staff through this process and the staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 3:40:55:

On motion by Mr. Reasons, seconded by Mr. Mohler, the Planning Commission voted as follows to recommend **APPROVAL** of Master Plan Amendment #MP-2020-5:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	No
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to recommend APPROVAL Passed: 7 to 1

On motion by Mr. Mohler, seconded by Mr. Reasons, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application #3226:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	No
Ernst	Aye
Huey	Aye

Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to recommend APPROVAL Passed: 7 to 1

Subject to:

Planning and Urban Design Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners meeting.

Applicant Response: Acknowledged, this fee will be paid following the Board of Commissioners meeting.

2. As previously mentioned, the Economic Development Department is facilitating between the Parks Department and the developer to build a trail spur that will connect to Wyandotte County Lake Park from Leavenworth Road. A cross-section of Greenway Trail is attached herein.

Applicant Response: The developer and City are working on the specifics on this. Currently the developer would dedicate the land to the City and the City would build the trail.

3. Staff discussed with the applicant about constructing a five (5) foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.

Applicant Response: Acknowledged, the revised plans include a five (5) foot trail within the public right-of-way along the south side of Hurrelbrink Road from 99th Street to the east property line on Hurrelbrink Road.

4. A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).

Applicant Response: Acknowledged, these trails are shown on the plans and will be provided with the proposed development.

5. No truck traffic on North 99th Street is permitted. Coordination with truck drivers to the distribution center is required.

Is the northern most entrance on North 99th Street for employees or emergency vehicles? If the entrance is for KCKFD, the entrance must be

gated, and a NOx box installed for access.

Applicant Response: Acknowledged, as it has been discussed with staff and is noted in the traffic study trucks are not planned to use 99th Street. The north entrance would be for emergency vehicles.

6. The bus stop depicted on the site plan is located between the retail center and the private street leading to North 99th Street. Is this bus stop serving the employee base for the retail center, Building A and all future expansion of the business park?

Applicant Response: The developer is in discussions with the City and the local transit authority to provide a bus stop within the project site. Currently the stop is shown within the retail area, but this could change based on what the transit authority decides. It is the intent and hope that a bus stop will be provided within the development.

7. What tenants are you trying to attract for the neighborhood retail center that will not only serve the employees, but the surrounding residents?

Applicant Response: The neighborhood retail center would serve the surrounding community (residents and employees of the development.) The tenants would be determined by the market, but the thought is the service related tenants would be provided at this location.

8. How many employees will be working during the largest shift in Building A?

- a. How many shifts?
- b. Is there overlapping?
- c. 24 hours, 7 days a week?

Applicant Response: There are four shifts. The two shifts combine/overlap into on main day shift, and likewise one main night shift. The main day/night shifts trips will overlap some, but they technically do not overlap by start/end times. See the chart below for reference. The proposed tenant of Building A would be in operation 24 hours a day.

9. What are the proposed hours of operation for this Building A?

Applicant Response: The proposed tenant of Building A would be in operation 24 hours a day.

10. What phase will the neighborhood retail center begin construction?

Applicant Response: The neighborhood retail center would be developed when retailers decide the area can support their services. This will be determined by the market. We would expect this to occur after the first few phases of the development.

Building Architecture:

1. The neighborhood retail center parking lot has been relocated to the rear; however, the buildings can be moved closer towards the southwest corner of the intersection and redesigned to be a true neighborhood node rather than a linear development along Leavenworth Road to create a walkable, rural town center that can link to the trail network.

Architecturally, the center shall comply with the Commercial Design Guidelines.

Applicant Response: As discussed with City Staff, the existing public right-of-way at the intersection does not allow for the retail buildings along Leavenworth Road to be pushed closer to the intersection. Currently we have provided a pedestrian plaza area closest to the intersection to create a focal point into the development. Pushing the buildings to the street was done per staff request, which we agree with. It creates an architectural wall along Leavenworth Road, which will help enhance the character of the intersection as well as help screen the business park from the public street. The architecture of the retail center will comply with the City's Commercial Design Guidelines. When the retail starts to move forward within the development plans shall be submitted to the City for review and approval to assure all requirements are being met.

Staff Response: At this point in time, the retail area and zoning are placeholders. As the applicant's representative stated, a development plan (preliminary and final) will be submitted. Staff has continually promoted and will continue to push for a more cohesive retail center that is an integrated and walkable with the surrounding neighborhood as well as the office space within Building B for residents and employees alike.

2. A comprehensive Design Criteria Manual shall be submitted to set the standard for design (architectural features, fenestration, building materials and color, etc.), landscaping, screening, on-site amenities, lighting, signage for all future tenants and/or development within the business park and neighborhood retail center.

Applicant Response: A Design Criteria Manual has been provided with the resubmittal for the M-2 zoning area setting the standard for design of the development. The C-1 design criteria will meet the City's requirements and will be provided at the time the retail area is moving forward within this development.

3. Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public for the industrial buildings and internalized for the commercial buildings.

Applicant Response: Acknowledged, these requires will be met within the development.

Staff Response: After meeting with the applicant and representative, the downspouts in the industrial buildings will be internalized.

Landscaping and Screening:

1. In previous conversations, Planning Staff raised the concern of screening the overall development from public view. We encouraged the applicant and developer to preserve as much of the natural topography and vegetation as possible, specifically the 250-foot berm along North 99th Street. The berm does not affect the screening of Building A but cutting 100 feet into the slope of the berm will most definitely affect the visibility of Building B for the residents west on North 99th Street.

Furthermore, we discussed with the applicant, maintaining these natural landforms would not only reduce the visual impact of the distribution center, but reduce the cost of construction additional fencing or installing excessive landscaping.

Applicant Response: The berm as proposed actually provides better screening into the development than the existing berm along 99th Street since the top of the existing berm is pushed further away from the public street. The sight lines into the development were payed close attention to while designing the project. Please refer to the Sight Line Sections on sheets L1.91, L1.92, and L1.93 for specifics of the views into the streets into the development from car/pedestrian level with the resubmittal to help illustrate the views into the proposed development. We have taken careful consideration into the proposed design of the development to help soften and screen the business park from the public view as much as possible. This includes the proposed grading, berming, and landscaping.

2. The Prairie Delaware Piper Master Plan Light Industry/Business Park designation requires landscape buffers, trails and outdoor sitting areas. Additionally, 25% of the site must be maintained as open space.

Applicant Response: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the City Code requires, trails have been provided within the development, outdoor sitting/pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development. See sheet C3.0 for the open space calculations.

3. The site lines (sight alignment) cross sections illustrated on sheets L1.91 and L1.92 must have a site plan that depicts the location of the viewpoint towards the Woodlands property (i.e. an arrow indicating the starting point and direction).

- a. In addition to the sight lines taken from North 99th Street and Leavenworth Road, provide additional cross sections for Hurrelbrink Road and North 91st Street.

Applicant Response: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the City Code requires, trails have been provided within the development, outdoor sitting/pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development.

4. Sec. 27-469(g) Trees are required at not less than one (1) 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. The architectural screen can either be fencing or landscaping.

The site for the proposed industrial zoning is 312.97 acres, including Lot 1 through Lot 6, which requires 1,363 trees, divided into the individual lots based on acreage and exclusive of the street trees and parking lot island trees requirements.

Applicant Response: Acknowledged, these requirements are being met. We are providing more trees than what is required by City Code. The calculations are shown on sheet L1.00.

5. Sec. 27-464(g) Trees are required at not less than one (1) tree per 7,000 square feet of site area. The Commercial Design Guidelines has a 75 percent multiplier, so based on 12.46 acres, 136 trees are required to be planted. This total does not include trees for parking lot islands or street trees along 99th Street and Leavenworth Road.

Applicant Response: Acknowledged, these requirements are being met. We are providing more trees than what is required by City Code. The calculations are shown on sheet L1.00.

6. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6') feet when planted. All shrubs shall be five (5) gallons when planted.

Applicant Response: As has been discussed with City Staff, the development will meet the City's requirements for plant material. The City Code requires two (2) inch caliper shade trees, six (6) feet tall ornamental trees and six (6) feet tall evergreen trees, which will be provided within the development.

7. All landscaping shall be irrigated.

Applicant Response: Landscape beds around buildings will be irrigated, but the areas around the perimeter of the site will be landscaped with native plantings to help conserve water. Irrigation will not be provided in the native areas as has been discussed with staff.

8. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Applicant Response: Acknowledged, the required screening will be provided with the development. Details and notes have been added to the landscape plans.

9. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (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.

Applicant Response: Acknowledged, details have been added to the landscape plans.

10. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen. This should not be seen from all views as noted in Landscaping and Screening Comment #3.

Applicant Response: Acknowledged, details have been added to the landscape plans.

11. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.

Applicant Response: Acknowledged, details have been added to the landscape plans.

12. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as 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 light bulbs shall not be permitted in view of adjacent property or public right-of-way.

Applicant Response: Acknowledged, details have been added to the landscape plans.

13. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.

Applicant Response: Acknowledged.

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Acknowledged.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None.
- B) Items that are conditions of approval (stipulations):
- 1) Based on the traffic impact study prepared by Olsson and following discussions with UG Public Works and Planning and Urban Design Staff, the traffic study will be revised and refined to match actual traffic conditions with each additional phase of the proposed development. For each phase the traffic study will need to analyze traffic after that phase has been completed and after entire buildout. Further, each traffic study will need to provide a focus on impacts to 99th Street; impacts to the intersections of 103rd and Leavenworth; 99th and Donahoo; 99th and Leavenworth; and the Main Entrance to the Development and Leavenworth Road.
 - 2) UG Public Works strongly recommends a traffic signal installed at the main entrance off Leavenworth Road in lieu of the proposed acceleration lane /right turn lane.
 - 3) "No Trucks" sign shall be installed on Donahoo and 99th Street and all truck traffic shall use Leavenworth road.
 - 4) As future build out occurs, additional public improvements to the public infrastructure may be required. In this regard, the applicant shall continue to coordinate with UG Public Works and Planning and Urban Design Departments on the public street improvements related with the proposed development. Further discussion with staff may be required.
 - 5) With final development plans, if this project includes public street and storm sewer improvements; The public street and storm sewer improvement plans shall meet UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note,

- etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required and shall be reviewed and approved by UG staff prior to construction permit acquisition.
- 6) KDOT review and approval shall be required prior public street improvements on Leavenworth Road / K-5 (Kansas Highway).
 - 7) 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.
 - 8) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
- 1) Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

Conditions:

- 1) A \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners meeting.
- 2) In conjunction with Public Works restricting access to 99th Street, redesign the internal circulation and movement so all traffic uses the Leavenworth Road exit. Additionally, the ingress/egress onto 99th Street shall be for emergency vehicle access only, similar to North 69th Street at the Turner Logistics Center.

The redesign shall be hidden behind Building B, gated, and out of sight as to not attract attention as a viable exit for employees.

- 3) Staff will continue to push for a more cohesive retail center that is an integrated and walkable with the surrounding neighborhood as well as the office space within Building B for residents and employees alike. The retail development will comply with the Commercial Design Guidelines.
- 4) A covenant restriction on the final plat (and subsequent iterations) as well as the filed deed shall prohibit manufacturing on site. Only MP-1 Planned Light Industrial and Industrial Park District uses are permitted on the industrial zoned land.
- 5) Coordination with City Staff, KCATA and the Transit Department is required to determine the exact location of the transit stop for the overall development. The bus stop placement shall be finalized before the Final Development Plan is presented to the City Planning Commission.
- 6) Further conversations with the Troy Shaw, County Engineer is necessary, but when the final plat is submitted, additional right-of-way along the south side of Hurrelbrink Road shall be dedicated for the local trail in order to keep the east/west connection to Wyandotte County Lake Park as much

- within trees as possible. Additionally, Hurrelbrink Road is classified as a Parkway in the Major Street Plan, therefore in the future when the road is improved, adequate right-of-way is already dedicated to make those improvements.
- 7) A five (5) foot trail shall be constructed along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.
 - 8) A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).
 - 9) The developer will fund the trail around Bennett Lake and the Parks Department will build and manage the trail system.
 - 10) The Design Criteria Manual shall be adhered to for all future phases of development.
 - 11) Downspouts shall be internalized.
 - 12) Landscaping in the parking lot and around the building shall be irrigated.
 - 13) Do not mass grade the entire 431 acres for the construction of Building A. Keep the trees that are not within the Lot 1 and those that effectively screen the building from public view.
 - 14) The viewsheds of Building A from Hurrelbrink Road, 99th Street, Leavenworth Road and 91st Street shall be preserved. The existing tree mass that is illustrated on sheets L1.91, L1.92 and L1.93 will screen Building A and future phases from the public view, however staff has concerns that the plantings are not dense enough where there is not an existing tree mass, specifically Alignment #3 taken from 99th Street.

Each successive phase requires its own sight line study to ensure that the development is fully screened from public view.

- 15) Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.

A mitigation measure that has been proposed and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four (4) foot open fence in the front yard, so a variance is required

- 16) BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (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.
- 17) All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must

be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen.

- 18) Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.
- 19) All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.
- 20) Shall comply with the sign ordinance.
- 21) Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.

A mitigation measure that has been proposed and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four (4) foot open fence in the front yard, so a variance is required if the proposed fence is taller than four (4) feet or is solid or opaque.

On motion by Mr. Mohler, seconded by Mr. Reasons, the Planning Commission voted as follows to **APPROVE Woodlands Redevelopment Preliminary Plat:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	No
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Aye

Motion to APPROVE Passed: 7 to 1

Subject to the above conditions.

Development Policies and Guidelines for Area 2

Intent: These parcels are more suited for lower density development due to factors such as varying slopes, limited but potential flooding, scattered vegetation stand, and soils that may not be conducive to basement, foundations or high-density development.

Land Use Type	Average Square Footage Guidelines	Allowed	Minimum Acreage	Open Space	Amenities	Landscape	Architectural / Building Design Review
Low Density Residential	See Table 7	Yes	None	12%	• Gazebo and lot lot • Trails • Barbecue and picnic areas		No
Suburban Residential	See Table 7	Yes	-	17%	-		Yes, if buildings are less than recommended square footage
Mixed Residential	-	No	-	-	-		-
Small Commercial	5,000-25,000 sf per center	Yes	5-10-Acres	12%	• Landscape buffer • Trail		Yes
Neighborhood Commercial	100,000-150,000 sf per center	Yes	15-35-Acres	20%	• Landscape buffer • Trail • Outdoor sitting area		Yes
Regional Commercial	150,000-40,000 sf per center	No	-	-	-		-
Office	Sites along I-70, I-435, K-7	No	5-10 Acres (10-Acre maximum)	-	• Landscape buffer • Trail • Outdoor sitting area		-
Light Industry/Business Park	Sites along I-70, I-435, K-7	No	-	-	-		-

Table 4

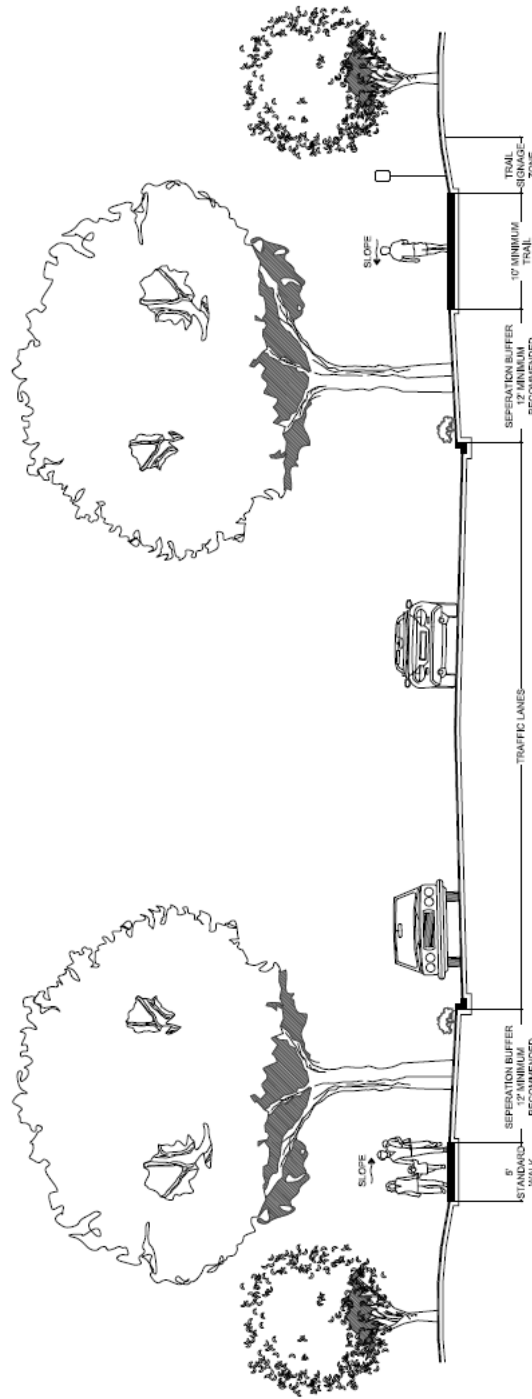
Development Policies and Guidelines for Area 1

Intent: Low development risk factors including minimal slopes, little or no flood capabilities, no significant stands of vegetation, and soils most conducive to development.

Land Use Type	Average Square Footage Guidelines	Allowed	Minimum Acreage	Open Space	Amenities	Landscape	Architectural / Building Design Review
Low Density Residential	See Table 7	Yes	40-Acres: lots clustered lots with open space	10%	See Table 7		No
Suburban Residential	See Table 7	Yes	None	15%	See Table 7		Yes, if buildings are less than recommended square footage
Mixed Residential	See Table 7	Yes	25-Acres	See Mixed Residential Guidelines	See Table 7		Yes
Small Commercial	5,000-25,000 sf per center	Yes	5-10-Acres	10%	• Landscape buffer • Trail		Yes
Neighborhood Commercial	100,000-150,000 sf per center	Yes	15-35-Acres	15%	• Landscape buffer • Trail • Outdoor sitting area		Yes
Regional Commercial	150,000-40,000 sf per center	Yes	20-100-Acres	15%	• Landscape buffer • Trail • Outdoor sitting area		Yes
Office	Sites along I-70, I-435, K-7	Yes	5-25-Acres	20%	• Landscape buffer • Trail • Outdoor sitting area		Yes
Light Industry/Business Park	Sites along I-70, I-435, K-7	Yes	40-Acres	25%	• Landscape buffer • Trail • Outdoor sitting area		Yes

Table 5

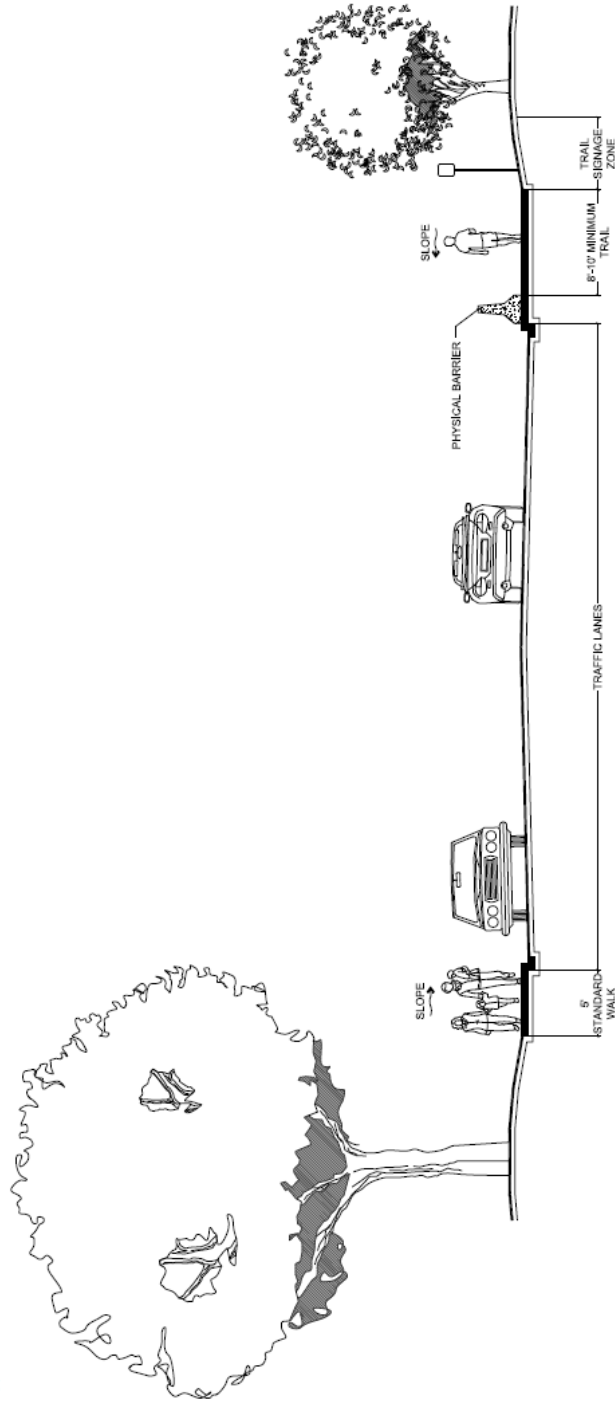
Figure 7.3: Regional Trail
Typical Cross Section



Regional trails provide cross-county connections and linkages to regional trails outside of Wyandotte County. These trails are recommended to be at least 10-feet wide to accommodate pedestrians and less-experienced cyclists who do not feel comfortable riding in the street. More experienced cyclists are likely to ride in the street with vehicular traffic along designated bike routes.



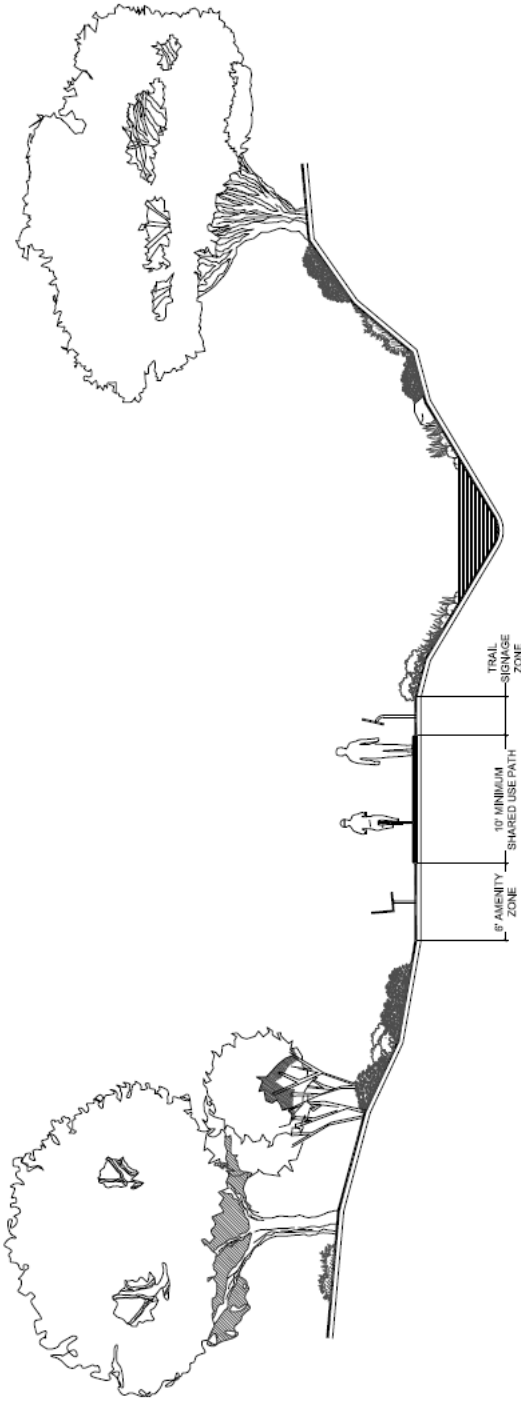
Figure 7.4: Local Trail Adjacent to Existing Road
Typical Cross Section



Local trails provide connections to neighborhoods and local destinations. For the most part, these trails are adjacent to existing roads in developed areas with limited right-of-way. Like regional trails, a width of 10-feet is preferred to accommodate pedestrians and less experienced cyclists. In sections with limited right-of-way, 8-feet may be accepted. A green space buffer is preferred between the roadway and trail, however, where space is limited, a physical barrier or railing should be considered.



Figure 7.5: Greenway Trail
Typical Cross Section



The primary setting for greenway trails is in undeveloped or sparsely populated areas; however, there are opportunities within urbanized areas as well. Greenway trails generally follow streams, providing a unique setting for trails and immersing the user in nature. In Wyandotte County, greenways provide a departure from the rigid grid pattern of streets and offer a more natural recreational setting. Care must be exercised to protect environmentally sensitive areas, yet, trails adjacent to these areas can provide educational opportunities and conservation.





**Urban Planning & Land Use Department,
Unified Government of Wyandotte County
& Kansas City, Kansas**

June 29, 2020

Attn: Byron Toy
701 North 7th Street, Room 423
Kansas City, Kansas 66101

Re: Change of Zone Petition #3226 and Woodlands Redevelopment Preliminary Plat and #MP-2020-5

Dear Planning and Urban Design Staff:

The following are responses to your comments made in your letter to the City Planning Commission sent to us on June 22, 2020 on the project referenced above.

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

1. *Subject to approval, a \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners meeting.*

RESPONSE: Acknowledged, this fee will be paid following the Board of Commissioners meeting.

2. *As previously mentioned, the Economic Development Department is facilitating between the Parks Department and the developer to build a trail spur that will connect to Wyandotte County Lake Park from Leavenworth Road. A cross-section of Greenway Trail is attached herein.*

RESPONSE: The developer and city are working on the specifics on this. Currently the developer would dedicate the land to the city and the city would build the trail.

3. *Staff discussed with the applicant about constructing a five (5) foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.*

RESPONSE: Acknowledged, the revised plans include a 5 foot trail within the public right of way along the south side of Hurrelbrink Road from 99th Street to the east property line on Hurrelbrink Road.

7301 W. 133rd Street / Suite 200 / Overland Park, KS 66213
O 913.381.1170 / olsson.com

4. *A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).*

RESPONSE: Acknowledged, these trails are shown on the plans and will be provided with the proposed development.

5. *No truck traffic on North 99th Street is permitted. Coordination with truck drivers to the distribution center is required.*

Is the northern most entrance on North 99th Street for employees or emergency vehicles? If the entrance is for KCKFD, the entrance must be gated, and a NOx box installed for access.

RESPONSE: Acknowledged, as has been discussed with staff and is noted in the traffic study trucks are not planned to use 99th Street. The north entrance would be for employees and emergency vehicles.

6. *The bus stop depicted on the site plan is located between the retail center and the private street leading to North 99th Street. Is this bus stop serving the employee base for the retail center, Building A and all future expansion of the business park?*

RESPONSE: The developer is in discussions with the city and the local transit authority to provide a bus stop within the project site. Currently the stop is shown within the retail area but this could change based on what the transit authority decides. It is the intent and hope that a bus stop will be provided within the development.

7. *What tenants are you trying to attract for the neighborhood retail center that will not only serve the employees, but the surrounding residents?*

RESPONSE: The neighborhood retail center would serve the surrounding community (residents and employees of the development.) The tenants would be determined by the market but the thought is that service related tenants would be provided at this location.

8. *How many employees will be working during the largest shift in Building A?*

- a. How many shifts?*
- b. Is there overlapping?*
- c. 24 hours, 7 days a week?*

RESPONSE: There are four total shifts. The two day shifts combine/overlap into one main day shift, and likewise into one main night shift. The main day/night shifts trips will overlap some, but they technically don't overlap by start/end times. See the chart below for reference. The proposed tenant of Building A would be in operation 24 hours a day.

Headcount			
Headcount - Day Shift			370
Headcount Night Shift			313
Shift Structure			
		Start	End
Day Shift Inbound		7:00:00 AM	5:30:00 PM
Day Shift Outbound		7:30:00 AM	6:00:00 PM
Night Shift Inbound		6:00:00 PM	4:30:00 AM
Night Shift Outbound		6:30:00 PM	5:00:00 AM

9. *What are the proposed hours of operation for this Building A?*

RESPONSE: The proposed tenant of Building A would be in operation 24 hours a day.

10. *What phase will the neighborhood retail center begin construction?*

RESPONSE: The neighborhood retail center would be developed when retailers decide the area can support their services. This will be determined by the market. We would expect this to occur after the first few phases of the business park.

Building Architecture:

1. *The neighborhood retail center parking lot has been relocated to the rear; however, the buildings can be moved closer towards the southwest corner of the intersection and redesigned to be a true neighborhood node rather than a linear development along Leavenworth Road to create a walkable, rural town center that can link to the trail network.*

Architecturally, the center shall comply with the Commercial Design Guidelines.

RESPONSE: As discussed with city staff, the existing public right of way at the intersection does not allow this for the retail buildings along Leavenworth Road to be pushed closer to the intersection. Currently we have provided a pedestrian plaza area closest to the intersection to create a focal point into the development. Pushing the buildings to the street was done per staff request, which we agree with. It creates a architectural wall along Leavenworth Road, which will help enhance the character of the intersection as well as help screen the business park from the public street. The architecture of the retail center will comply with the city's commercial design guidelines of the city. When the retail starts to move forward within the development plans shall be submitted to the city for review and approval to assure all requirements are being met.

2. *A comprehensive Design Criteria Manual shall be submitted to set the standard for design (architectural features, fenestration, building materials and color, etc.),*

landscaping, screening, on-site amenities, lighting, signage for all future tenants and/or development within the business park and neighborhood retail center.

RESPONSE: A Design Criteria Manual manual has been provided with the resubmittal for the M-2 zoning area setting the standard for design of the development.

The C-1 design criteria will meet the city's requirements and will be provided at the time the retail area is moving forward within the development.

3. *Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public for the industrial buildings and internalized for the commercial buildings.*

RESPONSE: Acknowledged, these requirements will be met within the development.

Landscaping and Screening:

1. *In previous conversations, Planning Staff raised the concern of screening the overall development from public view. We encouraged the applicant and developer to preserve as much of the natural topography and vegetation as possible, specifically the 250 foot berm along North 99th Street. The berm does not affect the screening of Building A, but cutting 100 feet into the slope of the berm will most definitely affect the visibility of Building B for the residents west on North 99th Street.*

Furthermore, we discussed with the applicant, maintaining these natural landforms would not only reduce the visual impact of the distribution center, but reduce the cost of construction additional fencing or installing excessive landscaping.

RESPONSE: The berm as proposed actually provides better screening into the development than the existing berm along 99th Street since the top of the existing berm is pushed further away from the public street. The sight lines into the development were payed close attention to while designing the project. Please refer to the Sight Line Sections on sheets L1.91, L1.92, and L1.93 for specifics of the views into the development. We have also provided additional perspective images from the public streets into the development from car/ pedestrian level with the resubmittal to help illustrate the views into the proposed development. We have taken careful consideration into the proposed design of the development to help soften and screen the business park from the public view as much as possible. This includes the proposed grading, berming, and landscaping.

2. *The Prairie Delaware Piper Master Plan Light Industry/Business Park designation requires landscape buffers, trails and outdoor sitting areas. Additionally, 25% of the site must be maintained as open space.*

RESPONSE: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the city code requires, trails have been provided with the development, outdoor sitting/ pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development. See sheet C3.0 for the open space calculations.

3. *The site lines (sight alignment) cross sections illustrated on sheets L1.91 and L1.92 must have a site plan that depicts the location of the viewpoint towards the Woodlands property (i.e. an arrow indicating the starting point and direction).*
 - a. *In addition to the sight lines taken from North 99th Street and Leavenworth Road, provide additional cross sections for Hurrelbrink Road and North 91st Street.*

RESPONSE: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the city code requires, trails have been provided with the development, outdoor sitting/ pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development.

4. *Sec. 27-469(g) Trees are required at not less than one (1) 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. The architectural screen can either be fencing or landscaping.*

The site for the proposed industrial zoning is 312.97 acres, including Lot 1 through Lot 6, which requires 1,363 trees, divided into the individual lots based on acreage and exclusive of the street trees and parking lot island trees requirements.

RESPONSE: Acknowledged, these requirements are being met. We are providing more trees than what is required by city code. The calculations are shown on sheet L1.00.

5. *Sec. 27-464(g) Trees are required at not less than one (1) tree per 7,000 square feet of site area. The Commercial Design Guidelines has a 75 percent multiplier, so based on 12.46 acres, 136 trees are required to be planted. This total does not include trees for parking lot islands or street trees along 99th Street and Leavenworth Road.*

RESPONSE: Acknowledged, these requirements are being met. The calculations are shown on sheet L1.00.

6. *All overstory trees shall be at least four (4) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6') feet when planted. All shrubs shall be five (5) gallons when planted.*

RESPONSE: As has been discussed with city staff the development will meet the city's requirements for plant material. The city code requires 2" cal. shade trees, 6 feet tall ornamental trees, and 6' ht evergreen trees, which will be provided within the development.

7. *All landscaping shall be irrigated.*

RESPONSE: Landscape beds around buildings will be irrigated, but the areas around the perimeter of the site will be landscaped with native plantings to help conserve water. Irrigation will not be provided in the native areas as has been discussed with staff.

8. *Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.*
 - a. *All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.*

RESPONSE: Acknowledged, the required screening will be provided with the development. Details and notes have been added to the landscape plans.

9. *BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (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.*

RESPONSE: Acknowledged, details have been added to the landscape plans.

10. *All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen. This should not be seen from all views as noted in Landscaping and Screening Comment #3.*

RESPONSE: Acknowledged, details have been added to the landscape plans.

11. *Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.*

RESPONSE: Acknowledged, details have been added to the landscape plans.

12. *Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as 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 light bulbs shall not be permitted in view of adjacent property or public right-of-way.*

RESPONSE: Acknowledged.

13. *All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.*

RESPONSE: Acknowledged.

Signage:

1. *Shall comply with the sign ordinance.*

RESPONSE: Acknowledged.

Planning Engineering Comments:

1. *Items that require plan revision or additional documentation before engineering can recommend approval:*

- a. *Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.*

RESPONSE: Acknowledged, plans have been revised and responses provided to the engineering comments we have received for the project.

- b. *The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.*

RESPONSE: Acknowledged, we have checked with the county surveyor and he did not have any comments on the preliminary plat.

- c. *Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.*

RESPONSE: Acknowledged.

2. *Items that are conditions of approval:*

- a. *None.*

RESPONSE: Acknowledged.

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

Page 8

a. *None.*

RESPONSE: Acknowledged.

Thank you,

A handwritten signature in black ink, appearing to read "Seth Reece Olsson". The signature is fluid and cursive, with the first name "Seth" being more prominent.

Seth Reece
Olsson



MEETING MINUTES

PROGRESS MEETING

Project Name:	Woodlands Redevelopment
Project Location:	99 th Street & Leavenworth Road, Kansas City, KS
Meeting Location:	Zoom
Date and Time:	06.22.2020
Project #:	020-1274
Attendees:	Seth Reece, Luke Moore, Shaun Coffey

- 1) Sign-In
- 2) Seth Reece asks participants to provide their information for the sign in record.
- 3) Participants begin providing their information to Seth and also tell him that he's breaking up and it's hard to hear him.
- 4) Shaun and some of the participants also have bad connections.
- 5) Seth tries to call in to the meeting using the phone number instead.
- 6) Shaun asks everyone to type their information in the chat box so that a record can be kept for sign in instead.
- 7) Shaun states his name and credentials (Shaun Coffey with Scannell Properties)
- 8) Shaun asks everyone to mute their microphones
- 9) Shaun states the purpose of the meeting
 - a) Redevelopment of the Woodlands property
 - b) Currently in the master planning phase and rezoning
 - c) First PowerPoint – Meeting Agenda:
 - i) Review Existing Woodlands Property
 - ii) Review City Jurisdictional Process for the Project
 - iii) Review Proposed Plan
 - iv) Questions
- 10) Shaun tells participants that they are working with the Unified Government, going through the Army Corp process as well. He is hoping to clear up any misconceptions about the project.
- 11) Shaun introduces Seth, from Olsson.
- 12) The PowerPoint does not load for some time. Shaun decides to go on with the discussion while participants wait for the presentation to load.
- 13) Shaun:
 - a) The second slide is a photo of what the existing building looks like on the property
 - b) There are phases to the project - Multiple buildings – Focus will be on the main building first and rezoning
 - c) Will go through the plan for the project, infrastructure, then will open up to questions
- 14) Presentation slides still delayed and not loading
- 15) Shaun:

Meeting Minutes / 1 of 3



MEETING MINUTES PROGRESS MEETING

- a) Existing property – 99th Street and Leavenworth Road – 384 acres that are part of the Woodland Campus
 - b) In discussions to purchase the remaining grounds - 420 acres total – Purchasing at market rates
 - c) Race track portion is currently zoned agricultural
 - d) City owned ground is currently CP2 which is General Business District
 - e) A couple corner parcels which are zoned CP1 Limited Business District
 - f) A lot of the existing ground is in disrepair for the last 13-14 years. Parking lots are starting to crumble. Clubhouses are starting to fall apart. Grand stand areas are overgrown. There are still maintenance garages on the site that would need a lot of attention.
- 16) Seth switches over to a PDF of the presentation instead of the PowerPoint. Now everyone can see the pages that were being discussed.
- a) Third slide shows the Existing Property image
 - b) Fourth slide shows the current property zoning
 - c) Fifth slide shows photos of the current state of the lots and parking areas
 - d) Sixth slide shows the Jurisdictional Process to Redevelop the Woodlands Property
 - i) Currently Submitted Applications
 - (1) Change of Zoning/Preliminary Plan
 - (2) Master Plan Amendment
 - (3) Preliminary Plat – Each of these applications are scheduled to be heard on the July 13th Planning Commission Meeting & Board of Commissioners on July 30th
 - ii) If these applications are approved a Final Plan and Final Plat will be submitted on July 31st for Phase 1 of the development (Building A)
 - iii) With Phase 1 of the Development a Corp of Engineers permit is required due to wetlands within the infield of the existing dog track.
- 17) Shaun talks through the slides that have loaded:
- a) Proposing C1/C2 Zoning – Mixed retail use in the corner of the property
 - b) Proposing M2 Zoning – Light industrial warehouse distribution facilities
 - c) Selected M2 Zoning – Not looking to build concrete plants
 - d) Why M1 Zoning was not selected - Issues with a lot of distribution buildings – Tenants need 36 foot clear
 - e) Preliminary plat is being completed which will go before the commissioners. If approved, the final plan and plat will be submitted for Phase 1 of the development (Building A)

Meeting Agenda / 2 of 3



MEETING MINUTES PROGRESS MEETING

- f) Not trying to do all the buildings at the same time, this is all part of Phase 1 for the first building.
 - g) With Phase 1, working with the Corp of Engineers for a permit. There is a small wetland in the center of the race track that is primarily due to the fact that the property hasn't been used for years.
- 18) Seventh slide is a photo introduction to the proposed plan for the property
- 19) Participant Question – In the photograph, which of the buildings is Building A?
- a) Shaun tries to answer but the connection makes it hard to understand anyone speaking
- 20) Shaun discusses the access points and buildings, but the connection is broken and the information is unclear. Shaun turns it over to Seth, but his connection is also broken and unclear.
- 21) The eighth slide is shown for information on the Proposed Plan for the property
- a) Using same access points as the current development to serve the project site. (2 on 99th Street and 2 on Leavenworth Road).
 - b) Neighborhood Retail at the Northeast corner of 99th Street and Leavenworth Road.
 - c) Proposing 3 million square feet of warehouse/business park interior to the property. (Buildings A, B, C, D & E).
 - i) Phase 1 will be Building A
 - ii) Plan to preserve existing trees to the East and North of the proposed business park.
- 22) Participants let the hosts know that they cannot understand what is being said.
- 23) Shaun tells the participants that they will be in touch. He lets Seth know that they will just close down the meeting.
- 24) A follow-up, in-person, meeting will be set up. Participants will be contacted with details.



MEETING MINUTES

SECOND NEIGHBORHOOD MEETING

Project Name:	Woodlands Redevelopment	
Project Location:	Northeast Corner of 99 th Street & Leavenworth Road, Kansas City, KS	
Meeting Location:	3150 N. 91st Street, Kansas City, KS 66109	
Date and Time:	06.29.2020	
Developer and Design Team Attendees:	Shaun Coffey, Seth Reece, Luke Moore,	

- 1) Shaun outlines the agenda of the presentation
- 2) Shaun begins presentation:
 - a) Existing Property is 419 acres, includes Woodlands property, and currently working on agreement to purchase 40 acres from UG at the corner of 99th Street and Leavenworth Road
- 3) Current Zoning:
 - a) Racetrack portion is currently zoned agricultural
 - b) City owned ground is currently CP2 & CP1 which are commercial zoning
- 4) Quickly reviewed existing property with pictures
- 5) Submitted plans in May to the city for staff to review
 - a) Re-zoning plans, master plan amendment and preliminary plat
 - b) July 13th planning commission meeting
 - c) Board of Commissioners meeting on the 30th
 - d) Plans for the Phase 1 (Building A) final plan and final plat are in progress and will be submitted to the city on July 31st.
- 6) Shaun addresses rumors about filling in Bennet Lake
 - a) Working with Corp of Engineers to remove wetland in middle of track
 - b) Goal of having Corp permitting process completed by September
- 7) Proposed Plan
 - a) 5 Potential buildings on site with the same access points as current exist on the property(two on 99th Street and two on Leavenworth Road)
 - b) Northeast corner of 99th Street and Leavenworth Road is proposed to be neighborhood commercial/ retail to help serve the community.
- 8) A participant asks what phase the retail will be constructed in?
 - a) Shaun explains that it is too soon to determine what phase the retail will be
 - b) From his perspective, Building A is Phase 1, and could still go this year if everything get's approved.
 - c) Working with a potential client on Building B, and that will follow soon after

Meeting Minutes / 1 of 8

MEETING MINUTES

PROGRESS MEETING

- d) Buildings C, D, & E and the retail are future phases that will occur when demand occurs.
- e) Estimates 2- 5 years to develop the entire project.
- 9) Participant asks question about Building B and the distance from the street
 - a) Shaun explains that there is a proposal for a berm
 - b) Seth confirms that the proposed berm along 99th Street is a 100ft wide berm, and approximately 20ft tall.
- 10) Participant asks, "How tall are your buildings?"
 - a) Shaun replies "Typically they're 36ft clear". Building B is taller.
 - b) Seth mentions the grading on the site has benched the buildings down the slope.
- 11) A different participant expresses her concerns about the companies paying taxes
 - a) Shaun states that he understands, and that they are the looking to be "a good neighbor"
- 12) Participant asks a question about where the service road for construction will run
 - a) Shaun explains that the intent is to have the traffic come in from Leavenworth Rd.
- 13) Participant asks if he is promising that trucks will not use 99th Street.
 - a) Shaun clarifies that it is the intent but cannot make a promise how a truck driver is going to drive.
 - b) We are working with UG to route the traffic to the determined route
- 14) Participant asks about approvals
 - a) Shaun reiterates that UG has not approved yet
 - b) Shaun expresses his appreciation and emphasizes that the meeting is to hear the community's concerns
- 15) Shaun continues presentation
 - a) Talking to city staff about the possibility of donating approximately 96 acres to the city for preservation
 - b) Reiterates the Bennet Lake rumors are false
- 16) Participant asks if there is anyone at the meeting representing UG
 - a) Seth explains that is what the Planning Commission meeting will be for.
 - b) Another participant announces that they are present at the meeting.

- 17) Shaun announces that he will continue and reviews what has been covered in the meeting to this point
 - a) Mentions speaking to the residents across Leavenworth Road about headlights
 - b) Working with city on local transit (potential bus stop improvement on Leavenworth Road or within the development)
- 18) Participant asks about the height of the tallest building (building B). Shaun replies that the building will be 60 plus feet due to specialized tenant but is uncertain if that tenant will be confirmed
- 19) A video was presented of the 3D model of the proposed project showing the views along Leavenworth Road and 99th Street from the public street looking into the proposed project.
- 20) Seth mentions that the neighborhood retail buildings are designed to be up along the public street to create an architectural wall to assist in screening the project.
- 21) Participant asks about sidewalks along 99th Street.
 - a) Shaun clarifies that there will be a sidewalk constructed on the east side of 99th Street, but it was not included in the video. The plans do include the proposed sidewalk.
- 22) Shaun announces that he wants to address a couple of questions that he had overheard.
 - a) Taxes: No current plan to ask for incentives on Building A (1 million sq. ft. taxed at full value) based on assessed value.
- 23) Participant asks about sale of the building
 - a) Shaun reiterates that there are no current tenants
 - b) Participant asks the question about tax abatement
 - c) Shaun explains that as the proposed owner of the property, he would have to apply for those benefits and obtain approvals.
 - d) Participant asks if Shaun will sell property or manage it himself
 - e) Shaun explains that it depends on the tenant and the timeframe.
 - f) Participant asks further questions about tax abatement
 - g) Shaun explains that tax abatement typically must be determined before the property is developed

- 24) Participant asks if Phil Ruffin still owns the property
- a) Shaun states that the property is still owned by Phil Ruffin and that they have an agreement to purchase it if we are able to complete this process
- 25) Participant asks about building operational hours
- a) Buildings are typically operating in 24-hour shifts
 - b) Trucks are staggered in shifts
 - c) Building has 100 dock doors
 - d) This building would be strictly trucks, not currently planned for delivery vans
- 26) Participant asks about the retail development and sightline of Building B
- a) Shaun replies that we are not a retail developer and will not be touching that ground. The existing trees will not be touched with phase 1 of the project.
 - b) Shaun shows on map where Building B will be developed
 - c) Participant shares his concerns with the sound
 - d) Shaun announced that there has not been a sound study on Leavenworth Road at this time
- 27) Participant asks about sidewalks near retail
- a) Shaun reiterates that he is not building the retail buildings, but the sidewalks will be constructed in the areas agreed upon with the city.
- 28) Participant asks about the sale of The Woodlands
- a) Shaun reiterates about the Planning Commission on July 13th
 - b) Participant expresses her concerns about commercial zoning affecting her agriculture
 - c) Shaun explains that her zoning will not change from this application
 - d) Participant asks about her taxes
 - e) Shaun explains that it should raise her property values
 - f) Participants begin to speak at once
 - g) Participant begins to ask about her property value
 - h) Shaun explains that they will be moving improvements in infrastructure in the area.
- 29) Participant asks about construction schedule; if construction would be allowed 24 hours a day.
- a) Seth explains that we must meet the City's ordinance.
- 30) Participant asks about light pollution.

- a) Shaun explains that the project will utilize cut off light fixtures with zero-foot candles at the property line.
- 31) Participant asks about M2 zoning.
 - a) Participant states she will fight unless Shaun buys her property
 - b) Shaun responds that he could not go to M1 because of height restrictions, and trailer parking requirements
 - c) Participant expresses her concerns about the possibility of an oil refinery being built in an M2 zone.
 - d) Shaun assures her that he does not build oil refineries
 - e) A different participant expresses concerns that another tenant might
 - f) Shaun explains that he buys the property, and builds the buildings, and controls what tenants operate in the buildings. Buildings will not be sold until after there is a tenant.
 - g) Participants express their concerns with tenants polluting the environment
- 32) Participant asks if there are potential tenants
 - a) Shaun states that there are prospective tenants, but until a lease is signed, he is not at liberty to reveal the tenants
- 33) Participant asks about property values, and other locations Shaun has built adjacent to residential subdivisions.
 - a) Shaun lists other properties in Greenville, IN, Minneapolis, MN, and GA.
 - b) Participant asks for clarification of locations
 - c) Shaun clarifies that Greenwood is not in Indianapolis proper, but a sub-burb.
 - d) Participant ask for clarification that property values went up
 - e) Shaun confirms
 - f) Participant asks if the properties stayed residential
 - g) Shaun confirms that most all of them are still residential
- 34) Participant asks if any other properties in area will be taken over
 - a) Shaun states that they are not planning on taking over any other property in the area
 - b) Participant asks about the houses located on the Woodlands property and if they would remain.
 - c) Shaun explains that the area is part of the Woodlands property and they would probably be removed with the first phase.
 - d) Participant asks about 99th Street school bus stops. Currently kids get on the bus on the west side of the street.

- e) Shaun reiterates that they are in talks with the City's Engineering office about improvements on 99th Street, which currently includes building a sidewalk on the east side of 99th Street.
- 35) Participant asks about plans for truck stops
 - a) Shaun explains that he does not handle any plans for truck stops and there are no plans for building a truck stop within the Woodlands Redevelopment.
- 36) Participant asks do we know about the open space requirements that city has.
 - a) Seth responds that we do and that we are exceeding the city's minimum requirement for the project.
- 37) Participant is concerned about erosion coming from the site during construction. That when the Woodlands was developed a lot of erosion made it down to Wyandotte Lake.
 - a) Seth commented that the current erosion control requirements are much stricter than when the Woodlands was developed and that we will meet all local and federal requirements for erosion control during construction.
 - b) Seth adds that when the Woodlands was developed filtering the storm system water was not a requirement and the new stormwater requirements require stormwater runoff to be treated before being released.
- 38) Participant asks questions about the sale of individual parcels
 - a) Shaun responds by referring to the map, and explaining how each building is on its own lot
- 39) Participant asks for confirmation for an about the environmental impacts of runoff.
 - a) Shaun responds that as Seth stated earlier stormwater runoff will meet the current standards
- 40) Participant introduces himself as Dustin Robinson from Reece Nichols and asks several questions
 - a) Question 1: Can he take pictures of business cards?
 - b) Response was, "Sure"
 - c) Question 2: Do we know about the city's master plan?
 - d) Shaun responds that is why he hired Seth and the team for the process. We have submitted a master plan amendment.
 - e) Dustin then asks if Shaun is familiar with taxes in Wyandotte County and mentions, "They're not cheap."
 - f) Shaun mentions that he understands

- g) Dustin expresses that he does not want to give him a (tax) break, he wants the (tax) break
- h) Shaun reaffirms that we are not seeking tax breaks for building A.

41) A participant asks about other tax breaks

- a) Dustin inquires what the costs are to install a 1 million sq. ft. building Dustin suggests \$150 - \$160 million
- b) Shaun suggests it is not quite that much, but it's near that
- c) Dustin asks if he is prepared to pay taxes on an asset of that value
- d) Shaun confirms
- e) Dustin expresses that he does not want Shaun to reclaim the building's value at a lesser rate in the future
- f) Shaun mentions that the current Woodlands property is currently valued at approximately \$500,000.
- g) Dustin asks about how many square feet on the rest of the project
- h) Shaun responds with potential approximately 3 million total
- i) Dustin predicts the total project will run around \$50 million
- j) Shaun replies that "we'll see"
- k) Dustin reaffirms his concerns about taxes
- l) Shaun replies that he understands

42) Participants ask if there will be any blasting while removing the buildings.

- a) Shaun responds, No. Typically we do not use blasting for building demolition, and the current buildings are not sturdy enough to require it.

43) Participant asks for a start date on the 99th Street berm.

- a) Seth adds that there is an existing berm on 99th Street.
- b) Participant expresses dissatisfaction with his perceived decision of the city
- c) Shaun replies that he cannot speak to that, but it is why we go through the process

44) Participant asks about safety measures on 99th and Leavenworth so that residents can walk their dogs

- a) Shaun refers to the sidewalks, and all the road safety requirements

45) Participant asks about lift station for wastewater

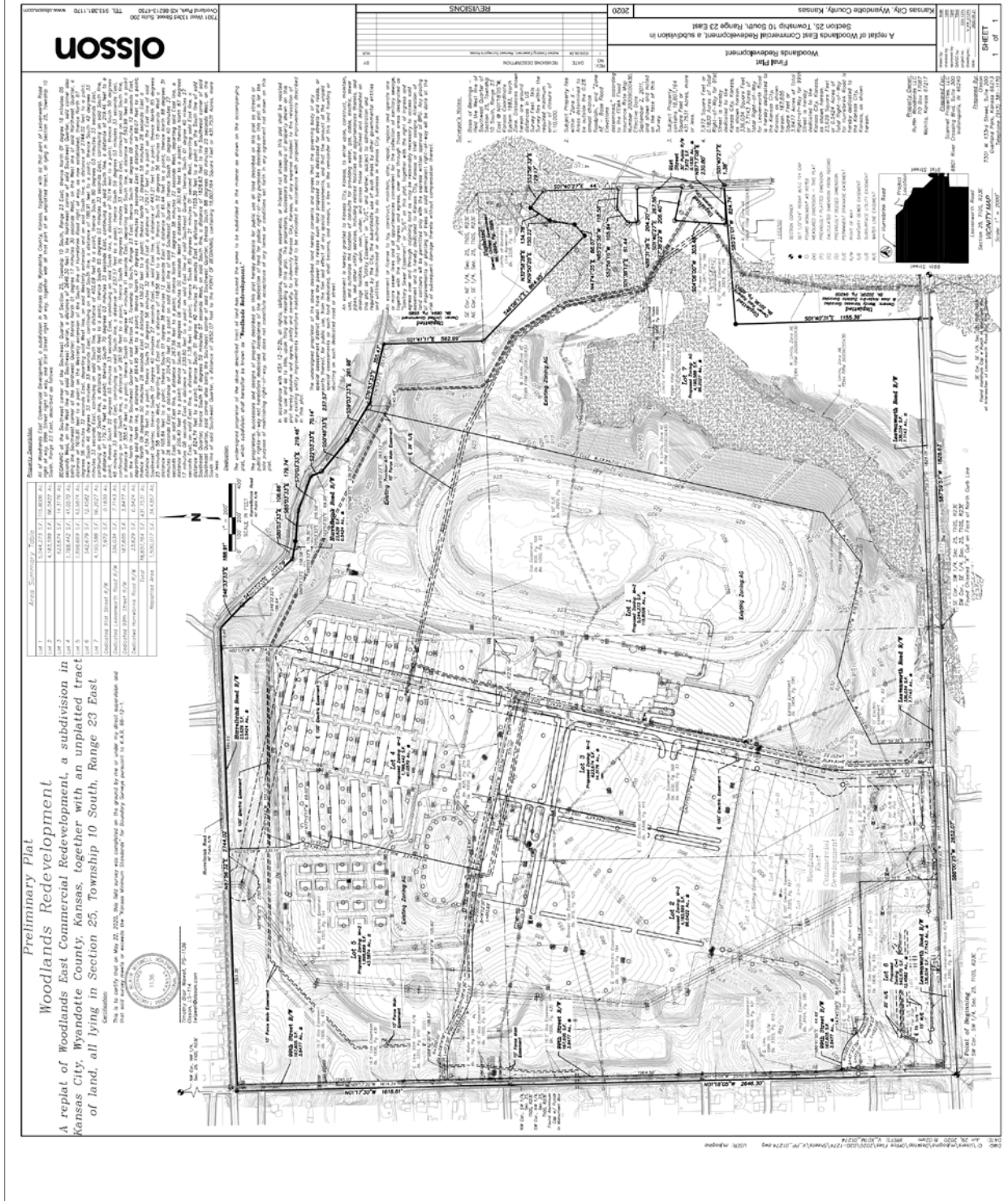
- a) Shaun replies that there is already a lift station in place
- b) Participant asks about the location
- c) Seth responds that it is just down the street

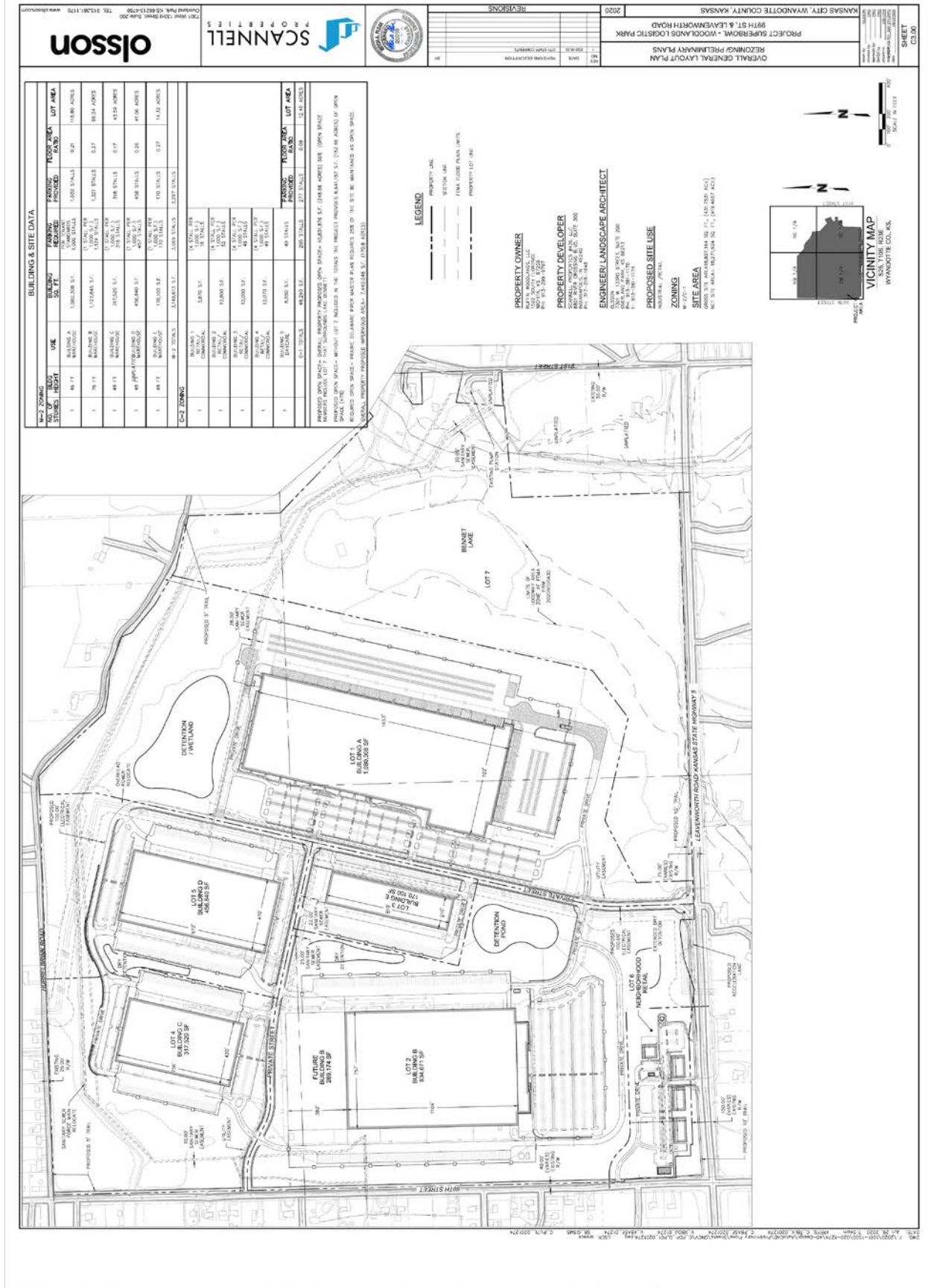


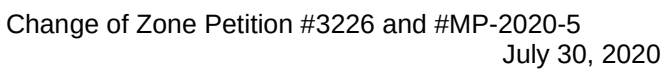
MEETING MINUTES PROGRESS MEETING

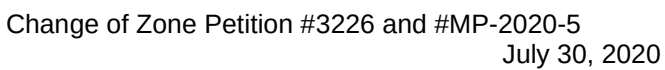
- 46) Participant introduces himself, gives brief history, and thanks Shaun for considering Wyandotte County. He lives right across the street from the property.
- 47) Participant gives her background and expresses her support for the complex. (
- 48) Participant gives background of owning two homes, and his son has a third for a combined total of 40 acres. Feels that the community badly needs the taxes generated. Expressed support for the project.
- 49) Participant states she's lived in the neighborhood 42 years. Wants to know if they could be given walking trails.
 - a) Shaun responds that there are plans for walking trails in discussion.
 - b) Participant suggest removing retail and adding walking area
 - c) Participant expresses appreciation for adding sidewalks
- 50) Participant expresses her concern about taxes.
 - a) Shaun explains that he understands her concerns but cannot answer her questions at this time.
- 51) Participant asks about the height of the current Woodlands buildings
 - a) Seth responds that he cannot recall the exact height of the two main buildings on the current Woodlands property but believes that they are at least 60 ft tall, and possible 70 ft in height.
- 52) Participant asks about overhead electrical transmission lines
 - a) Shaun states that we are in discussion with Evergy for relocating the transmission lines when and if building B moves forward
- 53) Participant asks if electricity comes from BPU or KCPL
 - a) Electrical services for the project comes from BPU
- 54) Participant asks about possibility of solar park
 - a) Not to my knowledge
- 55) Shaun thanks the attendees (1:43:56)

Meeting Agenda / 8 of 8

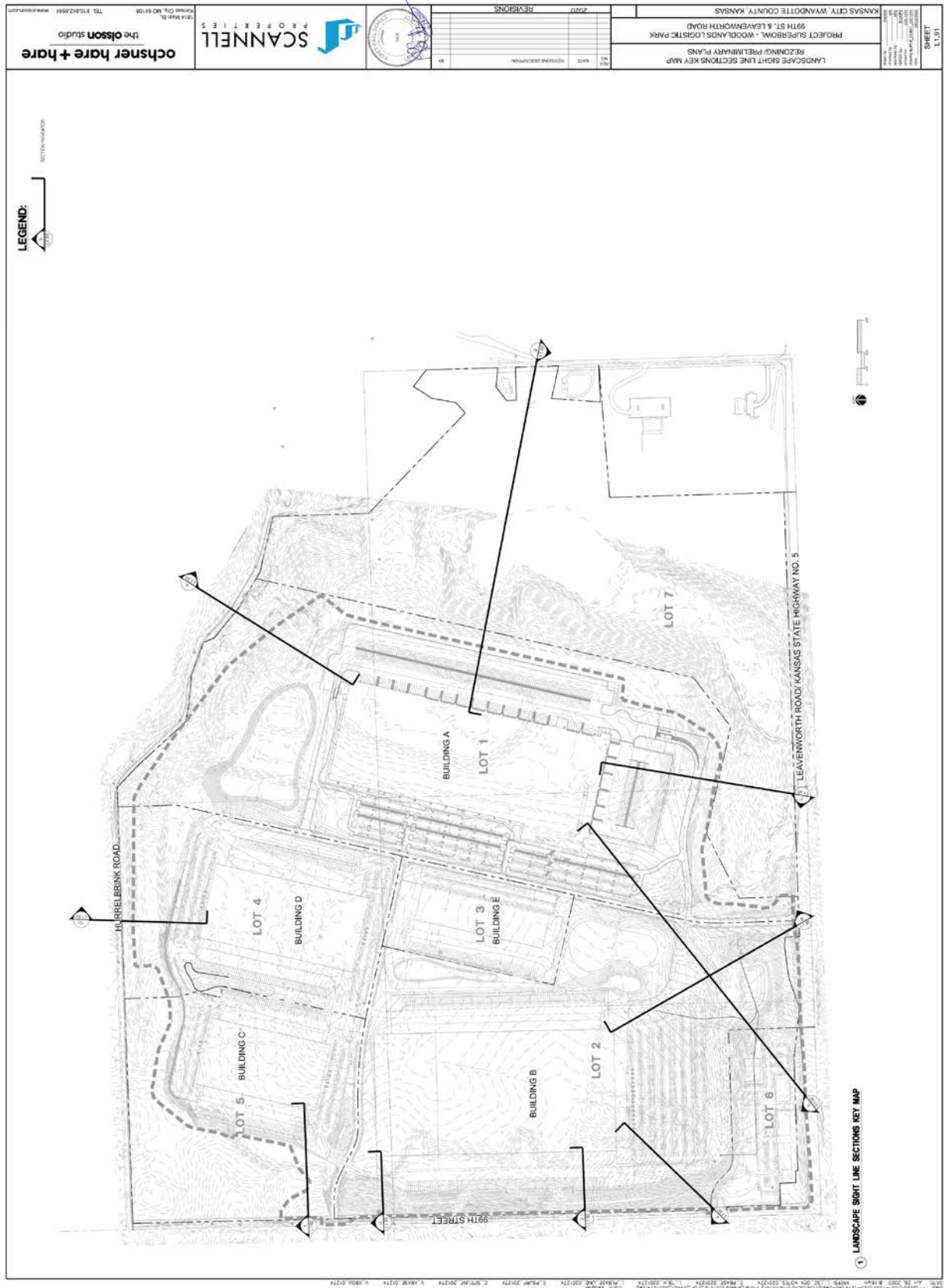


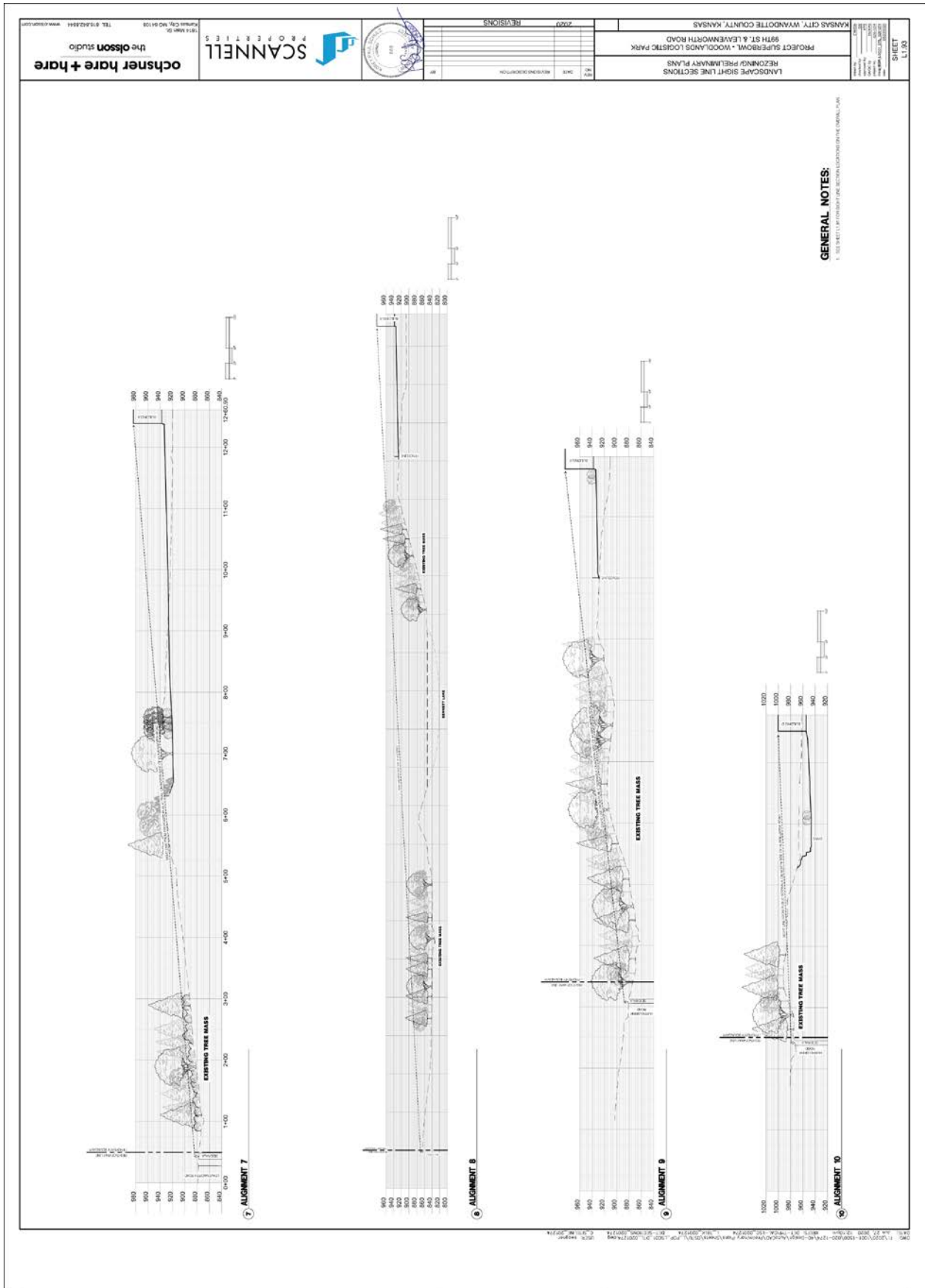


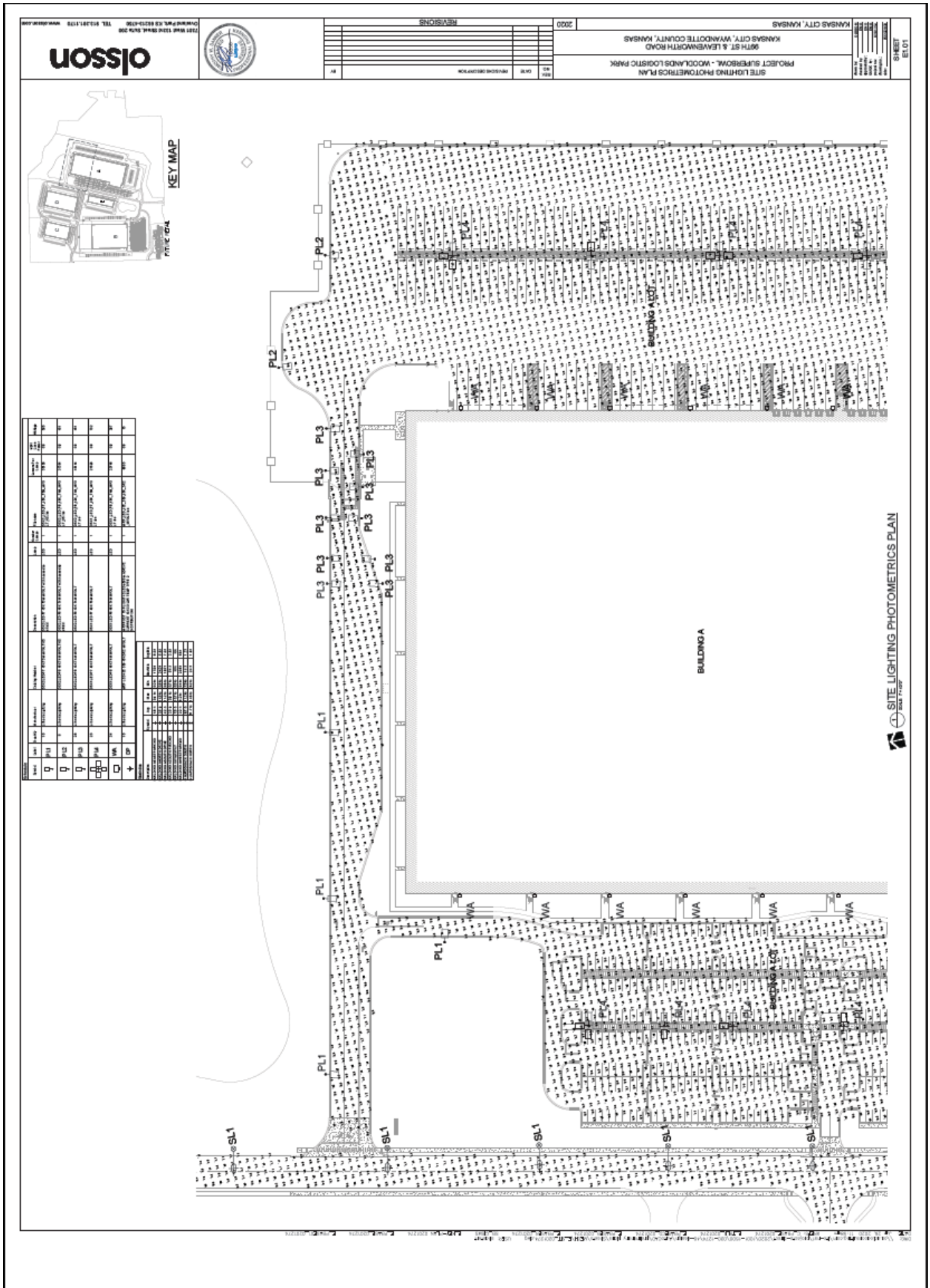


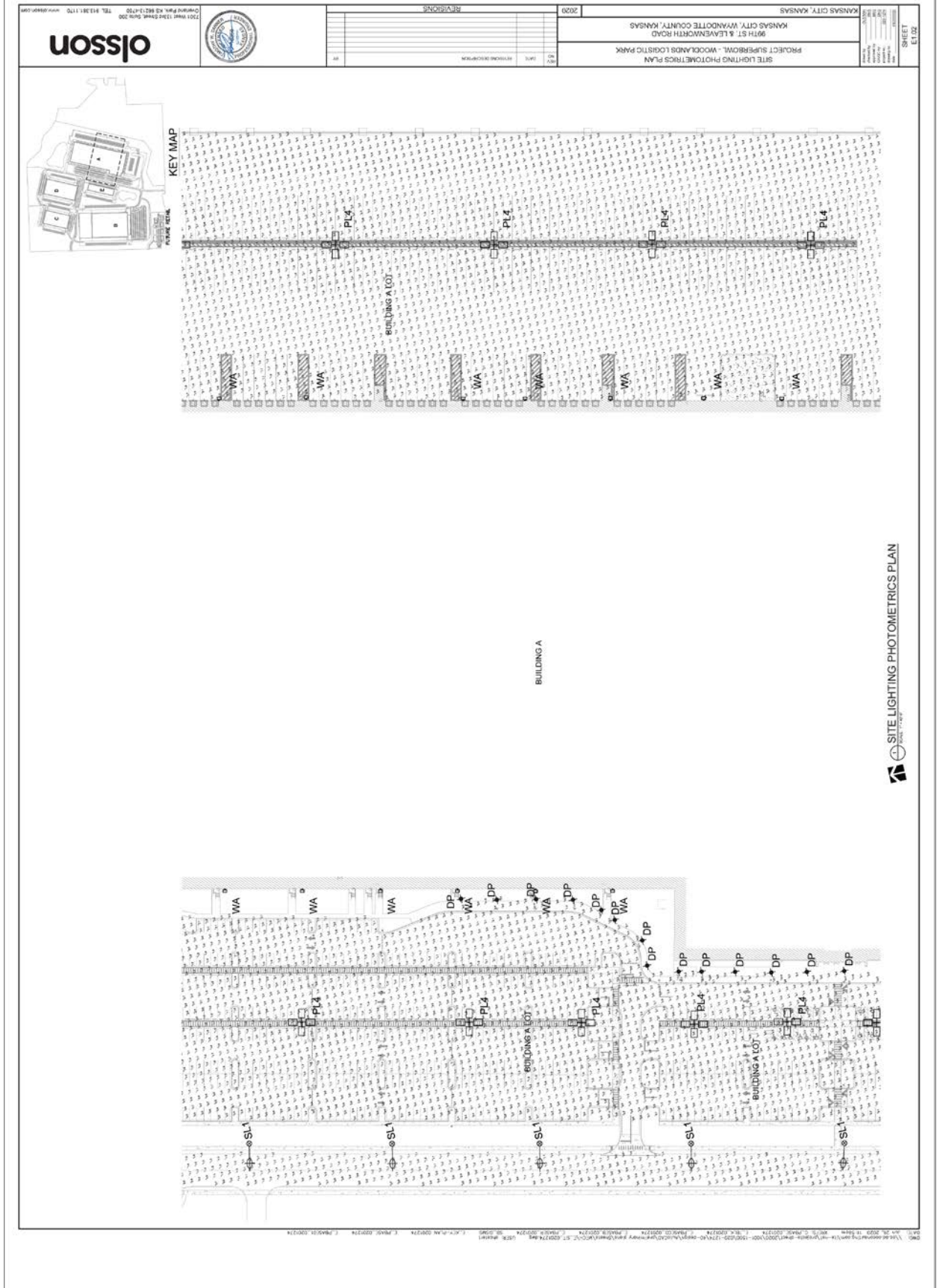


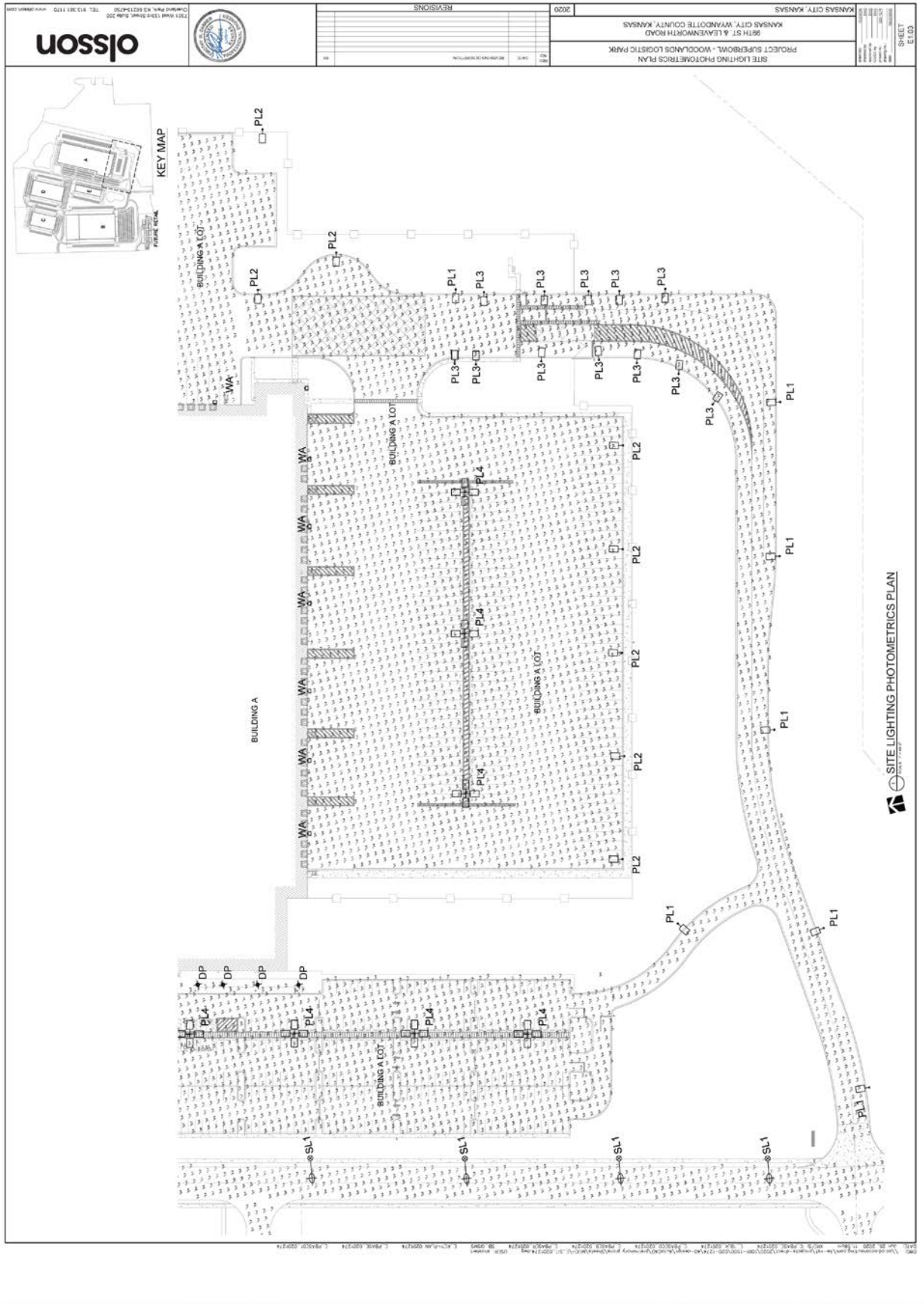


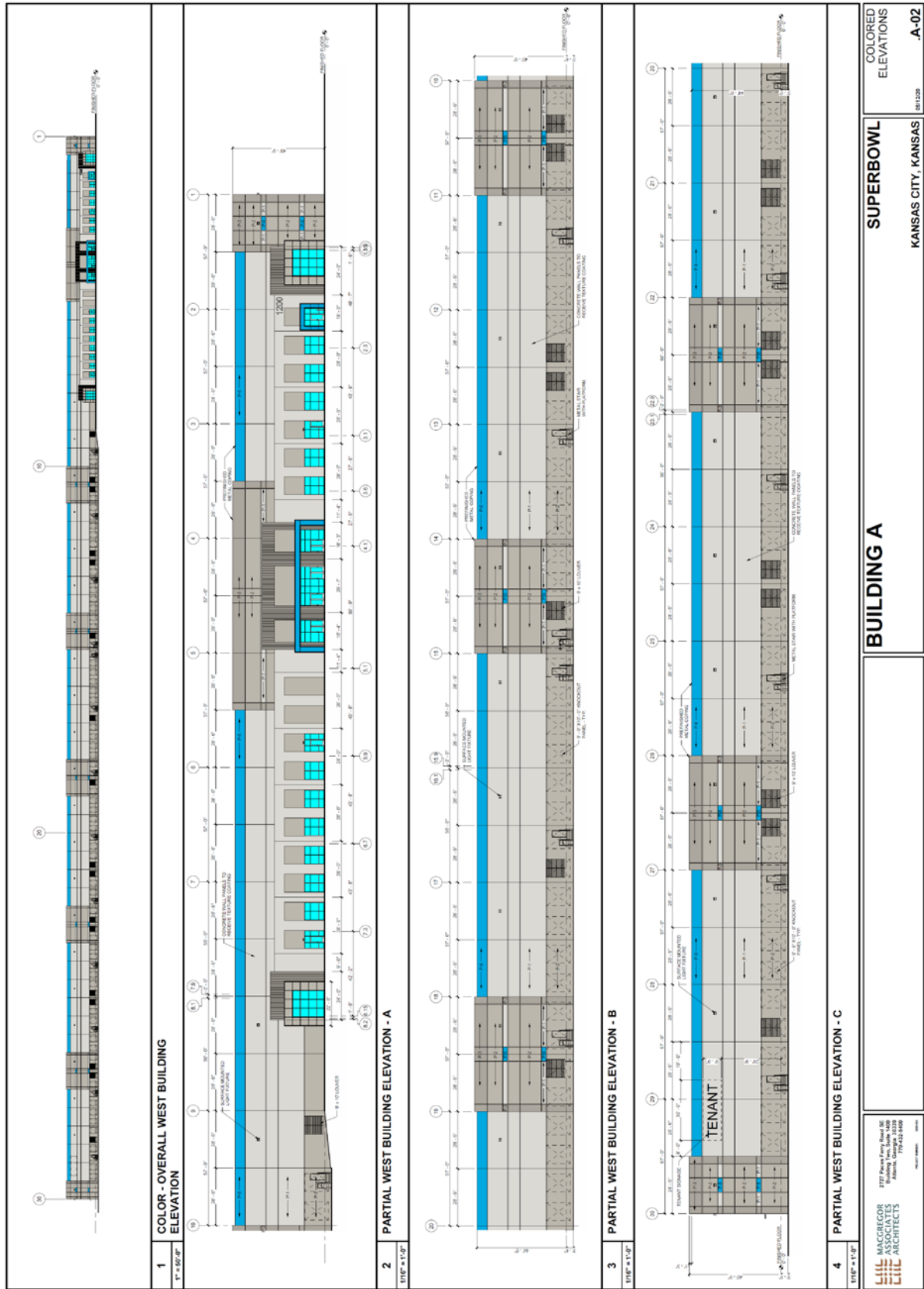


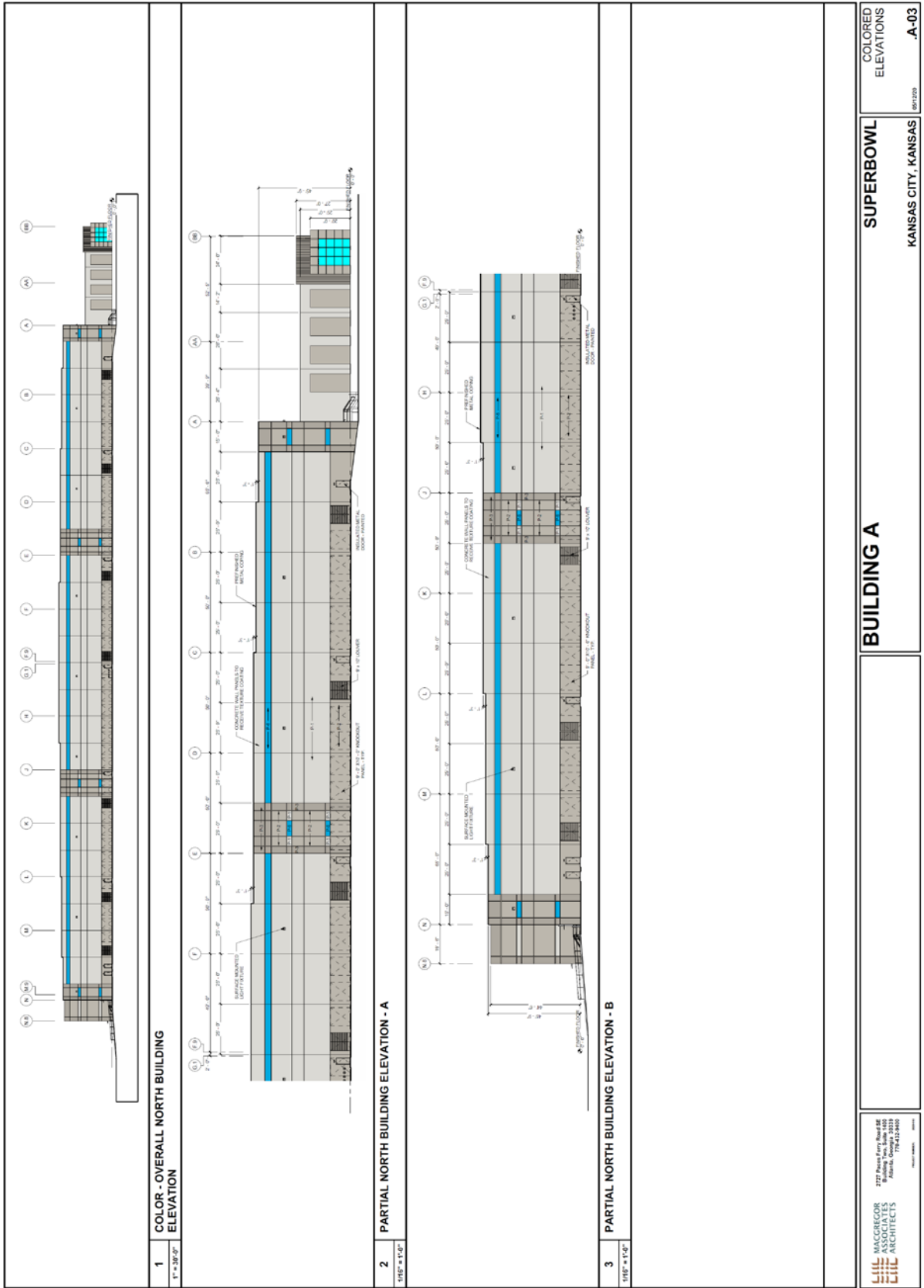




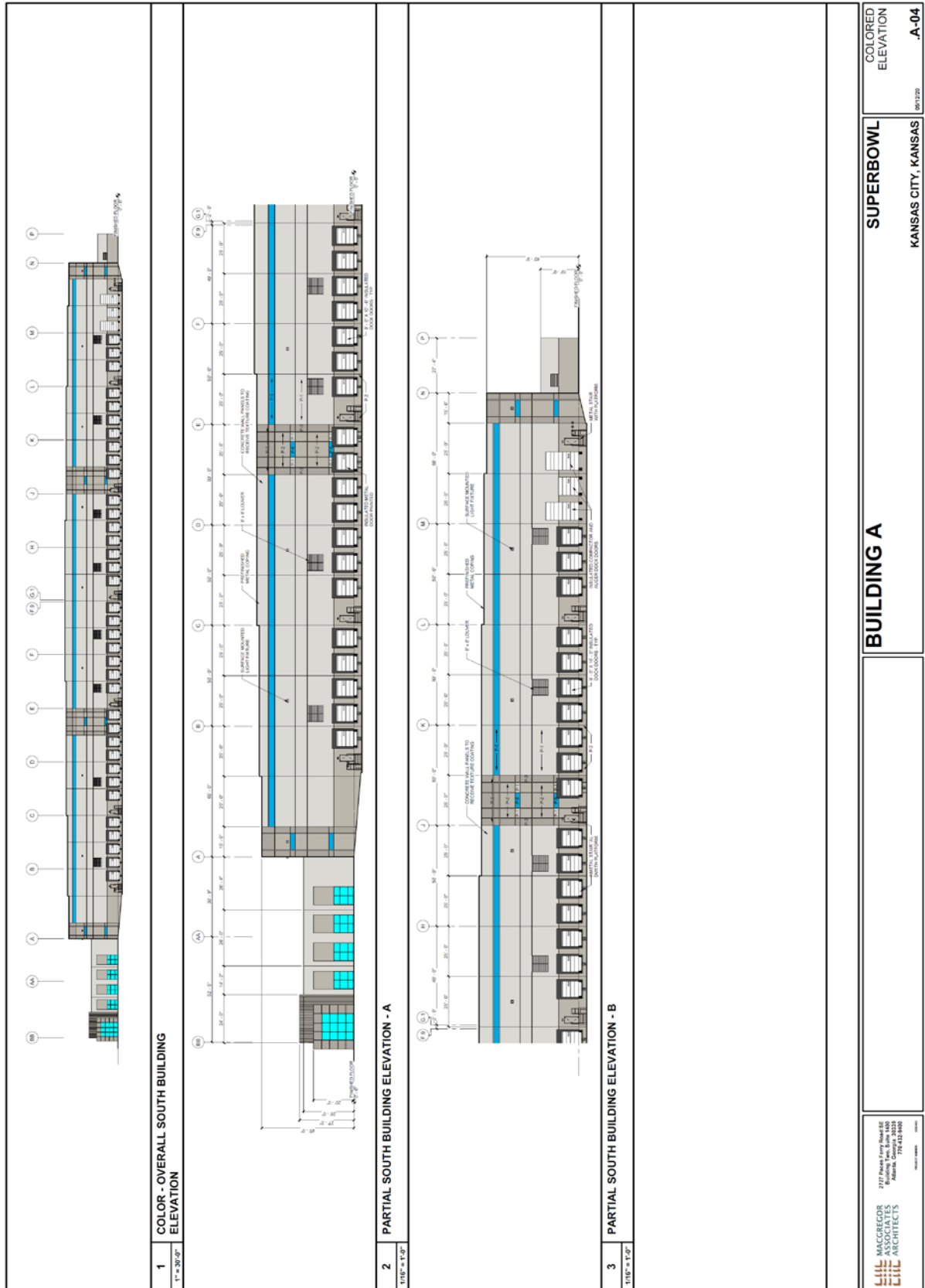








MACGREGOR ARCHITECTS 2227 Penna Ferry Road #66 Kansas City, MO 64111 781-312-3600	BUILDING A	SUPERBOWL	COLORED ELEVATIONS
8/21/2020	KANSAS CITY, KANSAS	A-03	



MACGREGOR
ARCHITECTS
2327 Pennsylvania Road SE
Atlanta, Georgia 30339
770.325.9400

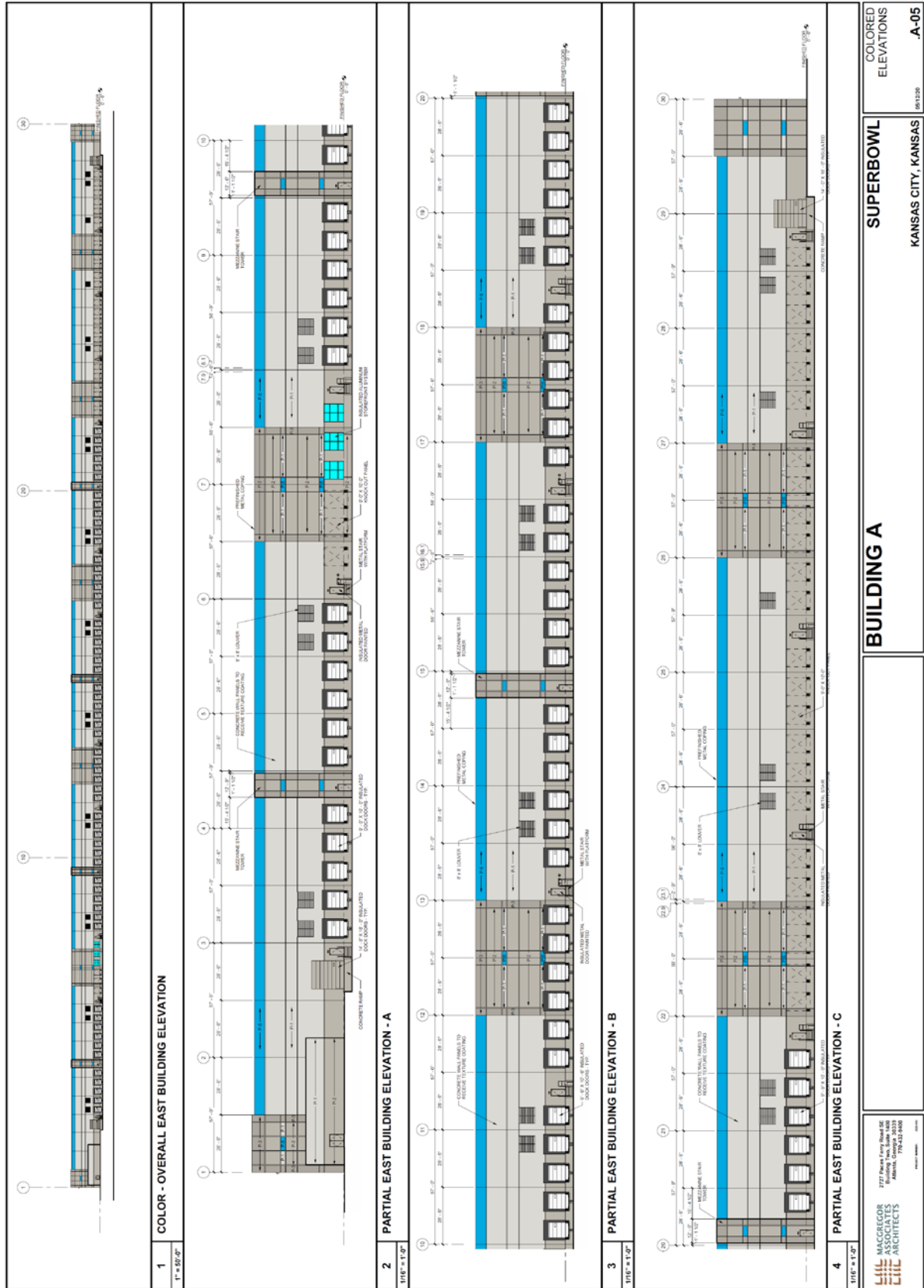




Figure 1. Site Photograph of the main entrance looking north off Leavenworth Road (provided by Planning Staff).



Figure 2. Site Photograph looking northeast on Leavenworth Road (provided by Planning Staff).



Figure 3. Site Photograph looking northeast on North 99th Street (provided by Planning Staff).



Figure 4. Site Photograph looking southeast on North 99th Street (provided by Planning Staff).



Figure 5. Site Photograph of North 99th Street and Donahoo Road looking east towards Hurrelbrink Road (provided by Planning Staff).



Figure 6. Site Photograph of Hurrelbrink Road looking west (provided by Planning Staff).

Toy, Byron

From: Hand, Gunnar
Sent: Wednesday, June 10, 2020 9:23 AM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: Forwarded by Commissioner Kane: Woodlands/Distribution Center

More opposition to Woodlands (see below). I will respond to the question about a public hearing...

Gunnar Hand, AICP
Unified Government of Wyandotte County / Kansas City, Kansas
Director of Urban Planning + Land Use
gband@wycokck.org
913.573.5751



From: Rangel, Lisa <lrangel@wycokck.org>
Sent: Wednesday, June 10, 2020 8:30 AM
To: Hand, Gunnar <gband@wycokck.org>
Cc: Segui, Diana L <dsegui@wycokck.org>; Porter, Alley <aporter@wycokck.org>
Subject: Forwarded by Commissioner Kane: Woodlands/Distribution Center

Good morning Gunnar,

Commissioner Kane asked that I forward the email below from one of his constituents. He wondered if you could help weight in on her thoughts and answer her question regarding a public hearing.

From: Kane, Mike <mkane@wycokck.org>
Sent: Wednesday, June 10, 2020 8:18 AM
To: Rangel, Lisa <lrangel@wycokck.org>
Subject: Fwd: Woodlands/Distribution Center

Sent from my iPhone

Begin forwarded message:

From: Julia Soptic <juliasoptic@gmail.com>
Date: June 9, 2020 at 11:01:04 PM CDT
To: "Kane, Mike" <mkane@wycokck.org>
Subject: Re: Woodlands/Distribution Center

Ok, thank you. I appreciate it.

On Tue, Jun 9, 2020, 6:40 PM Kane, Mike <mkane@wycokck.org> wrote:

I will find out when they have the public hearing. Just so you know I vote the way the District says to. I have around 10 contacts not in favor and 2 in favor

Kane

Sent from my iPhone

On Jun 9, 2020, at 6:14 PM, Julia Soptic <juliasoptic@gmail.com> wrote:

Hello Mr. Kane.

I am a Piper resident and I live at 10100 Georgia.

I am upset because I read on the Next Door App that the Woodlands will be turned into a Warehouse Distribution Center. We never received any notice about rezoning of that land and I do not think this is a good location for this kind of business.

I believe Distribution Centers are Industrial and should be kept in industrial areas. The Woodlands is a recreational area, not industrial. I don't believe in putting a Distribution center in between a residential area and a recreational area is a very good idea. They create pollutants that homeowners shouldn't have to deal with in their homes.

I used to work for Liberty Fruit Company down at 12th and Argentine. This is an industrial area. I worked inside an office, built inside a warehouse. They changed all the filters on a regular maintenance schedule. There was still dust and diesel soot everywhere. There was no way around it. That's the price you pay to work in an industrial area. It took all weekend to clean all the crap out of my sinuses. Homeowners near the Woodlands will never be free of that if the distribution center goes in. Who will be responsible for their health issues related to that?

My family also goes to Wyandotte County Lake. We have walked there, bicycled there, and driven there. We would only be able to drive if the distribution center goes in because it will not be safe bicycling or walking past all the traffic. I see bicycler's go by my house everyday. I don't know for sure where they are going, but I have a good guess.

Why can't they put the Distribution Center where Schlitterbahn was? This is already an industrial area and it would make more sense. They would actually have 2 close HWY entrances instead of 1. I know Schlitterbahn is actually closer to my home than the Woodlands, but it is already an industrial area. We all know WOF refused to purchase it and UGWY will NOT turn it into a much needed public pool. So Schlitterbahn is wasting away just like the Woodlands did.

The Woodlands is located between residential and recreational. It should remain recreational or in some way for families, not big trucks. A decent grocery store over here would be nice. Walmart doesn't carry everything and the area is too congested. Something like Price Chopper and maybe dance studio's and Karate centers.

Anyway, I would like to request a public hearing regarding this matter. I would appreciate it if you would let me know when this meeting will be.

Thank you.

Best Regards,
Julia Soptic

juliasoptic@gmail.com

Toy, Byron

From: Hand, Gunnar
Sent: Thursday, June 25, 2020 11:14 AM
To: Joy Gardiner
Cc: Toy, Byron; Ntonjira, Martin M.; Parker, Janet
Subject: RE: Amazon

Ms. Gardiner,

Again, you should be receiving another notice for a follow-up public meeting this coming Monday, June 29, 2020. That signs say "Business Park" because that is the official land use designation that they are requesting to be changed to as enumerated in the Piper Area Master Plan.

Let me know if you have any additional questions. Thank you,

Gunnar Hand, AICP
Unified Government of Wyandotte County / Kansas City, Kansas
Director of Urban Planning + Land Use
gband@wycokck.org
913.573.5751



Due to mandated furlough days if emails are sent to me on Tuesdays and Wednesdays from June 22, 2020 - July 24, 2020, I will be unable to respond to you.

If you need immediate assistance please call 913-573-5750, otherwise, I will respond to you as quickly as possible upon my return to the office.

From: Joy Gardiner <joyg09@gmail.com>
Sent: Thursday, June 25, 2020 10:51 AM
To: Hand, Gunnar <gband@wycokck.org>
Subject: Re: Amazon

Thank you for your response. I believe that the July 13 meeting needs to be rescheduled because the Zoom meeting held by Olsson on June 22 was stopped by them due to technical difficulties. Almost no information was given to people who signed on due to the difficulties. The public still doesn't have proposed information. Olsson said they would reschedule. Until that meeting happens, the process cannot go forward.

Please reschedule at a later date so that the largest project in Wyandotte County history doesn't get fast tracked leaving the neighborhood in the dark.

With 93% of the land being potentially zoned M2...why do the signs call it a "business park" rather than an "industrial park"? I understand that when Piper was annexed years ago it said no industrial...so it sounds like that needs to be adjusted before it can be called what it actually is. Another step before things move forward!

Your input is appreciated...and welcomed. Has the Corps of Engineers given their OK on the wetlands area yet?

Thank you.

Rebecca Joy Gardiner
9625 Leavenworth Rd, Kansas City, KS 66109
Joyg09@gmail.com
913-579-4898

On Thu, Jun 25, 2020, 10:26 AM Hand, Gunnar <ghand@wycokck.org> wrote:

Ms. Gardiner,

Thank you for your comments. We are currently reviewing this application at the old Woodlands racetrack site, including its traffic study before this Department makes a recommendation to the City Planning Commission on July 13, 2020. If you have any additional questions, please let me know. Thank you for your time and interest,

Gunnar Hand, AICP

Unified Government of Wyandotte County / Kansas City, Kansas

Director of Urban Planning + Land Use

gband@wycokck.org

913.573.5751



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From: Joy Gardiner <joyg09@gmail.com>
Sent: Tuesday, June 23, 2020 1:55 PM
To: Hand, Gunnar <gband@wycokck.org>
Subject: Amazon

The Zoom meeting last night was a bust. I do not see it rehappening within the peramiters timeline before city meeting. I truly hope the city Zoom meeting is tested before the real public meeting!

How can the city allow another Amazon huge center in a residential area and beside wyco lake? If you research and read about their many other centers around the country, property values go down, environmental issues arise, employee problems, light and sound issues, traffic issues, probable lake and wildlife pollution are just a few problems that likely can arise!

I forwarded a link to you about some of their other sites. Wyco has many other locations that would be much better suited than in our residential area on Leavenworth Rd. Has any traffic study been done or have traffic studies from other Centers been researched? You need to consider the residents and homeowners of this area not just the \$ for the city!

We count on our govt to do its job with heart and consideration of of its constiutents. Prove me right.

Thank you for your consideration.

Rebecca Joy Gardiner

9625 Leavenworth Rd, Kansas City, KS 66109

Joyg09@gmail.com

913-579-4898

Brian Donahue
US Army Corps of Engineers
Kansas City District

Mr. Donahue,

I'm writing in regards to the public notice NWK-2020-348. I object to the proposed destruction of the 2.34 acres of emergent wetland with the 1 million square foot commercial warehouse facility, parking lots, roads and truck/trailer loading facilities to be built by Scannell Properties. I do not want to see Wyandotte County Lake further polluted. I do not want to see this development fast tracked, and short sighted.

I have a few questions on the destruction of the 2.34 acres of emergent wetland.

1. What effect will the demolition of the emergent wetlands and the building of a 1 million sq. ft. warehouse have on Wyandotte County Lake? Wyandotte County Lake is already listed in the Kansas 2020 TMDL ranking as "High priority".

2. Why are emergent wetlands protected?

3. How did this emergent wetland form, is there a spring under or beside the wetland?

4. What type of emergent wetland is this?

5. What contaminants (hazardous chemicals, salt, animal feces from the Woodlands Racetrack) if any, are in this emergent wetland (soil and water)?

6. Are there hazardous chemicals or contaminants from the surrounding decaying building runoff in the wetlands, but not limited to asbestos, lead paint, and oil?

7. How is Scannell or the developer going to excavate or clear the emergent wetlands?

8. Where is Scannell going to deposit the emergent wetlands material?

9. What fill quantity and type of fill will be used if any, or will it be free to flow down the watershed to be deposited in Wyandotte County Lake?

10. What adverse impacts will the destruction of the 2.234 acres have on aquatic resources, the ecosystem or other public interest factors?

11. How deep is the 2.234 acres of emergent wetland?

12. How many gallons of water does the 2.234 acres hold?

13. What are the results of the soil analysis of the 2.234 acres?

14. Will the flow rate increase to Wyandotte County Lake with the destruction of the wetlands and the building of a 1 plus million sq. ft. building? If so, what damage or corrosive factors will it cause to Marshall Creek, Bennett Lake and Wyandotte County Lake? How much will the flow rate increase?

15. How much silt and sludge will drain into Wyandotte County Lake from the construction and replacement of non-permeable buildings and parking lots when the runoff has no land to absorb the excess water?

16. Is Scannell Properties, the development company and the Amazon warehouse ready to absorb the financial burden to pay for any damages, but not limited to silt build up, flooding caused by runoff, chemical pollution caused to Wyandotte County Lake?

17. Wyandotte County Lake, in retrospect it is an important aspect in the watershed that could be environmentally impacted by the runoff. There is not one mention of adverse impacts

this could have on Wyandotte County Park in NWK-2020-348. Wyandotte County Lake was built with WPA funds during the depression. Wyandotte County Lake and Park is 1500 acres of wooded area, a 400 acre lake with marina, kids' fishing pond, a large playground, boat rentals, concessions, bridle trail, off-leash dog area, archery range, F.L. Schlagle Library and Environmental Center and bike trails. Many Bald Eagles frequent this lake and I would hate for any contaminants to infiltrate and harm the Eagles.

18. Can sediment-laden runoff cause an increase in turbidity and a decrease in oxygen in receiving waters, which in turn results in loss of in-stream habitat for fish and other aquatic species?

19. Can sediment kill fish, destroy spawning beds, suffocate fish eggs and bottom dwelling organisms, and block sunlight resulting in reduced growth of beneficial aquatic grasses?

20. The Kansas 2020 303(d) TMDL list of all impaired & potentially impaired waters in the State of Kansas lists Wyandotte County Lake the highest priority of impairment that exists. The impairment cause is Eutrophication. Eutrophication is caused by excessive richness of nutrients in a lake or other body of water, frequently due to runoff from the land, which causes a dense growth of plant life and death of animal life from lack of oxygen. The impaired use is to aquatic life. "(TMDL) is a regulatory term in the U.S. Clean Water Act, describing a plan for restoring impaired waters that identifies the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards".

The 2006 TMDL of Wyandotte County Lake was listed as a "high priority for implementation". The Woodlands was a concern for contaminate runoff. The report states "The storm water runoff from the facility and the parking lot is of concern to this TMDL since the runoff may contain high levels of sediment and nutrients. The runoff from the Racetrack flows into Bennet Lake located half a mile from the Wyandotte County Lake. Discharge and overflow from the Bennet Lake enter into the streams that flow into the south tip of the Wyandotte County Lake. Soil and water samples around the Racetrack should be tested regularly to determine the degree of contamination from animal waste residues".

21. Where is the soil and water sample tests that the Woodlands performed and what were the results?

The property under current review is not zoned commercial or industrial. A project of this size would better suit an industrial zoned area and not in a neighborhood surrounded by housing and a Lake that already has a "high priority" TMDL ranking from the State of Kansas.

The proposed development will be in a residential neighborhood and will abut houses on the north, south, and west sides, and a venue and Wyandotte County Lake on the east side. One

homeowner located directly to the south of the entrance/exit of the proposed commercial warehouse may have over one thousand tractor trailers and employee vehicles lights shown directly into her house daily. It will be like a strobe like shining on her house when the sun goes down.

The proposed destruction of the 2.34 acres of emergent wetland with placement of a 1 plus million square foot commercial, industrial warehouse facility, parking lots, roads and truck/trailer loading facilities will change the dynamics of the water runoff. Impervious surfaces such as rooftops, parking lots, will cause increased runoff, because the 2.34 acres of wetland that is now absorbing some of the water will be replaced with impervious surfaces that will not absorb water. If there is leftover feces contaminates from the Woodlands Dog and Horse Racetrack that will also be detrimental to Wyandotte County Lake.

With Wyandotte County Lake being listed as “high priority” on the April 28, 2020 TMDL and with not one means of runoff purification for the listed project, I would request the Army Corp of Engineers request an EIS to analyze the environmental impact on Wyandotte County Lake, the neighborhood and community health and environment and the BALD EAGLES at the Lake. Wyandotte County Lake is maxed out with pollution.

I would also request a public meeting in response to the Public Notice NWK-2020-348. There are too many unanswered questions regarding the environmental impact the proposed 1 million plus square foot building will have on our community and especially Wyandotte County Lake and animal inhabitants at the lake, especially the Bald Eagles. The April 28, 2020 TMDL states Wyandotte County Lake is a high priority Lake for contaminates from runoff. There are also questions in regards to the leftover feces and soil and water reports from the Woodlands Racetrack.

Respectfully submitted,

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To: Unified Government Planning Commission Public Hearing

From: Greg Kindle, Wyandotte Economic Development Council

Date: July 13, 2020

Subject: The Woodlands Rezoning

My name is Greg Kindle, President of Wyandotte Economic Development Council and a resident of KCK. Planning Commissioners, I am submitting this in support of the rezoning request with stipulations for property at 9700 Leavenworth Road as requested by Scannell Properties.

The current site has not been utilized in nearly 15 years, is in significant disrepair and is not providing a value to the community. In its prime, this commercially zoned site had parking spaces for 5,000 cars for events that lasted well into the late evening hours. The project being proposed may have 3,000 employees over a 24-hour period.

Today, we have an opportunity to revitalize the site with a developer who has a plan that provides value to the community and in our opinion, addresses the primary concerns related to the zoning change.

The site itself sits along Kansas 5 Highway which is a truck route by state standards. The developer has agreed to make improvements tied to stop lights as required by the Kansas Department of Transportation at both 103rd and the main entrance. We do not believe trucks will flow to the east on Leavenworth Road despite being a truck route because there is no efficiency in going that direction.

The developer does require a heavier zoning because of the need for flexibility related to structure height needed to accommodate logistics facilities and time of operations. To offset the heavy zoning, the developer has agreed to covenants on each plat prohibiting manufacturing uses and the developer has planned to lower the overall site within the development so that less of the buildings can be seen. It should be noted that the existing dilapidated buildings are approximately 60 feet tall today.

The developer has agreed to multiple improvements to the site that benefit the surrounding neighbors and the community including:

- Sidewalks along 99th and Leavenworth Road,
- Improvements to Hurrelbrink,
- Actual landscaping along 99th and Leavenworth Road vs. the brush that exists today,
- A better, tall berm along 99th,
- A commitment to give approximately 80 acres of land that includes Bennett Lake to create a community benefit and provide additional buffer to Wyandotte County Lake,
- Land designated on the corner for the creation of a neighborhood retail development and additional buffering, and
- Prohibiting trucks from 99th Street and allowing for only cars to enter from 99th Street.



This kind of logistics development is found adjacent and nearby residential areas here in Wyandotte County and throughout the Kansas City region. Locally, we have seen this recently with the Amazon fulfillment center that backs up to homes along Speaker Road. Like this project, the client agreed to numerous stipulations to meet neighborhood requirements. The result is that all homes along Speaker Road and that touch the Amazon facility have seen increased appraised values since 2018 with the median increase being 19%.

There are homes in the area but there is also commercial land for development along Leavenworth Road on the opposite corner, there are baseball fields with bright lights and the sounds of people cheering, cars coming and going late into the night, and the site is within 1 mile of an interstate on a truck route (K-5).

While there would be a change to the master plan, the reality is the master plan for this area is outdated and does not meet the land use needs of today. Logistics drives our economy currently. Having locations like this that are unproductive and that can conform to the surrounding community while utilizing the infrastructure and assets that already exist makes good sense.

From a purely economic perspective, even if you take out the property and sales taxes generated from this development, we need the logistics industry to keep growing in our region. If the pandemic has proved anything, it's that we need to keep the supply chain operational. We are fortunate to have developers like Scannell who want to invest in our community and be good neighbors. This project site can do what it was designed to do – help move people and goods as quickly and efficiently as possible while complementing the neighborhood with sidewalks, street improvements, landscaping, additional park land and retail development not to mention job creation and new property taxes..

We support this project and urge you to do so as well.

Thank you.

ORDINANCE NO. _____

AN ORDINANCE expanding the ability of farmers markets, mobile vending, and mobile markets to sell food, drinks and merchandise on public rights-of-way and parking lots, adding to **Sections 27-609 through 27-614 and new Sections 27-217 to 27-220** to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, securing the health, safety and welfare of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and

WHEREAS, Wyandotte County is facing a crisis - the pandemic and public health emergency of COVID – 19, resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and

WHEREAS, as a result of local and state orders pertaining to social distancing, many businesses face restrictions on the number of people who may be inside the business at any one time; and

WHEREAS, in order to accelerate the economic recovery plan set forth in *ReStart Wyco: Road to Recovery*, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and

WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, and vendor persons in pedestrian-oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life.

WHEREAS, reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Chapter 27, Planning and Development, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

27-617 – Findings, Purpose, Applicability, and Enforcement

A. Finding and Purpose. It is found and declared that:

1. Farmers' markets, mobile markets, and mobile vending may promote the public interest by contributing to an active and attractive outdoor, local, and mobile vending environment. The purpose of accommodating farmers' markets, mobile markets, and mobile vending in all zoning districts is to provide additional space for sales of goods to allow for sound social distancing requirements while contributing to activity, attracting pedestrians, extending their visits, reaching underserved neighborhoods, and enhancing overall community quality of life.
2. Reasonable regulation of the sale of food and wares through farmers' markets, mobile markets, and mobile vending is necessary to protect the public health, safety, and welfare.

B. Applicability and Enforcement

1. The amendments in Sections 27-608 – 27-614, and Sections 27-618 – 27-621 in totality, shall be suspended if it is determined under Restart WyCo, Ad Astra: A Plan to Reopen Kansas, or their successor plans, that more limitations of business operations or social gathering is necessary in order to combat the spread of COVID-19 in Wyandotte County and the state. This determination may be signaled by returning to the Red Zone of Restart WyCo, among other ways. Farmers' markets, mobile markets, and mobile vending are allowed under this Ordinance, subject to further enumerated conditions specific to the sales type and location. All regulations related to the sale or use of the property and right-of-way shall continue to apply, unless there is a conflict in law, in which situation this Ordinance shall supersede.
2. Businesses. Any persons or entity operating a farmers' market, mobile market, or other vending vehicle under this Ordinance must conduct such operation under a valid and current business license (occupation tax receipt).
3. Non-Profits. All non-profit organizations that operate a farmers' market, mobile market, or other vending vehicle must meet the following conditions:
 - a) Status as a 501(c)(3) organization remains current and in good standing with the State of Kansas; and
 - b) May set up a temporary structure for the purposes of distributing information. A non-profit organization may also take donations on-site.
4. All Right-of-Way permits otherwise required for work or activities allowed in this Ordinance are waived.
 - a) Nothing in this Article shall be construed to allow any gathering, celebration, festival, street fair, or special occasion to operate in a manner that violates any ordinance in Chapter 6 of the Unified Government Code of Ordinances.
 - b) No open flames shall be allowed under any use in the Article, except for any open flame on a vending vehicle allowed by another ordinance.
5. Public Health
 - a) Power of Local Health Officer.
 - (1) The Local Health Officer, Deputy Local Health Officer, Health Department Director and/or their designee(s) have the ability to address and enforce

violations of public health ordinances, including violations of any portions of the provisions set forth in Section 16-2, Section 17-3, Sections 27-608 – 27-614, and Sections 27-617 – 27-220.

- (2) This Subsection may be construed to give the same power and authority to the Local Health Officer, Deputy Local Health Officer and/or their designee(s) than is granted to them under local and State law.
- (3) This subsection shall not be construed to affect the policies and procedures of the Kansas Department of Health and Environment regarding licensure and inspection of restaurants, street vendors, or food trucks.

6. Zoning and Code Enforcement

- a) Any Zoning Enforcement Officer, Code Enforcement Officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this ordinance.
- b) This Subsection may be construed to give the same power and authority to a Zoning Enforcement Officer, Code Enforcement Officer, and/or their designee(s) than is granted to them under local and State law.

27-340 - Definitions.

Applicant - a person who applies for a permit as provided in this Section.

Farmers' Market - an outdoor market where fresh produce, homemade goods, or small craft items are sold from individual sellers and where each seller operates independently from other sellers. Fresh produce may include fruits and vegetables that have been recently harvested from the garden or farm of the seller or the seller's client. Homemade goods may include jams, jellies, and preserves, baked breads and pastries, and canning goods such as pickled fruits and vegetables, salsa, and honey. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular form of business and therefore subject to regulation.

Food Establishment – a business where food is sold and distributed to the public, either for on-site consumption in a dining area provided by the business or for off-site consumption. Food sales by annual dollar volume must be the majority of the sales, and cannot be exceeded in annual dollar volume by alcohol. The most common examples of a food establishment include, but are not limited to, sit-down restaurants, fast-food restaurants, delis, smoothie bars, and ice cream parlors.

Mobile Vendor Vehicle - means a self-propelled or motorized vehicle from which any non-food merchandise is sold, given away, displayed or offered for sale, at retail. Items for sale may include plant products that may be consumable but are advertised and sold without immediate human consumption, such as vegetable seeds or potted plants, and treats intended for consumption by farm animals or household pets.

Open-air Market – a retail space in a public right-of-way, demarcated from the public right-of-way itself through the use of tents, cones, temporary fencing, and other material. Distinct from a flea market, only one business can display and sell goods per open-air market.

Prepared Food Vending Vehicle - means a self-propelled or motorized vehicle from which any prepared food, beverage, merchandise or product ready for immediate consumption is sold, given away, displayed or offered for sale, at retail, but shall not include a food vending vehicle transporting unprepared food for sale or delivery at wholesale or retail, a bakery truck, or ice cream product truck. For purposes of this ordinance, “food truck” shall be synonymous with “prepared food vending vehicle”.

Public Right-of-Way - means any public street, alley, roadway, sidewalk, walkway, highway, bicycle lane right-of-way, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

Surplus Off-Street Parking - any parking space that is not required by the Code of Ordinances or by state or federal law, such as the Americans with Disabilities Act (ADA).

Vending Vehicle - means a mobile market vehicle, mobile vendor vehicle, or prepared food vending vehicle.

Vendor - means any person engaged in selling, or offering for sale, of food, beverages, or other merchandise from a vending stand, vending vehicle, or from the vendors person, on the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.

27-608. - District AG

In the AG district, accessory uses are as follows:

- (1) Storage of equipment and machinery as necessary to raise crops and livestock, to carry out the farming business and to maintain the property.
- (2) Sale of products raised on the premises, fruit stands, orchard sales, etc.
- (3) Accessory buildings such as barns, silos, other exclusively agricultural structures, roadside stands, etc., provided that such structures are set back at least 50 feet from any street line.
- (4) Farmers' markets.
 - a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See Section 27-618 for additional farmers’ market regulations.
- (5) Mobile markets.
 - a. See Section 27-619 for additional mobile market regulations.
- (6) Mobile vending.
 - a. See Section 27-620 for additional mobile vending regulations.

27-609. – Districts R-1, R-1(B), R-2, R-2(B).

In the single-family (R-1; R-1(B)), two-family (R-2; R-2(B)) districts, accessory uses are as follows:

- (1) *Home occupations.*
- (2) *Accessory buildings (garages, carports, tool sheds, etc.).*
- (3) *Animals.*
- (4) *Hobby activity.*

(5) *Additional uses.*

(6) Storage of equipment, material or vehicle.

(7) Mobile market vending for food access.

a. Mobile markets are allowed upon submitting an annual agreement with the ~~department of urban planning and land use~~ Department of Planning and Urban Design use in this district.

1. Locations must invite the mobile market to park at their lot and be willing to sign the agreement with the Planning Department.

2. Annual agreement can be reviewed at any time during the year if complaints of non-compliance are submitted, agreement may be revoked at any time without cause or notice.

3. Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:

(i) Vending operation takes place in a designated parking lot at the furthest point from the nearest property line, with sufficient space to accommodate the operation and not reduce any required parking for the permanent tenant(s) at that location.

(ii) Vehicle is not parked within 100 feet of a single-family home's property line.

(iii) The sales or vending area does not block any sidewalk and sidewalk remains ADA compliant.

(iv) There is sufficient stacking area for pedestrians to wait on a sidewalk.

(v) Vendor does not install any permanent improvement on the sidewalk.

(vi) Vehicle is not parked in a no-parking zone.

(vii) Does not occupy parking required for other businesses.

(viii) Proper trash and recycling receptacles are available and utilized.

The operator is responsible for removing and trash and recycling associated with the operation.

(ix) May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.

(x) Mobile markets may operate from 9 a.m.—5 p.m. Sunday, 9 a.m.—7 p.m. Monday—Thursday, and 9 a.m.—8 p.m. Friday and Saturday.

(xi) Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of annual agreement at each stop (or on vehicle).

(xii) Mobile markets may not park for more than four hours once a week at any one location.

b. See Section 27-619 for additional mobile market regulations.

(8) Farmers' markets.

a. See Section 27-618 for additional farmers' market regulations.

(9) Mobile vending.

a. See Section 27-620 for additional mobile vending regulations.

27-610. – Districts R-3, R-4, R-5, R-6, and R-M.

In the townhouse (R-3), garden apartment (R-4), apartment (R-5), high-rise apartment(R-6), and mobile home park (R-M) districts, accessory uses are as follows:

- (1) Those accessory uses permitted in the R-1 district.
- (2) Parking areas.
- (3) Recreation areas including tenant-used swimming pools and minor recreational buildings.
- (4) Trash collection centers.
- (5) Power generators.
- (6) Vending machines for tenant use.
- (7) Necessary offices and maintenance facilities and other similar uses.
- (8) Mobile market vending for food access.
 - a. Mobile markets are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in this district.
 1. Locations must invite the mobile market to park at their lot and be willing to sign the agreement with the Planning Department.
 2. Annual agreement can be reviewed at any time during the year if complaints of non-compliance are submitted.
 3. Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:
 - (i) The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 - (ii) Vehicle is not parked within 100 feet of a single-family home.
 - (iii) There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - (iv) Vendor does not install any permanent improvement on the sidewalk.
 - (v) Vehicle is not parked in a no-parking zone.
 - (vi) Does not occupy parking required for other businesses.
 - (vii) If in a metered spot, meter is paid.
 - (viii) Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
 - (ix) May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
 - (x) Mobile markets may operate from 9 a.m.—7 p.m. Sunday—Thursday and 9 a.m.—8 p.m. Friday and Saturday.
 - (xi) Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of annual agreement at each stop (or on vehicle).
 - (xii) Mobile markets may not park for more than four hours at any one location.
 - b. Section 27-619 for additional mobile market regulations.
- (9) Farmers' markets.
 - a. See Section 27-618 for additional farmers' market regulations.
- (10) Mobile vending.
 - a. See Section 27-620 for additional mobile vending regulations.

27-611. – District C-O.

- (a) In the C-O district, accessory uses are as follows:
 - 1. Parking areas.
 - 2. Food service and vending machines inside a building for tenants only.
 - 3. Private garages for motor vehicles.
 - 4. Apartment for maintenance personnel.
 - 5. Low-level exterior lighting.
 - 6. Radio, television or microwave antennae not exceeding 60 feet in height.
 - 7. Flagpoles.
 - 8. Cooling towers and other similar uses.
 - 9. A pharmacy wherein retail sale only of prescription medicines....
 - 10. Farmers' markets.
 - a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See Section 27-618 for additional farmers' market regulations.
 - 11. Mobile markets.
 - a. See Section 27-619 for additional mobile market regulations.
 - 12. Mobile vending.
 - a. See Section 27-620 for additional mobile vending regulations.
- (b) In high-rise office structures in district 0-0....
- (c) In the central business district uses as permitted in district 0-1 are also permitted as accessory uses.
- (d) The accessory retail uses in district C-O shall be limited to no more than 20 percent of the gross building area.

27-612. – Districts C-0, C-1, C-D, C-2, and C-3.

In the nonretail business (C-0), limited business (C-1), central business (C-D), general business (C-2), and commercial districts (C-3), accessory uses are as follows:

- (1) Those accessory uses permitted in district C-O.
- (2) Parking areas.
- (3) Storage buildings.
- (4) Signs as permitted by this article.
- (5) Floodlighting and other similar uses.
- (6) Exterior sales and vending on private property provided that:....
 - a. Commercial uses with a business license (occupation tax receipt) before December 31, 2008.
 - 1. The exterior sales or vending machines do not block an interior sidewalk.
 - 2. The exterior sales or vending machines do not block any exterior windows.

3. The exterior sales or vending machines must be at least five feet away from all public doors.
 4. Exterior sales area and vending machines are only permitted on private property unless it complies with the street vending ordinance.
 5. The exterior sales or vending machines must leave adequate space for vending customers and those using the sidewalk.
 6. Video rental vending machines are not allowed in exterior locations except under the following circumstances:
 - i. The site does not have a drive-thru window or drive-up service.
 - ii. At least 15 percent of the facility traffic is generated by pedestrians walking from the surrounding neighborhood.
 - iii. The machine is located so as to not interfere with vehicular traffic.
 - iv. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - v. The area where the device is placed is monitored by a security camera.
 7. Any exterior sales area must remain neatly organized and free of litter.
 8. Any exterior sales or vending area must be flush with the facade of the building.
 9. No more than one exterior sales display or vending machine is permitted per property except as follows:
 - i. If the exterior sales displays and vending machines are located on a side of the building not facing a road or street then the number of allowed exterior sales displays or vending machines shall be increased to three.
 - ii. If the exterior sales display and vending machines are screened by side walls, decorative fencing, shrubs, and other landscaping as approved by the Planning and Urban Design Department then the number of allowed exterior sales displays and vending machines shall be increased to three.
 - iii. For every 200 feet that the façade on which the exterior sales display or vending machine is located is set back from the nearest road or street right-of-way then the number of allowable exterior sales displays or vending machines shall be increased by one.
 10. No additional signage that would require a permit is allowed.
 11. The area allowed for exterior sales or vending may not exceed 24 square feet.
 12. No more than one propane exchange locker may be allowed per property, unless:
 - i. The site for the propane exchange lockers are located at least 200 feet from the nearest street; and
 - ii. The propane exchange lockers are at least 20 feet away from the nearest public door; and
 - iii. The retailer offering the propane exchange service on its premises also sells gas grills of the type that typically use propane as a fuel.
 13. No signage is allowed beyond the surface of the vending machine.
 - b. Exterior sales and vending machines are not permitted in the official commercial overlay zone area west of 94th Street or on new projects in planned districts, with the exceptions:....
- (7) Collection facilities are permitted for clothing or recycling provided:....
- (8) Farmers' markets.

- a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.
 - b. See Section 27-618 for additional farmers' market regulations.
- (9) Food truck and mobile vending.
- a. Food trucks and mobile food vendors, including mobile markets, are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in this district. Food trucks or mobile food vendors that operate outside of the allowed zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:
 - 1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 - 2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - 3. Vendor does not install any permanent improvement on the sidewalk.
 - 4. Vehicle is not parked in a no-parking zone.
 - 5. Does not occupy parking required for other businesses.
 - 6. If in a metered spot, meter is paid.
 - 7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing any trash or recycling on or offsite associated with the operation.
 - 8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public. Hours of operation do not exceed 9 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday.
 - 9. Hours of operation do not exceed 9 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday.
 - b. See Section 27-619 for additional mobile market regulations.
 - c. See Section 27-620 for additional mobile vending regulations.

27-613. – Districts M-1, M-2, and M-3.

In the light industrial and industrial park (M-1), general industrial (M-2), and heavy industrial districts (M-3), accessory uses are as follows:

- (1) Parking and loading areas.
- (2) Storage facilities.
- (3) Security and screen fencing.
- (4) Radio and microwave towers to heights as set out in this division.
- (5) Gatehouse.
- (6) Loading equipment.
- (7) Employee recreation and other similar uses.
- (8) Power generating wind turbines that do not exceed 100 feet in height to the tip of the tallest turbine blade and where they are set back from the property line at least twice the diameter of the turbine rotors.
- (9) Farmers' markets.
 - a. Farmers' markets are allowed upon submitting an annual agreement with the ~~department of urban planning and land use~~ Department of Planning and Urban Design

in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.

b. See Section 27-618 for additional farmers' market regulations.

(10) Food truck and mobile vending.

a. Food trucks and mobile food vendors, including mobile markets, are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in this district. Food trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:

1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
3. Vendor does not install any permanent improvement on the sidewalk.
4. Vehicle is not parked in a no-parking zone.
5. Does not occupy parking required for other businesses.
6. If in a metered spot, meter is paid.
7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
9. Hours of operation do not exceed 9 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday.

b. See Section 27-619 for additional mobile market regulations.

c. See Section 27-620 for additional mobile vending regulations.

27-614. – District TND.

In the traditional neighborhood design (TND) district, accessory uses are as follows:

(1) Those accessory uses permitted in district agricultural (AG) through districts C-1, C- D, C-2, and C-3 districts.

(2) Farmers' markets.

a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Planning and Urban Design in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.

b. See Section 27-618 for additional farmers' market regulations.

(3) Food truck and mobile vending.

a. Food trucks and mobile markets are allowed upon submitting an annual agreement with the ~~department of urban planning and land use~~ Department of Planning and Urban Design in this district. Food trucks that operate outside of the following zoning districts require a special use permit. All vending vehicles must comply with the following stipulations:

1. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
3. Vendor does not install any permanent improvement on the sidewalk.
4. Vehicle is not parked in a no-parking zone.

5. Does not occupy parking required for other businesses.
6. If in a metered spot, meter is paid.
7. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
8. May not operate within 500 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.
9. Hours of operation do not exceed 9 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday.
- b. See Section 27-619 for additional mobile market regulations.
- c. See Section 27-620 for additional mobile vending regulations.

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27-618 - Farmers' Markets

Farmers' markets are allowed accessory uses, subject to the following conditions:

- (1) Applicability. This Section supersedes all other ordinances specifically regulating farmers' markets through December 31, 2020.
 - a. Districts. Farmers' markets are allowed to operate in any district without a Special Use Permit, under the following conditions:
 1. The entirety of the farmers' market infrastructure must take place within the boundaries of a paved parking lot.
 2. Hours of operation for the farmers' market begin no earlier than 8 a.m. and end no later than 5 p.m.
- (2) Administrative Review
 - a. Any persons or entity operating a farmers' market must conduct such operation under a valid and current business license.
 - b. In conjunction with the business license application, the applicant must submit a site plan, including the location of vendors' stalls and other temporary structures to be used as part of the farmers' market to the Department of Planning and Urban Design, demonstrating the location of the vending tents, parking spaces, and the use of physical space to encourage social distance where and when possible.
- (3) Allowed Arrangements: All sales must occur in a designated parking lot. Businesses may engage in outdoor sales, subject to the following conditions:
 - a. The outdoor sale must operate as an open-air market.
 - b. Any items regularly or typically for sale inside the business premises are allowed to be brought outside, displayed for sale, and sold, under the following conditions:
 1. No item(s) for sale or on display obstructs the sidewalk to a degree that a four (4)-foot width cannot be maintained at all times; and
 2. No item(s) for sale or on display hang over the air space of said four (4)-foot width on the sidewalk.
 - c. Any retail that is allowed under another Section of the Code of Ordinances, subject to all regulations under this ordinance.
- (4) Allowed Areas
 - a. Any parking spaces in a parking lot may be used for a farmers' market subject to the following conditions:
 1. Written permission of the parking and/or property owner(s).

2. All ADA parking spaces and access aisles, and fire lanes, must remain clear and unencumbered by any and all farmers' market activity.
 3. Any additional regulations to improve traffic flow, as required by engineers in the Department of Planning and Urban Design or the Department of Public Works.
 - b. No farmers' market stand, structure, or related infrastructure shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law.
 - c. No farmers' market stand, structure, or related infrastructure is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
- (5) Social Distancing
- a. The farmers' market applicant is responsible for ensuring compliance with any and all guidance from Restart WyCo, Ad Astra: A Plan to Reopen Kansas, and federal restrictions.
 - b. In order to baseline level of safety for both vendors and customers alike, all businesses must maintain social distancing in the following ways:
 1. Ensure that customers or parties of customers maintain at least six (6) feet from each other while shopping.
 2. Ensure that customers or parties of customers maintain at least six (6) feet from each other while queuing to check out.
 3. Consumption of purchased food on site should not be encouraged.
- (6) Temporary Structures
- a. Temporary structures that provide shade for retailers and customers may be erected. Use of umbrellas is encouraged.
 1. "Pop up" tents are allowed only in surplus off-street parking spaces.
 - b. No temporary structure may be secured in any manner that damages the parking lot, right-of-way, or private property. Weights are encouraged to be used to secure temporary structures.
 - c. Temporary structures may be erected in the parking lot up to one (1) hour before the start of hour of operations as allowed in this Section (or the start of hours of operation as proposed in the farmers' market application, whichever is later). Temporary structures may be erected in the parking lot up to one (1) hour after the end of hour of operations as allowed in this Section (or the end of hours of operation as proposed in the farmers' market application, whichever is earlier).
 - d. No temporary structures may be erected in the right-of-way or used in a manner that violates any other ordinance in the Code.
 - e. Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 1. All signs allowed under this Subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
 2. Signs cannot be attached to public infrastructure.
 3. Sandwich boards allowed in all districts, subject to all other sign code regulations.

27-619 - Mobile Markets

Mobile markets are allowed accessory uses, subject to the following conditions:

- (1) Mobile markets are allowed upon in any district upon obtaining a business license.
- (2) Locations must invite the mobile market to park at their lot.
- (3) Business license can be reviewed at any time during the year if complaints of non-compliance are submitted.
- (4) Final agreement packet to include: dates and times of operation for each stop, property owner signatures (property manager if permissible). All vending vehicles must comply with the following stipulations:
 - a. The sales or vending area does not block an interior sidewalk and sidewalk remains ADA compliant.
 - b. Vehicle is not parked within 100 feet of a single-family home.
 - c. There is sufficient stacking area for pedestrians to wait on a sidewalk.
 - d. Vendor does not install any permanent improvement on the sidewalk.
 - e. Vehicle is not parked in a no-parking zone.
 - f. Does not occupy parking required for other businesses.
 - g. If in a metered spot, meter is paid.
 - h. Mobile markets may not park for more than four hours at any one location.
 - i. Proper trash and recycling receptacles are available and utilized. The operator is responsible for removing and trash and recycling associated with the operation.
 - j. No mobile market vehicle may park in the portion of the public right-of-way immediately adjacent to the property of an existing food establishment, unless the vehicle is owned or operated by the food establishment in question.
 - k. Mobile markets may operate from 8 a.m.—7 p.m. Sunday—Thursday and 8 a.m.—8 p.m. Friday and Saturday.
 1. If a mobile market is invited to a permitted block party, hours of operation may be extended until 10 p.m., regardless of the day of the week.
 - l. Mobile markets must display signage indicating contact information for appeals/complaints, as well as proof of business license at each stop (or on vehicle).

27-620 - Mobile Vending

Mobile vending is allowed accessory uses, subject to the following conditions:

- (1) This Section does not govern mobile markets and mobile markets vehicles as defined by Sections 27-340 and 27-618.
- (2) Vending vehicles are allowed in this district upon obtaining a business license.
- (3) Parking
 - a. A vending vehicle that uses a parking space served by a parking meter must pay for and maintain the proper time on the meter while occupying the parking space. However, the time limit on parking meters when used in the manner described in this Subsection is waived. This waiver of a time limit does not allow a vending vehicle to operate outside of the hours of operation in this Subsection.
 - b. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law.
 - c. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;

- d. No mobile vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
- e. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five (5) feet from passing automobile traffic.
- f. No vending vehicle is allowed to park on a portion of road where the speed limit is greater than 40 miles per hour.
- (4) Allowable Zoning Districts
 - a. All Districts
 - 1. Vending vehicles are allowed to operate under this Subsection in any zoning district.
 - 2. Zoning districts allowed for Vending vehicles by UG ordinances outside this Ordinance will operate under both sets of ordinances. If there is a conflict in law, this Ordinance shall supersede.
 - b. Agriculture Zoned Districts and Residential Areas: vending vehicles may operate in agriculture zoned districts and residential areas so long as the hours of operation from 9 a.m. to 8 p.m. and one of the following conditions are met:
 - (i) The vending vehicle must be invited to an event that has successfully received a block party permit from the UG, in which case the vending vehicle may operate solely within the defined area of the block party until 10 p.m. or the end of the event, whichever is earlier; or
 - (ii) The vending vehicle is operating in the parking lot of a church, senior center, community center, or school, subject to all additional parking lot regulations in the UG Code of Ordinances; or
 - (iii) On the right-of-way adjacent to a public park, subject to all other parking regulations in this Ordinance.
 - c. Commercial and Industrial Zoned Districts
 - (i) Parking. Vending vehicle may park anywhere on a commercial-zoned district, subject to the following conditions:
 - (a) No vending vehicles may park in an on-street parking space adjacent to the property of an existing food establishment, unless associated with that business.
 - (iii) Hours of operation. Hours are from 9 a.m. to 10 p.m.
- (5) Signage
 - a. Sandwich boards are allowed in all commercial zoned districts, so long as they are placed within five (5) feet of the mobile vending vehicle and do not interfere with the flow of pedestrian or automobile traffic. In not circumstance can a sandwich board be placed more than five (5) closer to the street than the mobile vending vehicle.
 - b. Sandwich boards are otherwise subject to all other sign code regulations.

27-621 - Review and Sunset

- a. The amendments to Section 27-340 and Sections 27-608 – 27-614 made effective by this Ordinance, and Sections 27-617 – 27-621 in totality, shall be reviewed by the Board of Commissioners on or before December 31, 2020 to determine whether they should be revised, repealed or whether additional studies are warranted.

- b. The amendments to Section 27-340 and Sections 27-608 – 27-614 made effective by this Ordinance, and Sections 27-617 – 27-621 in totality, shall be repealed and no longer in effect unless renewed by the Board of Commissioners on or before to December 31, 2020.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 30th DAY OF JULY, 2020.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

Published in the *Wyandotte Echo* on August 6, 2020

RESOLUTION NO. _____

WHEREAS, securing the health, safety and welfare of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and

WHEREAS, Wyandotte County is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and

WHEREAS, as a result of local and state orders pertaining to social distancing, many businesses face restrictions on the number of people who may be inside the business at any one time; and

WHEREAS, in order to accelerate the economic recovery plan set forth in *ReStart WyCo: Road to Recovery*, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and

WHEREAS, the Unified Government has determined that due to the COVID-19 pandemic, and the public health, safety and welfare concerns associated therewith, that enforcement of certain provisions of the Unified Government Code of Ordinances should be suspended for a limited amount of time.

WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, and vendor persons in pedestrian-oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life.

WHEREAS, reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

1. Due to the COVID-19 pandemic, enforcement of the following ordinances or portions of ordinances under Chapter 27 of the Unified Government Code of Ordinances is temporarily suspended until 11:59 PM on December 31, 2020:

- §27-608(4)a – Farmers’ markets in agriculture districts *(suspend the annual agreement)*.
- §27-609(7)a – Mobile market vending for food access in single- and two-family residential districts *(includes suspension of enforcement for all subsections)*.
- §27-610(8)a – Mobile market vending for food access in multi-family residential districts *(includes suspension of enforcement for all subsections)*.
- §27-611(10)a – Farmers’ markets in non-retail commercial districts *(suspends annual agreement and Special Use Permit requirements)*.
- §27-612(8)a – Farmers’ market in commercial districts *(suspends annual agreement and Special Use Permit requirements)*.
- §27-612(9)a – Food truck and mobile market vending in commercial districts *(includes suspension of enforcement for all subsections)*.
- §27-613(9)a – Farmers’ market in industrial districts *(suspends annual agreement and Special Use Permit requirements)*.
- §27-613(10)a – Food truck and mobile market vending in industrial districts *(includes suspension of enforcement for all subsections)*.
- §27-614(2)a – Farmers’ market in traditional neighborhood design (TND) districts *(suspends annual agreement and Special Use Permit requirements)*.
- §27-614(3)a – Food truck and mobile market vending in traditional neighborhood design (TND) districts *(includes suspension of enforcement for all subsections)*.

3. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

4. This Resolution shall become effective upon passage by the Unified Government Board of Commissioners.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS 30th DAY OF JULY, 2020.

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE amending language to clarify the types of structures and the review process associated with such structures in **Section 32-102**, Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

WHEREAS, securing the health, safety and welfare of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and

WHEREAS, Wyandotte County is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and

WHEREAS, as a result of local and state orders pertaining to social distancing, many businesses face restrictions on the number of people who may be inside the business at any one time; and

WHEREAS, in order to accelerate the economic recovery plan set forth in *ReStart Wyco: Road to Recovery*, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and

WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, newspaper dispensers, vendor persons and sidewalk dining in pedestrian oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life.

WHEREAS, reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Chapter 32, Streets and Sidewalks, Article III, Section 32-102 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

32-102 - Applicability and Enforcement.

- a. The provisions set forth in Section 32-102 and 35-185 shall be suspended if it is determined under Restart WyCo, Ad Astra: A Plan to Reopen Kansas, or their successor plans, that more limitations of business operations or social gathering is necessary in order to combat the spread of COVID-19 in Wyandotte County and the state. This determination may be signaled by returning to the Red Zone of Restart WyCo, among other ways. Outdoor sales are allowed under this Ordinance, subject to further enumerated conditions specific to the sales type and location. All regulations related to the sale or use of the property and right-of-way shall continue to apply, unless there is a conflict in law, in which situation this Ordinance shall supersede.
- b. Businesses. Only businesses that have successfully received an occupation tax number with the Business License Department and which remain current and in good standing with all occupation tax payments may operate a sidewalk café, walk-up market, or outdoor retail space under this Ordinance. Vending, soliciting, or giving away goods or items without a business license as required is prohibited. Any persons or entity operating a sidewalk café, walk-up market, or sidewalk vending under this Ordinance must conduct such operation in one of the following manners, subject to further regulations from applicable Sections of the Ordinance:
 - i. On the sidewalk, right-of-way, or parklet immediately adjacent to the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates; or
 - ii. In the front and/or side yard of the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates; or
 - iii. In the designated off-street parking lot or shared off-street parking lot for the building from which the pre-established business, operated by the same persons or entity, is addressed and consistently operates.

All persons and entities are prohibited from operating a sidewalk café, walk-up market, and/or sidewalk vending under this Ordinance in any parcel or on the public right-of-way adjacent to any parcel that is not the parcel on which the business, operated by the same persons or entity, is addressed and consistently operates.

- c. Non-Profits. A non-profit organization is exempted from the requirement to hold a business license, and may utilize a parklet, a right-of-way clearance, or a parking lot as defined in the Ordinance under the following conditions:
 - i. The entity be a registered with the State and whose status as a 501(c)(3) organization remains current and in good standing; and

- ii. Has permission from the property owner adjacent to the on-street parking, right-of-way clearance, or parking lot; and
- iii. May set up a temporary structure for the purposes of distributing information. A non-profit organization may also sell food, subject to all regulations regarding food establishments in this Ordinance, or take donations on-site; and
- iv. Does not violate any other requirements in this Ordinance, including, but not limited to, spacing, social distancing, hours of operation, and parking spaces.

d. Rights-of-Way

1. Right-of-Way Permits

- i. Right-of-way permits otherwise required for work or activities allowed in this Section are waived, except for the permits needed to ~~erect~~ construct a permanent or semi-permanent parklet.
- ii. Nothing in this Article shall be construed to allow any gathering, celebration, festival, street fair, or special occasion to operate in a manner that violates any ordinance in Chapter 6 of the Unified Government Code of Ordinances.
- iii. No open flames shall be allowed under any use in the Article, except for any open flame on a vending vehicle allowed by another ordinance.

2. Damage to the Right-of-Way

- i. Any damage to the right-of-way as a result of uses under this Section, including, but not limited to, the erecting or securing of temporary or semi-permanent structures, placement of a parklet, or activities of employees or customers, shall be the responsibility of the business and property conducting such operations.

e. Fire Safety

1. Power of Fire Department

- i. The Kansas State Fire Marshal's Office (KSFMO) jurisdiction over inspections of the food establishments, and the power to conduct such inspections has been granted by the KSFMO to the Kansas City Kansas Fire Department (KCKFD).

- ii. Any deviation from the State's adopted International Fire Code requirements for these inspections must remain unless the State Fire Marshal specifically waives these requirements.

2. Inspection of Mobile Vending

- i. Mobile vending must be compliant with the inspection standards and requirements of the Heart of America Fire Chiefs Council.

f. Public Health

1. Power of Local Health Officer.

- i. The Local Health Officer, Deputy Local Health Officer, Health Department Director and/or their designee(s) have the ability to address and enforce violations of public health ordinances, including violations of any portions of the provisions set forth in Sec. 16-2, Sec. 17.3 and Sec. 32-100 to 32-185.
- ii. This Subsection may be construed to give the same power and authority to the Local Health Officer, Deputy Local Health Officer and/or their designee(s) than is granted to them under local and State law.
- iii. This subsection shall not be construed to affect the policies and procedures of the Kansas Department of Agriculture regarding licensure and inspection of restaurants, street vendors or food trucks.

g. Zoning and Code Enforcement

- 1. Any Zoning Enforcement Officer, Code Enforcement Officer, and/or their designee(s) has the ability to address and enforce zoning and other code violations, including violations of any portions of this ordinance.
- 2. This Subsection may be construed to give the same power and authority to a Zoning Enforcement Officer, Code Enforcement Officer, and/or their designee(s) than is granted to them under local and State law.

h. Food Establishments and Food Service

1. Applicability

- i. Sidewalk Cafés. For entities that fulfill the following conditions, no permit is required to operate a sidewalk cafe. This ordinance only applies to any business that:

- A. Sells food prepared on site, and in which the sale of alcohol total less in annual dollar volume than the sale of food; and
 - B. Has successfully received an occupation tax number with the Business License Department and remains current and in good standing with all occupation tax payments.
- ii. Walk-up Markets. For entities that fulfill the following conditions, no permit is required to operate a walk-up market. This ordinance only applies to entities which fulfill one of the following:
 - A. A business which:
 - 1. Sells food prepared on site, and in which the sale of alcohol total less in annual dollar volume than the sale of food; and
 - 2. Has successfully received an occupation tax number with the Business License Department and remains current and in good standing with all occupation tax payments; or
 - B. An entity that is registered as a 501(c)(3) organization with the State whose status as a 501(c)(3) organization remains current and in good standing, and has the permission of the property owner.

2. Allowed Areas

- i. One or more of the following areas may be utilized for a food establishment as a sidewalk café or walk-up market:
 - A. From the building to the curb of the street (“building-to-curb area”), subject to the following conditions:
 - 1. A clearance—either a sidewalk or designated path if there is no sidewalk—parallel to the street and at least four (4) feet in width must be maintained for use under the ADA; and
 - 2. All sidewalk café elements must be at least four (4) feet from street furniture and designated fire lanes.
 - B. A parklet, subject to the following conditions:
 - 1. One of the following is allowed to be used as a parklet by a food establishment:
 - i. One (1) on-street parking space that is both contiguous to the building and 20 feet from an intersection or street corner; or
 - ii. If there is no such described on-street parking space, one (1) on-street parking space contiguous to the sidewalk contiguous to the building.

2. Parklets and parklet barriers should be constructed and arranged to NACTO standards.
 3. No ADA parking spaces or access aisles shall be utilized as a parklet, nor shall access from the access aisle to the building door be obstructed by a sidewalk café.
 4. Only one parklet is allowed per building. In the case of multiple tenants included in the building, it is the property owner or the owner's designee's prerogative as to whom can occupy this parklet.
 5. No parklet is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
 6. All seating within the parklet must be at least three (3) feet from passing automobile traffic.
 7. No parklet is allowed on a portion of road where the speed limit is greater than 40 miles per hour.
- C. Any surplus parking spaces in a parking lot that serves the building, so long as all ADA parking spaces and access aisles remain clear and unencumbered by the outdoor dining activity or its supporting structures or activities.
1. If a business does not have any surplus parking spaces, then the business must first look to use a parklet.
 2. If a parklet cannot be achieved because there is no adjacent on-street parking allowed by this Ordinance or other local regulations, then off-street parking can be used regardless if business has surplus parking or not. The business may still only use one (1) parking space of non-surplus off-street parking, in the same manner as if it were a parklet.
- ii. The business or non-profit organization operating under this Section shall be responsible for maintaining the required four (4)-foot pedestrian walkway, and keeping the walkway free of trash and debris.
 - iii. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.
 - iv. No sidewalk café or walk-up market shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law. Fire hydrants, fire department connections (FDCs) and appurtenances shall remain unobstructed and visible from the street and/or require fire access road.
 - v. No sidewalk café or other area designated for customer dining shall be located within 30 feet of a dumpster nor within 10 feet of a trash receptacle. This restriction shall apply whether the dumpster or trash receptacle is on the property of the food establishment hosting the sidewalk café, on a neighboring property, or in the public right-of-way.

3. Social Distancing

- i. All food establishments are responsible for ensuring compliance with any and all guidance from Restart WyCo, Ad Astra: A Plan to Reopen Kansas, and any other local, state or federal restrictions.
- ii. In order to baseline level of safety for both employees and customers alike, all food establishments must maintain social distancing in the following ways:
 - A. Ensure that customers or parties of customers maintain at least six (6) feet from each other while queuing to order food.
 - B. Ensure that customers or parties of customers maintain at least six (6) feet from each other while eating food. This would involve keeping the closest point of one seating arrangement (table and chairs) at least six (6) feet from the closest point of the next seat arrangement.
 - C. Ensure that customers or parties of customers maintain at least six (6) feet from another outdoor use in this Section, whether hosted by the same food establishment or not.
 - D. Ensure that customers or parties of customers maintain at least six (6) feet from pedestrians using the public right-of-way.

4. Structures

- i. Permanent/semi-permanent structures may ~~only~~ be used for parklets that fulfill the requirements for a sidewalk café and/or walk-up market.
 - A. A business may erect a permanent or semi-permanent parklet and designate it as such.
 - B. Any parklet structure must be built to be level with the sidewalk adjacent to it.
 - C. Any parklet structure must be built to fit within the dimensions of one (1) parking space.
 - D. All parklets must comply with NACTO standards.
- ii. Permanent/semi-permanent parklet structures may remain in an allowed parking space at all times. Semi-permanent structures may remain in allowed surplus off-street parking at all times. Temporary Structures may be used for ~~sidewalk cafes~~ building-to-curb areas, parklets and/or parking lots.
 - A. Temporary or semi-permanent structures that provide shade for retailers and customers made be erected. Use of umbrellas are encouraged.
 1. “Pop up” tents are allowed only in surplus off-street parking spaces or in an area between the building and the curb in which the tent is at least 10 feet from the curb and does not interfere with any building or its functions, including drainage and access to light.
 - B. No temporary or semi-permanent structure may be secured in any manner that damages the right-of-way or private property. Weighs

are encouraged to be used to secure temporary or semi-permanent structures.

- C. Outside the hours of operation, as defined in this Section, no temporary structures may be in the right-of-way or used in a manner that violates any other ordinance in the Code.
Permanent/semi-permanent parklet-structures, including parklet structures, may remain in an allowed parking space at all times.
- D. Signage. Signs otherwise compliant with the sign code in regard to size, material, and presentation can be safely attached to temporary structures.
 - 1. All signs allowed under this Subsection may not be in the right-of-way after hours of operation or used in a manner that violates any other ordinance.
 - 2. Signs cannot be attached to public infrastructure.
 - 3. Sandwich boards allowed in all commercial zoned districts, subject to all other sign code regulations.
- E. Any permanent/semi-permanent structure constructed or erected in the building-to-curb area is subject to an administrative review by the Department of Planning and Urban Design.
 - 1. For purposes of this administrative review, a structure is considered permanent or semi-permanent if:
 - i. A foundation is installed; or
 - ii. Poles are installed for than four (4) inches in the ground, whether for structural support or to hold up a sign; or
 - iii. A hard-sided roof is installed; or
 - iv. Construction of the structure would require a building permit outside of this Section.
 - 2. For an administrative review, applicant must provide the following:
 - i. Site plan of the property, including the permanent/semi-permanent structure; and
 - 1. Setbacks and ADA-compliant paths must be marked and measurements provided.
 - ii. Elevations of the structure, drawn to scale.
- 5. Metering. Any parking meter associated with a parking space converted to a parklet shall not be required to be in use nor can the meter be enforced for any use of the space that is allowed by this Section.
- 6. Hours of operation shall be the business's regular published hours.
- 7. Alcohol Sales. Sidewalk cafes may serve alcohol under the following conditions:
 - i. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
 - ii. All alcohol must be served to the customer in an open container.

- iii. Alcohol may only be sold or served to customers by a food establishment in the areas listed below. Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control regulations.
 - A. A designated area between the food establishment's building and the right-of-way; or
 - B. A designated area in the surplus off-street parking.
 - iv. Under this ordinance, alcohol sales must total less in daily dollar volume than the sale of food, in addition to maintaining the definition of a food establishment
- 8. Outdoor lighting may be provided if a business continues to operate outside more than 30 minutes before dusk each day.
 - i. Lighting must be facing downward toward the customers and directed away from the right-of-way. The lighting scheme should avoid projecting a glare onto other buildings.
 - ii. Lighting should be arranged in a manner and at an intensity that the light does not exceed one foot-candle as measured from the furthest demarcated edge of the sidewalk café, parklet, or parking lot being used for outdoor sales.
- 9. Noise shall not exceed the allowed decibels for the zoning district.
- 10. Mobile Vending
 - i. No permit shall be required for any Mobile Vending. However, mobile vending by a person, person(s), or location may be restricted at the discretion of the Department of Urban Planning and Land Use Staff.
 - ii. A mobile vendor or one otherwise engaged in mobile vending must fulfill the following conditions:
 - A. The sale of alcohol total less in annual dollar volume than the sale of food; and
 - B. Has successfully received an occupation tax number with the Business License Department and remains current and in good standing with all occupation tax payments.
- 11. Parking
 - i. A vending vehicle that uses a parking space served by a parking meter must pay for and maintain the proper time on the meter while occupying the parking space or parklet. However, the time limit on parking meters when used in the manner described in this Subsection is waived. This waiver of a time limit does not allow a vending vehicle to operate outside of the hours of operation in this Subsection.
 - ii. No mobile vending or vending vehicle shall be located within 15 feet of a fire hydrant or bus stop, or a greater distance if required by State law.
 - iii. No mobile vending or mobile vehicle shall be located within 20 feet of an intersection or street corner;

- iv. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code;
- v. No mobile vending or vending vehicle is allowed to take up space or interfere with the operations within a visibly designated loading/unloading zone.
- vi. All areas designated for or reasonably designated for queuing in order to order, purchase, or receive a product from a mobile vendor or vending vehicle must be located at least five (5) feet from passing automobile traffic. No vending vehicle is allowed to park on a portion of road where the speed limit is greater than 40 miles per hour.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 30th DAY OF JULY, 2020.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 20230

Full Commission Meeting Date: 7/30/20

Committee: Economic Development & Finance

Date of Standing Committee Action: 7/6/20

(If none, please explain):

Publication Required: No

<u>Date:</u> 7/24/2020	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> A resolution adopting the first amendment for the Downtown Campus Redevelopment development agreement to edit the previously determined deadlines to be aligned with planning process.				
<u>Action Requested:</u> Adopt resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution Approving First Amendment to Downtown Campus Development Agreement, First Amendment to Downtown Campus Redevelopment Agreement				

(Published in *The Wyandotte Echo* on _____)

RESOLUTION NO. R-____-20

**A RESOLUTION ADOPTING THE FIRST AMENDMENT TO
DOWNTOWN CAMPUS DEVELOPMENT AGREEMENT.**

WHEREAS, on March 26, 2020, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and Lanier United, LLC, a Kansas limited liability company ("Developer"), entered into that certain Downtown Campus Development Agreement (the "Agreement"); and

WHEREAS, pursuant to the terms the Agreement, Closing on the Project Site is to occur on or before July 31, 2020; and

WHEREAS, Developer has been diligently proceeding with its diligence obligations in connection with the Project, but certain delays have occurred in the-Developer's submittals to the UG's planning processdepartment which will make Closing on or before July 31, 2020 impracticable; and

WHEREAS, the Governing Body has determined that it is advisable to enter into the First Amendment to Downtown Campus Development Agreement with Developer (the "First Amendment"), attached hereto as **Exhibit A**.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

Section 1. That the Governing Body hereby approves the First Amendment in substantially the form attached hereto.

Section 2. That the Mayor is hereby authorized to execute in the name of the UG, the First Amendment, and the County Administrator and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution. The UG Clerk is hereby authorized and directed to publish this Resolution once in *The Wyandotte Echo*.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signature page follows.]

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS _____TH DAY OF _____, 2020.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

EXHIBIT A

First Amendment

[To be attached.]

FIRST AMENDMENT TO DOWNTOWN CAMPUS REDEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DOWNTOWN CAMPUS REDEVELOPMENT AGREEMENT (this "First Amendment") is made as of the _____ day of _____, 2020 (the "Effective Date") between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and Lanier United, LLC, a Kansas limited liability company ("Developer").

RECITALS

A. The UG and Developer entered into that certain Downtown Campus Redevelopment Agreement dated as of March 26, 2020 (the "Original Development Agreement") for Developer to design, develop, and construct approximately 90,000 to 110,000 square feet of residential housing, commercial and service-based amenities, and upgraded conference facilities as more fully set forth therein. The Original Development Agreement, as amended by the First Amendment may be referred to herein as the "Agreement." Capitalized terms which are used in this First Amendment but are not otherwise defined herein shall have the meanings assigned to them in the Original Development Agreement.

B. Pursuant to the terms the Original Development Agreement, Closing on the Project Site is to occur on or before July 31, 2020.

C. Developer has been diligently proceeding with its diligence obligations in connection with the Project, including its private financing and its due diligence and design with respect to the Project Site, but certain delays have occurred in the planning process which will make Closing on or before July 31, 2020 impracticable.

D. Accordingly, the UG and Developer, pursuant to Section 10.4 of the Original Development Agreement, hereby desire to amend the Original Development Agreement, all as more particularly set forth below.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the UG and Developer agree as follows:

1. **Modification of Drop Dead Date.** The parties hereby agree that the first sentence of Section 3.2 of the Original Development Agreement shall be deleted in its entirety and replaced with the following:

In the event that the Closing Conditions set forth in Section 3.1 above are not met or waived on or prior to December 15, 2020 (the "Drop Dead Date"), then either party hereto shall have the right to terminate this Agreement, but such failure shall not be an event of default hereunder; provided, however, that the Drop Dead Date shall be automatically extended to January 15, 2021 without further amendment to this Agreement if Developer does not receive final site plan approvals and any other required approvals for the Improvements on or before December 3, 2020.

2. **Modification of Deadline to Complete Public Infrastructure.** The parties hereby agree that the last sentence of Section 2.5 of the Original Development Agreement shall be deleted in its entirety and replaced with the following:

The UG shall complete the Public Infrastructure on or before the Drop Dead Date.

3. **Miscellaneous.** In connection with this First Amendment, the parties hereby agree as follows:

(a) The parties hereby understand and agree that the Recitals set forth above are hereby incorporated as though more fully set forth herein.

(b) Except as specifically modified by this First Amendment, the Original Development Agreement shall be and remain in full force and effect in accordance with the terms thereof.

(c) It is the intent of the parties that the provisions of the Original Development Agreement, as amended by this First Amendment, shall be enforced to the fullest extent permitted by applicable law. To the extent that the terms set forth in the Original Development Agreement, as amended by this First Amendment, or any word, phrase, clause or sentence is found to be illegal or unenforceable for any reason, such word, phrase, clause or sentence shall be modified, deleted or interpreted in such a manner so as to afford the party for whose benefit it was intended the fullest benefit commensurate with making the Original Development Agreement as modified, enforceable and the balance of the Original Development Agreement shall not be affected thereby, the balance being construed as severable and independent.

(d) The parties hereto declare and represent that no promises, inducements or agreements not herein expressed have been made, that this First Amendment contains the entire agreement between the parties hereto, and that the terms hereof are contractual and not mere recitals.

(e) This First Amendment shall be binding upon and inure to the benefit of the parties hereto, and their successors and assigns.

(f) This First Amendment may be executed in counterparts.

(g) All remedies set forth in in Article 9 of the Original Development Agreement shall be made available for the enforcement of this First Amendment.

(h) This First Amendment shall be construed in accordance with the laws of the State of Kansas.

[Remainder of page intentionally left blank. Signature pages immediately follow.]

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

DEVELOPER:

LANIER UNITED, LLC, a Kansas limited liability company

By: _____
Printed Name: _____
Title: _____

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2020, by _____, as _____ of Lanier United, LLC, a Kansas limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires



Staff Request for Commission Action

Tracking No. 20261

Full Commission Meeting Date: 7/30/20

Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: Yes 8/6/2020

<u>Date:</u> 7/16/2020	<u>Contact Name:</u> James Bain	<u>Contact Phone:</u> x5077	<u>Contact Email:</u> jbain@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Project Name: Lower Conner Creek Phase II – CMIP 6182 The Commission adopted Resolution No. R-44-17, declaring the project to be necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired. This project is located at or about Donahoo & I-435 along Conner Creek to the Wolcott Treatment Plant for the Unified Government's Pump Station 50 Elimination and New Interceptor Sewer Project, submitted by E. James Bain, Assistant Counsel. The Ordinance directs the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for project.				
<u>Action Requested:</u> To approve the ordinance.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 3. Ordinance.Lower Conner Creek Phase 2				

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE condemning land for the construction, maintenance, operation, reconstruction, and improvements of the **Lower Conner Creek Project Phase 2 – CMIP 6182**, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE COUNTY/KANSAS CITY KANSAS

Section 1. The following described land is hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas for the construction, maintenance, operation, reconstruction and improvements located at or about Donahoo & I-435 along Conner Creek to the Wolcott Treatment Plant for the Unified Government's Pump Station 50 Elimination and New Interceptor Sewer Project of the **Lower Conner Creek Project Phase 2 – CMIP 6182**, all in Wyandotte County, Kansas to-wit:

Tract No. 1 – Parcel ID No. 942300

**Fee Owner: Omner Holdings, LLC
9900 R Meeks Road
Kansas City, Kansas 66109**

Permanent Access Easement (PAE):

A tract of land in the North Half of the Northeast Quarter of the Southeast Quarter of Section 23, Township 10 South, Range 23 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the Northeast corner of the North Half of the Northeast Quarter said Southeast Quarter of Section 23;

Thence South 01°39'03" East, along the East line of the North Half of Northeast Quarter of said Southeast Quarter, a distance of 227.14 feet;

Thence South 88°20'57" West, departing said East line, a distance of 1,304.45 feet, to the Point of Beginning;

Thence South 05°54'37" West, a distance of 149.47 feet, to a point on the West line of the North Half of the Northeast Quarter of said Southeast Quarter;

Thence North 01°39'49" West, along said West line, a distance of 113.80 feet;

Thence North 05°54'37" East, departing said West line, a distance of 33.42 feet;

Thence North 18°29'25" West, a distance of 15.22 feet, to a point on said West line;

Thence North 01°39'49" West, along said West line, a distance of 51.82 feet;

Thence South 18°29'25" East, departing said West line, a distance of 68.06 feet, to the Point of Beginning, containing 1,996.28 square feet or 0.046 acres, more or less.

Subject to all easements and restrictions of record.

- Section 2. It is hereby found that the costs of this project will be paid from CMIP 6182.
- Section 3. The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
- Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official County, newspaper, The Wyandotte Echo.

**PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2020.**

Mayor David Alvey

Unified Government Clerk

**Approved as to form:
E. James Bain
Assistant Counsel**



Staff Request for Commission Action

Tracking No. 20262

Full Commission Meeting Date: 7/30/20

Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: Yes 8/6/2020

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
7/16/2020	James Bain	x5077	jbain@wycokck.org	Legal

Item Description:

Project Name: Lombardy Drive Sewer Improvement Project – CMIP 6213

The Commission adopted Resolution No. R-10-19, declaring the project to be necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired. This project is relocating failing sewer mains that run under houses to side yards and the road, at 22nd and Lombardy Drive, submitted by E. James Bain, Assistant Counsel. The Ordinance directs the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for project.

Action Requested:

To approve the ordinance.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

3. Ordinance.Lombardy Dr

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE condemning land for the construction, maintenance, operation, reconstruction, and improvements of the **Lombardy Drive Sewer improvement Project– CMIP 6213**, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE COUNTY/KANSAS CITY KANSAS**

Section 1. The following described land is hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas for the construction, maintenance, operation, reconstruction and improvements. This project is relocating failing sewer mains that run under houses to side yards and the road, at 22nd and Lombardy Drive, all in Wyandotte County, Kansas to-wit:

Tract No. 3 – Parcel ID No. 054219

**Fee Owner: Jesus Humberto Salcedo, Trustee
703 N 22nd St.
Kansas City, Kansas 66102**

Permanent Sanitary Sewer Easement (PSE):

A tract of land being part of Lot 5, LOMBARDY PARK, a subdivision on the Northeast Quarter of Section 8, Township 11 south, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Beginning at the Southeast corner of said Lot 5;

Thence South 43°39'30" West, along the South line of said Lot 5, a distance of 17.68 feet;

Thence North 01°51'44" West, departing said South line, a distance of 23.71 feet, to a point on the East line of said Lot 5;

Thence South 49°57'22" East, along the East line of said Lot 5, a distance of 16.95 feet, to the Point of Beginning, EXCEPT that part in the existing 5' utility easement, described in Document No. 368729, Book 934, Page 548, containing 76.81 square feet, more or less, after exception.

Subject to all easements and restrictions of record.

AND

Temporary Construction Easement (TCE):

A tract of land being part of Lot 5, LOMBARDY PARK, a subdivision on the Northeast Quarter of Section 8, Township 11 south, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Beginning at the Southeast corner of said Lot 5;

Thence South $43^{\circ}39'30''$ West, along the South line of said Lot 5, a distance of 31.70 feet;

Thence North $01^{\circ}51'44''$ West, departing said South line, a distance of 42.50 feet, to a point on the East line of said lot 5;

Thence South $49^{\circ}57'22''$ East, along the East line of said Lot 5, a distance of 30.39 feet, to the Point of Beginning, EXCEPT that part in the existing 5' utility easement, described in Document No. 368729, Book 934, Page 548, and that part in the proposed Permanent Sanitary Sewer Easement, described above, containing 263.89 square feet, more or less, after exceptions.

Subject to all easements and restrictions of record.

Tract No. 4 – Parcel No. 054211

Fee Owner: Peter Lian PE
701 N. 22nd St.
Kansas City, Kansas 66102

Permanent Drainage Easement (PDE):

A tract of land being part of Lot 7, LOMBARDY PARK, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the most Southerly corner of said Lot 7, also being at the intersection of the Northerly Right-of-Way line of Lombardy Drive, and the Northeasterly Right-of-Way line of Old 22nd Street, as both are now established, and also being a point on a non-tangent curve;

Thence Northwesterly, along said Northeasterly Right-of-Way line, and along said curve to the left, having a radius of 230.44 feet, a central angle of $2^{\circ}23'05''$, and whose initial tangent bearing is North $36^{\circ}40'55''$ West, a distance of 9.59 feet, to the Point of Beginning;

Thence Northwesterly, continuing along said Northeasterly Right-of-Way line, and along said curve to the left, having a radius of 230.44 feet, and a central angle of $2^{\circ}34'01''$, a distance of 10.32 feet;

Thence North $35^{\circ}16'29''$ East, departing said Northeasterly Right-of-Way line, a distance of 45.16 feet;

Thence South 56°12'51" East, a distance of 28.83 feet, to a point on said Northerly Right-of-Way line of Lombardy Drive, said point also being on a non-tangent curve;

Thence Southwesterly, along said Northerly Right-of-Way line, and along said curve to the left, having a radius of 290.00 feet, a central angle of 2°03'30" and whose initial tangent bearing is South 51°05'17" West, a distance of 10.42 feet;

Thence North 56°12'51" West, departing said Northerly Right-of-Way line, a distance of 16.17 feet;

Thence South 35°16'29" West, a distance of 37.98 feet, to the Point of Beginning, containing 639.99 square feet, more or less.

Subject to all easements and restrictions of record.

AND

Temporary Construction Easement (TCE):

A tract of land being part of Lot 7, LOMBARDY PARK, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows: (Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Beginning at the most Southerly corner of said Lot 7, also being at the intersection of the Northerly Right-of-Way line of Lombardy Drive, and the Northeasterly Right-of-Way line of Old 22nd Street, as both are now established, and also being a point on a non-tangent curve;

Thence Northwesterly, along said Northeasterly Right-of-Way line, and along a curve to the left, having a radius of 230.44 feet, a central angle of 7°29'32", and whose initial tangent bearing is North 36°40'55" West, a distance of 30.13 feet;

Thence North 35°16'29" East, departing said Northeasterly Right-of-Way line, a distance of 40.29 feet;

Thence North 70°43'01" East, a distance of 9.43 feet;

Thence North 43°40'36" East, a distance of 3.63 feet;

Thence South 47°41'02" East, a distance of 14.04 feet;

Thence North 42°42'56" East, a distance of 3.53 feet;

Thence South 56°12'51" East, a distance of 20.56 feet, to a point on said Northerly Right-of-Way line of Lombardy Drive, said point also being on a non-tangent curve;

Thence Southwesterly, along said Northerly Right-of-Way line, and along said curve to the left, having a radius of 2864.00 feet, a central angle of 0°10'44", and whose initial tangent bearing is South 46°42'21" West, a distance of 8.94 feet, to a point on a non-tangent curve;

Thence Southwesterly, continuing along said Northerly Right-of-Way line, and along said curve to the left, having a radius of 290.00 feet, a central angle of 10°35'00", and whose initial tangent bearing is South 51°21'13" West, a distance of 53.57 feet, to the Point of Beginning, EXCEPT that part in the proposed Permanent Drainage Easement, described above, containing 1,238.85 square feet, more or less, after exception.

Subject to all easements and restrictions of record.

Tract No. 6 – Parcel ID No. 054213

**Fee Owner: Debra D. Beason
2113 Lombardy Drive
Kansas City, Kansas 66102**

Permanent Sanitary Sewer Easement (PSE):

A tract of land being part of Lots 9 and 10, LOMBARDY PARK, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the Northeast corner of said Lot 9;

Thence South 60°49'30" West, along the Northerly line of said Lot 9, a distance of 5.00 feet, to the Northwest corner of a tract of land described in a Kansas Warranty Deed, recorded in Book 3887, Page 712;

Thence South 48°01'15" East, departing said Northerly line, along the Westerly line of said tract of land, a distance of 31.39 feet, to the Point of Beginning;

Thence North 87°22'28" East, departing said Westerly line, a distance of 13.55 feet;

Thence South 45°51'02" East, a distance of 64.92 feet, to a point on the Westerly Right-of-Way line of Lombardy Drive, as now established, said point being a point on a non-tangent curve;

Thence Southwesterly, along said Westerly Right-of-Way line, and along said curve to the right, having a radius of 2864.00 feet, a central angle of 00°08'29", and whose initial tangent bearing is South 43°36'22" West, a distance of 7.06 feet, to the Southwest corner of said tract of land;

Thence North 48°01'15" West, departing said Westerly Right-of-Way line, along the Westerly line of said tract of land, a distance of 74.31 feet, to the Point of Beginning, containing 582.86 square feet, more or less.

Subject to all easements and restrictions of record.

AND

Temporary Construction Easement (TCE1)

A tract of land being part of Lots 9 and 10, LOMBARDY PARK, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the Northeast corner of said Lot 9;

Thence South 60°49'30" West, along the Northerly line of said Lot 9, a distance of 5.00 feet, to the Northwest corner of a tract of land described in a Kansas Warranty Deed, recorded in Book 3887, Page 712;

Thence South 48°01'15" East, departing said Northerly line, along the Westerly line of said tract of land, a distance of 13.59 feet, to the Point of Beginning;

Thence North 87°22'28" East, departing said Westerly line, a distance of 15.91 feet;

Thence South 51°53'14" East, a distance of 81.43 feet, to a point on the Westerly Right-of-Way line of Lombardy Drive, as now established, said point being a point on a non-tangent curve;

Thence Southwesterly, along said Westerly Right-of-Way line, and along said curve to the right, having a radius of 2864.00 feet, a central angle of 00°20'01", and whose initial tangent bearing South 43°24'50" West, a distance of 16.67 feet, to the Southwest corner of said tract of land;

Thence North 48°01'15" West, departing said Westerly Right-of-Way line, along the Westerly line of said tract of land, a distance of 92.11 feet, to the Point of Beginning, EXCEPT that part in the proposed Permanent Sanitary Sewer Easement, described above, containing 607.65 square feet, more or less, after exception.

Subject to all easements and restrictions of record.

AND

Temporary Construction Easement (TCE2)

A tract of land being part of Lot 11, LOMBARDY PARK, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Beginning at the Northeast Corner of said Lot 11, said point being on the Westerly Right-of-Way line of Lombardy Drive, as now established, and said point being a point on a non-tangent curve;

Thence Southerly, along said Westerly Right-of-Way line, and along said curve to the right, having a radius of 90.00 feet, a central angle of 18°17'06", and whose initial tangent bearing is South 22°32'00" East, a distance of 28.72 feet;

Thence South 85°45'06" West, departing said Westerly Right-of-Way line, a distance of 5.00 feet, to a point on a non-tangent curve;

Thence Northerly, along said curve to the left, having a radius of 85.00 feet, a central angle of 18°17'06", and whose initial tangent bearing is North 04°14'54" West, a distance of 27.13 feet, to a point on the Northerly line of said Lot 11;

Thence North 67°28'00" East, along said Northerly line, a distance of 5.00 feet, to the Point of Beginning, containing 139.62 square feet, more or less.

Subject to all easements and restrictions of record.

Tract No. 7 – Parcel ID No. 054214

**Fee Owner: Bethine A. Werner
2140 Lombardy Drive
Kansas City, Kansas 66102**

Temporary Construction Easement (TCE):

A tract of land being part of Lot 12, LOMBARDY PARK, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Beginning at the Southeast corner of said Lot 12, said point being on the Westerly Right-of-Way line of Lombardy Drive, as now established;

Thence South 67°28'00" West, along the Southerly line of said Lot 12, a distance of 5.00 feet, to a point on a non-tangent curve;

Thence Northwesterly, departing said Southerly line, along said curve to the left, having a radius of 85.00 feet, a central angle of 44°35'15", and whose initial tangent bearing is North 22°32'00" West, a distance of 66.15 feet;

Thence North 22°52'45" East, a distance of 5.00 feet, to a point on said Westerly Right-of-Way line, and said point being on a non-tangent curve;

Thence Southeasterly, along said Westerly Right-of-Way line, and along said curve to the right, having a radius of 90.00 feet, a central angle of 44°35'15", and whose initial tangent bearing is South 67°07'15" East, a distance of 70.04 feet, to the Point of Beginning, containing 340.46 square feet, more or less.

Subject to all easements and restrictions of record.

Tract No. 8 – Parcel ID No. 054215

**Fee Owner: Haydee A. Interiano-Aragon
2150 Lombardy Drive
Kansas City, Kansas 66102**

Permanent Sanitary Sewer Easement (PSE):

A tract of land being part of Lot 15, LOMBARDY PARK, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the most Southern corner of Lot 14 of said subdivision;

Thence South 60°49'30" West, along the South line of said Lot 15, a distance of 4.87 feet, to the Point of Beginning;

Thence continuing South 60°49'30" West, along said South line, a distance of 25.42 feet;

Thence North 71°42'51" West, departing said South line, a distance of 25.38 feet, to a point on the West line of said Lot 15;

Thence North 21°23'30" West, along said West line, a distance of 19.49 feet;

Thence South 71°42'51" East, departing said West line, a distance of 45.25 feet;

Thence North 87°22'28" East, a distance of 10.44 feet, to the Point of Beginning, EXCEPT that part in the existing 5' utility easement, described in Document No. 368729, Book 934, Page 548, containing 475.47 square feet, more or less, after exception.

Subject to all easements and restrictions of record.

AND

Temporary Construction Easement (TCE):

A tract of land being part of Lots 14 and 15, LOMBARDY PARK, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Beginning at the most Southern corner of said Lot 14;

Thence South 60°49'30" West, along the South line of said Lot 15, a distance of 47.25 feet;

Thence North 71°42'51" West, departing said South line, a distance of 3.54 feet, to a point on the West line of said Lot 15;

Thence North 21°23'30" West, along said West line, a distance of 47.37 feet;

Thence North 02°38'30" West, continuing along said West line, a distance of 23.88 feet;
Thence South 21°03'48" East, departing said West line, a distance of 24.26 feet;
Thence South 71°42'51" East, a distance of 18.94 feet;
Thence North 12°07'15" East, a distance of 27.85 feet;
Thence North 89°05'03" East, a distance of 2.92 feet;
Thence North 01°52'35" West, a distance of 21.45 feet;
Thence North 88°07'25" East, a distance of 20.00 feet;
Thence South 01°52'35" East, a distance of 56.82 feet;
Thence North 87°22'28" East, a distance of 26.58 feet, to a point on the South line of said Lot 14;

Thence South 60°49'30" West, along said South line, a distance of 23.10 feet, to the Point of Beginning, EXCEPT that part in the existing 5' utility easement, described in Document No. 368729, Book 934, Page 548, and that part in the proposed Permanent Sanitary Sewer Easement, described above, containing 2,215.55 square feet, more or less, after exceptions.

Subject to all easements and restrictions of record.

Tract No. 9 – Parcel ID No. 054813

**Fee Owner: Richard A. Stout & Thomas E. Hunt Jr.
702 N. 22nd St.
Kansas City, Kansas 66102**

Permanent Sanitary Sewer Easement (PSE):

A tract of land being part of Lot 17, Block 9, WESTHEIGHT MANOR NO. 5, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the Southeast corner of said Lot 17;

Thence South 86°22'43" West, along the South line of said Lot 17, a distance of 50.54 feet, to a point on the Easterly Right-of-Way line of N. 22nd Street, as now established;

Thence North 15°34'00" West, departing said South line, along said Easterly Right-of-Way line, a distance of 33.50 feet, to the Point of Beginning;

Thence North 15°34'00" West, continuing along said Easterly Right-of-Way line, a distance of 20.00 feet;

Thence North 74°36'55" East, departing said Easterly Right-of-Way line, a distance of 33.79 feet, to a point on the Westerly Right-of-Way line of Old 22nd Street, as now established, also being a point on a non-tangent curve;

Thence Southeasterly, along said Westerly Right-of-Way line, and along said curve to the right, having a radius of 180.44 feet, a central angle of 06°48'31", and whose initial tangent bearing is South 39°50'16" East, a distance of 21.44 feet;

Thence South 74°36'55" West, departing said Westerly Right-of-Way line, a distance of 41.42 feet, to the Point of Beginning, containing 756.72 square feet, more or less.

Subject to all easements and restrictions of record.

AND

Permanent Drainage Easement (PDE):

A tract of land being part of Lot 17, Block 9, WESTHEIGHT MANOR NO. 5, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the Southeast corner of said Lot 17;

Thence South 86°22'43" West, along the South line of said Lot 17, a distance of 50.54 feet, to a point on the Easterly Right-of-Way line of N. 22nd Street, as now established;

Thence North 15°34'00" West, departing said South line, along said Easterly Right-of-Way line, a distance of 68.35 feet, to the Point of Beginning;

Thence North 15°34'00" West, continuing along said Easterly Right-of-Way line, a distance of 10.61 feet;

Thence South 86°01'49" East, departing said Easterly Right-of-Way line, a distance of 26.78 feet, to a point on the Westerly Right-of-Way line of Old 22nd Street, as now established, also being a point on a non-tangent curve;

Thence Southeasterly, along said Westerly Right-of-Way line, and along said curve to the right, having a radius of 180.44 feet, a central angle of 04°41'31", and whose initial tangent bearing is South 45°46'18" East, a distance of 14.78 feet;

Thence North 86°01'49" West, departing said Westerly Right-of-Way line, a distance of 34.11 feet, to the Point of Beginning, containing 305.95 square feet, more or less.

Subject to all easements and restrictions of record.

AND

Temporary Construction Easement (TCE)

A tract of land being part of Lots 16 and 17, Block 9, WESTHEIGHT MANOR NO. 5, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the Southeast corner of said Lot 17;

Thence South $86^{\circ}22'43''$ West, along the South line of said Lot 17, a distance of 50.54 feet, to a point on the Easterly Right-of-Way line of N. 22nd Street, as now established;

Thence North $15^{\circ}34'00''$ West, departing said South line, along said Easterly Right-of-Way line, a distance of 18.50 feet, to the Point of Beginning;

Thence North $15^{\circ}34'00''$ West, continuing along said Easterly Right-of-Way line, a distance of 85.27 feet, to the intersection of said Easterly Right-of-Way line, with the Westerly Right-of-Way line of Old 22nd Street, as now established, also being a point on a non-tangent curve;

Thence Southeasterly, departing said Easterly Right-of-Way line, along said Westerly Right-of-Way line, and along said curve to the left, having a radius of 230.44 feet, a central angle of $00^{\circ}45'52''$, and whose initial tangent bearing is South $56^{\circ}29'54''$ East, a distance of 3.07 feet, to a point on a non-tangent reverse curve;

Thence Southeasterly, continuing along said Westerly Right-of-Way line, and along said curve to the right, having a radius of 180.44 feet, a central angle of $30^{\circ}07'03''$, and whose initial tangent bearing is South $58^{\circ}12'36''$ East, a distance of 94.85 feet;

Thence South $74^{\circ}36'55''$ West, departing said Westerly Right-of-Way line, a distance of 45.45 feet, to the Point of Beginning, EXCEPT that part in the proposed Permanent Sanitary Sewer and Permanent Drainage Easements, described above, containing 1,297.70 square feet, more or less, after exceptions.

Subject to all easements and restrictions of record.

Tract No. 10 – Parcel ID No. 054210

**Fee Owner: Steve B. & Lori A. Wiedner
2101 Lombardy Drive
Kansas City, Kansas 66102**

Permanent Sanitary Sewer Easement (PSE):

A tract of land being part of Lot 30, LOMBARDY PARK, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the most Easterly corner of said Lot 30, also being a point on a non-tangent curve;

Thence Southwesterly, along the Easterly line of said Lot 30, and along said curve to the right, having a radius of 1382.00 feet, a central angle of $01^{\circ}37'01''$, and whose initial tangent bearing is South $39^{\circ}59'49''$ West, a distance of 39.00 feet, to the Point of Beginning, said point being the most Easterly corner of a tract of land described in a Kansas Warranty Deed, recorded in Book 3850, Page 258;

Thence Southwesterly, continuing along the Easterly line of said Lot 30, and along said curve to the right, having a radius of 1382.00 feet, and a central angle of $00^{\circ}24'53''$, a distance of 10.00 feet;

Thence North $48^{\circ}18'23''$ West, departing said Easterly line, a distance of 126.73 feet, to a point on the Southerly Right-of-Way line of Lombardy Drive, as now established, said point also being on a non-tangent curve;

Thence Northeasterly, along said Southerly Right-of-Way line, and along said curve to the left, having a radius of 2904.00 feet, a central angle of $00^{\circ}11'53''$, and whose initial tangent bearing is North $46^{\circ}43'13''$ East, a distance of 10.04 feet, to the most Northerly corner of said tract of land;

Thence South $48^{\circ}18'23''$ East, departing said Southerly Right-of-Way line, along the Northerly line of said tract of land, a distance of 125.89 feet, to the Point of Beginning, EXCEPT that part in the existing 5' utility easement, described in Document No. 368729, Book 934, Page 548, containing 1,213.06 square feet, more or less, after exception.

Subject to all easements and restrictions of record.

AND

Temporary Construction Easement (TCE):

A tract of land being part of Lots 30 and 31, LOMBARDY PARK, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Commencing at the most Easterly corner of said Lot 30, also being a point on a non-tangent curve;

Thence Southwesterly, along the Easterly line of said Lot 30, and along said curve to the right, having a radius of 1382.00 feet, a central angle of $02^{\circ}01'53''$, and whose initial tangent bearing is South $39^{\circ}59'49''$ West, a distance of 49.00 feet, to the Point of Beginning;

Thence Southwesterly, continuing along the Easterly line of said Lot 30 and the Easterly line of said Lot 31, and along said curve to the right, having a radius of 1382.00 feet, and a central angle of $00^{\circ}19'54''$, a distance of 8.00 feet;

Thence North $48^{\circ}18'23''$ West, departing said Easterly line, a distance of 127.88 feet, to a point on the Southerly Right-of-Way line of Lombardy Drive, as now established, said point also being on a non-tangent curve;

Thence Northeasterly, along said Southerly Right-of-Way line, and along said curve to the right, having a radius of 250.00 feet, a central angle of $01^{\circ}38'05''$, and whose initial tangent bearing is North $50^{\circ}04'33''$ East, a distance of 7.13 feet, to the most Northerly corner of Lot 31, also being a point on a non-tangent curve;

Thence Northeasterly, continuing along said Southerly Right-of-Way line, and along said curve to the left, having a radius of 2904.00 feet, a central angle of $00^{\circ}01'08''$, and whose initial tangent bearing is North $46^{\circ}44'21''$ East, a distance of 0.96 feet;

Thence South $48^{\circ}18'23''$ East, departing said Southerly Right-of-Way line, a distance of 126.73 feet, to the Point of Beginning, EXCEPT that part in the existing 5' utility easement, described in Document No. 368729, Book 934, Page 548, containing 978.29 square feet, more or less, after exception.

Subject to all easements and restrictions of record.

Tract No. 17 – Parcel ID No. 054203

**Fee Owner: David Louis Sample
2143 Lombardy Drive
Kansas City, Kansas 66102**

Permanent Drainage Easement (PDE):

A tract of land being part of Lots 20 and 21, and a tract labeled as Path to Play-Ground, LOMBARDY PARK, a subdivision in the Northeast Quarter of Section 8, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

Beginning at a point on the Easterly Right-of-Way line of Lombardy Drive, as now established, said point also being the Southmost corner of said Lot 21, said point also being on the Easterly line of a tract of land described in an Affidavit recorded in Book 3727, Page 698, Document No. 1192206, and said point being on a non-tangent curve;

Thence Northwesterly, along said Easterly Right-of-Way line, and along said curve to the left, having a radius of 130.00 feet, a central angle of $26^{\circ}27'19''$, and whose initial tangent bearing is North $45^{\circ}06'44''$ West, a distance of 60.03 feet, to a point on the Westerly line of a tract of land described in a Quit-Claim Deed, recorded in Document No. 2014R-16198;

Thence North $21^{\circ}30'17''$ East, departing said Easterly Right-of-Way line, along said Westerly line, a distance of 10.01 feet, to a point on a non-tangent curve;

Thence Southeasterly, departing said Westerly line, along said curve to the right, having a radius of 140.00 feet, a central angle of $26^{\circ}29'04''$, and whose initial tangent bearing is South $71^{\circ}20'52''$ East, a distance of 64.71 feet, to point on said Easterly line;

Thence South $48^{\circ}22'04''$ West, along said Easterly line, a distance of 10.02 feet, to the Point of Beginning, containing 623.49 square feet, more or less.

Subject to all easements and restrictions of record.

- Section 2. It is hereby found that the costs of this project will be paid from CMIP 6213.
- Section 3. The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
- Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official County, newspaper, The Wyandotte Echo.

**PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF _____, 2020.**

Mayor David Alvey

Unified Government Clerk

**Approved as to form:
E. James Bain
Assistant Counsel**



Staff Request for Commission Action

Tracking No. 20256

Full Commission Meeting Date: 7/30/20

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
7/14/2020	Alley Porter	x5101	aporter@wycokck.org	Commission Liaison

Item Description:

Nominations for Boards & Commissions

John Rios to Housing Authority, 7/30/2020-12/11/2023, submitted by Commissioner Ramirez

Mark Mohler to Golf Advisory Board (Reappointment), 7/30/2020-12/11/2023, submitted by Commissioner Bynum

Jody Boeding to Wyandotte County Library Board (Reappointment), 7/30/2020-12/11/2023, submitted by Commissioner McKiernan

Joan DeMoss to Law Enforcement Advisory Board (Reappointment), 7/30/2020-12/11/2023, submitted by Commissioner McKiernan

Bridget Holton-Deere to Unified Government Board of Park Commissioners (Reappointment), 7/30/2020-12/11/2023, submitted by Commissioner McKiernan

Susannah Pauley to Board of Zoning Appeals and Kansas City, Kansas City Planning Commission (Reappointment), 7/30/2020-12/11/2023, submitted by Commissioner McKiernan

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

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

REGULAR SESSION
JUNE 11, 2020

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session virtually via Zoom and present in the *fifth floor conference room on Thursday, June 11, 2020, with ten members present: *Bynum, Commissioner At-Large First District; *Burroughs, Commissioner At-Large Second District, Townsend, Commissioner First District; *Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; *Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. McKiernan, Commissioner Second District was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell and Emerick Cross, Assistant County Administrators; and Alley Porter, Commission Liaison.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, commissioners, staff, and public are attending remotely via Zoom as well as on site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is critical given the number of remote participants and his current guidance from the Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

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

INVOCATION was given by Commissioner Harold Johnson of Faith Deliverance Church of God In Christ.

Mayor Alvey said I'd ask the Clerk, are there any revisions to tonight's agenda? **Bridgette Cobbins, UG Clerk**, said no revisions to the agenda, Mayor.

MAYOR'S AGENDA

No items

CONSENT AGENDA

Mayor Alvey said that now takes us to the Consent Agenda. Does any member of the Commission or the County Administrator wish to set-aside any item on the Consent Agenda? If an item is not set aside, all items on the Consent Agenda will be voted on by one vote. (There were none.)

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

Item No. 1 – 20179...THREE GRANTS: MARC PLANNING SUSTAINABLE PLACES (PSP)

Synopsis: Request to apply for, and accept if awarded, the following MARC Planning Sustainable Places (PSP) grants for the following, submitted by Gunnar Hand, Director of Planning.

- Countywide Mobility and Transit-Oriented Development (TOD) Strategy – proposed \$300,000 grant (\$150,000 local match).
- Northeast Heritage Trail – proposed \$100,000 grant (\$20,000 local match with the potential for Groundworks NRG to provide part or all of said match).
- Merriam Lane Corridor Plan – proposed \$150,000 grant (\$30,000 local match split four equal ways between four municipalities; \$7,500 local match from the UG).

On June 1, 2020, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

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

Item No. 2 – 20186...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Pat Pettey (reappointment) - Wyandotte County Library Board, 6/11/20-12/11/23, submitted by Commissioner Bynum.

LaRon Thompson - Law Enforcement Advisory Board, 6/11/20-12/11/23, submitted by Commissioner Bynum.

Linda Warner (reappointment) - Housing Authority, 6/11/20-12/11/23, submitted by Commissioner Bynum.

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

Item No. 3 – MINUTES

Synopsis: Minutes from special session of May 7, 2020.

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

Item No. 4 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated May 24, 2020.

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

PUBLIC HEARING AGENDA

Item No. 1 – 20189...RESOLUTION: COMMUNITY DEVELOPMENT AMENDED CITIZEN PARTICIPATION PLAN

June 11, 2020

Synopsis: Conduct a public hearing to consider a resolution approving the Amended Citizen Participation Plan in response to CARES Act and COVID-19, submitted by Wilba Miller, Director of Community Development.

Wilba Miller, Director of Community Development, said tonight the public hearing is to receive public comment and Commission approval for the Unified Government to revise the Citizen Participation Plan. This plan is a process that Community Development uses to identify policies and procedures to be used to encourage citizen participation and involvement in our program under the HUD 5-Year Consolidated Plan.

The Unified Government provides for and encourages all citizens to participate in the development and review of the following plan. The Citizen Participation Plan, the 5-Year Consolidated Plan, Annual One-Year Action-Plan, our Annual Consolidated Performance Report, any Section 108 loan guarantee, substantial amendment to the Action Plan or 5-Year Plan and the assessment of fair housing.

Tonight's revision adds the determination of Urgent Needs Section which states in part, upon determination of urgent need in accordance with HUD approved regulatory of waivers. The Citizen Participation Plan allows expedited procedures to draft, propose or amend the Consolidated and Annual Action Plan. Expedited procedures must include notice and reasonable opportunity to comment at no less than five days. The five-day period can run concurrently for comment on the Action Plan Amendment and Amended Citizen Participation Plan. These changes are due to the availability of waivers from HUD Community Planning and Development Grant Program and Consolidated Plan requirement to prevent the spread of COVID-19 and mitigate economic impact caused by COVID-19 issued on April 9, 2020 in response to the passage of coronavirus aid relief and economic security for CARES Act. This ends my presentation.

We're just adding these Urgent sections to our current plan. Thank you.

Mayor Alvey asked, we'll open the public hearing. Is there anyone present who would like to speak in favor of the amended plan. If so, please state your name and city of residency for the record.

Mayor Alvey asked do we have anyone on the line Bridgette? **Bridgette Cobbins, UG Clerk**, said no one submitted a request to speak tonight. **Mayor Alvey** asked did we have any communication regarding this. **Ms. Cobbins** said no communications were submitted to the Clerk's Office.

Mayor Alvey closed the public hearing.

Mayor Alvey asked do members of the Commission have any questions or comments. I can't find my participants. **Doug Bach, County Administrator**, said in the conference room someone has a question, Mayor.

Commissioner Burroughs said I want to draw the Commissions attention to page 2 under the Citizen Participation Plan. I'm going down to the 3rd paragraph where it talks about the Unified Government encourages participation by low to moderate income persons, particularly those living in slum. I'd like to strike that word slum. I think it's a negative connotation for our community. I don't believe we have slum in Wyandotte County. I think we have some economically challenged and some properties in need, but I just find that word somewhat offensive. I'd like to see it struck and possibly even replaced with something else. **Ms. Miller** said one of the things that HUD has as a national objective is the elimination of slum and blight. That's why that language is in our Consolidated Plan as well as Participation Plan. We have three national objectives; to assist the low and moderate income person, to eliminate slum and blight, and to meet urgent needs. **Commissioner Burroughs** said, Wilba, I appreciate that. I'm not saying that HUD always get's it right. It just pains me to think that we are labeling areas in our community slum and/or ghetto and/or those definitions that bring a negative perspective to those that live there. I just really find it somewhat offensive that is even in there. That's just my comment. I did read through this. I'm proud of Wyandotte County. I know we've had some challenges within our community, but slums are not one of them.

Mayor Alvey said Wilba, are you suggesting that is language we cannot change in order to be conformative with what HUD has provided or can it be changed? **Ms. Miller** said at some point if—I mean, I could change that to something that meant the same thing I suppose, but in HUD's

speech, I'm sorry, it is slum and blighted areas. I know that in some of our activities we actually have to declare areas slum and blight in order to get some grant funds. I'm willing to try, if Commission, wants me to try to change that language. **Mayor Alvey** said well, perhaps, we should just provide a letter to HUD raising objections to that language.

Commissioner Philbrook said, thank you, Wilba, for coming forward with this and stepping up to the plate because this is definitely going to allow us to get a lot more funding, I think. Especially as the state comes forward so thank you for doing that. Yes, the verbiage stinks, but I think that we can refer to ourselves differently. We don't have to call ourselves those things, we'll just not say things that way to our own home folks, you know, because we don't feel that way, but we do want to spend the money on folks so, thank you.

Commissioner Townsend said I just want to say I appreciate Commissioner Burroughs's comments. My understanding from what Ms. Miller said, it sounds like this wording, as objectionable as it is to us, are terms of art. The main thing is we want to make sure we remain eligible for the funds. Having said that, I appreciate and would endorse the Mayor's recommendation to include a letter to the extent that we find those terms of art objectionable. If they're required for us to get the money, that should be the consideration.

Commissioner Burroughs said again, if I may, thank you for your suggestion. I just truly have a lot of respect for this community. I have a deep love for the people in this community. As I stated, we have our challenges. It just pains me to think that in filing for additional funds from the federal government we have to identify that there's areas within our community to be labeled slum. As an individual who grew up in some very challenging areas in this community, I never once considered it a slum. I just want the members of the community to know there are those of us that truly respect and understand that the best of living conditions aren't available for everyone, but neither are the worst of conditions either, as long as we have Commissioner's that truly value this community. Thank you for your suggestion Mayor. I do not want to put the grant at risk.

Mayor Alvey said seeing no more comments or hands raised, I'll entertain a motion.

Action: **RESOLUTION NO R-35-20.** “A resolution that the Mayor/Chief Executive Officer of the Unified Government is hereby authorized and directed to execute in the name of the Unified Government; and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/Chief Executive Office, to the Citizen Participation Plan which includes citizen participation requirements for the Community Development Block Grant Program, HOME Investment Partnership Program, and the Emergency Solutions Grant Program to be submitted to the U.S. Department of Housing and Urban Development and to implement the Citizen Participation Plan upon approval.” **Commissioner Townsend made a motion, seconded by Commissioner Burroughs, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Walters.

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

No items

COMMISSIONERS' AGENDA

No items

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

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or County Administrator wish to set-aside this item? (There were none.)

Item No. 1 – 20190...LAND BANK MANAGER APPOINTMENT

Synopsis: Request appointment of Jud Knapp as the Land Bank Manager to act on behalf of the Land Bank Board of Trustees, submitted by Katherine Carttar, Director of Economic Development.

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

**MAYOR ALVEY
ADJOURNED THE MEETING AT 7:23 P.M.
JUNE 11, 2020**

Bridgette D. Cobbins
Unified Government Clerk

tk

June 11, 2020

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

**PLANNING & ZONING AND
REGULAR SESSION
June 25, 2020**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, June 25, 2020, with eleven members present (via Zoom): 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; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District, Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Alan Howze, and Emerick Cross, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gunnar Hand, Director of Planning; Janet Parker, Administrative Assistant; Katherine Carttar, Director of Economic Development; Kathleen VonAchen, Chief Financial Officer; and Michael Callahan, Fire Chief.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, commissioners, staff, and public are attending by way of conference call. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public, that is participating, knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Mayor Alvey called the meeting to order. Would the Clerk please call the roll?

Roll call: Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Alvey.

Invocation was given by Commissioner Harold Johnson, Faith Deliverance Church of God in Christ.

Mayor Alvey asked the Clerk, are there any revisions to tonight's agenda? **Bridgette Cobbins, UG Clerk**, said yes, Mayor. We do have a blue sheet item. Under the Administrator's Agenda, we have a new item, it's Item No. 2. That item is a request to set the maximum mill levy for the SSMID. **Mayor Alvey** said the Self-Supporting Municipal Improvement District.

Mayor Alvey said tonight, we have two distinct parts to our meeting, the Planning and Zoning first followed by Regular Commission. I'd ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

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

Ms. Cobbins asked if any member of the Commission wished to disclose any contact with proponents or opponents on any items on the Planning and Zoning Agenda. **Commissioner Burroughs** said I've been contacted on #SP-2019-111 and #SP-2020-23.

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

Mayor Alvey asked, does any member of the Commission, County Administrator, or public 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. **Commissioner Burroughs** said I do have two items. I would like to know our procedure. If these are approved by consent, there's no opportunity to ask questions, but I do have a few questions on a few of the items. I'm going to ask that 2019-111 be set-aside and 2020-23 be set aside. That's under Special Use Permit Applications Items 1 and 2. **Mayor Alvey** said I see, 2019-111 and 2020-23. **Commissioner Burroughs** said that's correct, sir. Thank you.

Mayor Alvey asked, Ms. Cobbins, did we have any requests from the public to set-aside an item? **Bridgette Cobbins, UG Clerk**, said no requests to set-aside items, Mayor. **Mayor Alvey** said thank you. I'll entertain a motion for approval of the Planning and Zoning Consent Agenda.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the Planning and Zoning Consent Agenda, excluding the two set-asides. Mayor Alvey** said we have a motion and a second. Roll call please. Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 20217...CHANGE OF ZONE APPLICATION #3216 - ASAF EYLON/FOYLON INVESTMENTS, LLC

Synopsis: Change of zone from R-1(B) Single Family District to R-2(B) Two Family District for continuation of a duplex at 520 Sandusky Avenue, submitted by Gunnar Hand, Director of Planning. The Planning Commission voted 6 to 0 to recommend denial of Change of Zone Application #3216.

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to Factors to be Considered and Key Issues and recommends denial of Petition #3216, subject to all comments and suggestions outlined in this staff report, summarized by the following reasons:

1. The applicants have not held a new neighborhood meeting in compliance with neighborhood meeting guidelines and staff direction;
2. The applicants have not provided an acceptable parking plan to satisfy Section 27-457(d); and
3. In light of the fact that no other adjacent properties are of the same or greater use intensity than the zoning use in this request, and in light of the fact that the property does not have legal non-conforming status, the requested change the zone is considered spot zoning and is contrary to planning best practices.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to deny Change of Zone Application #3216.** Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 20218...CHANGE OF ZONE APPLICATION #3222 – MAYA DIAS

Synopsis: Change of zone from R-1(B) Single Family District to R-2(B) Two Family District to bring the existing non-conforming duplex into compliance at 16 South 23rd Street, submitted by Gunnar Hand, Director of Planning. The applicant wants to reflect the historic and desired use of the property. The applicant states that her elderly mother currently lives in one of the units, and that the applicant would like to rent out the other unit in order to financially support her mother. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application #3222, subject to:

Urban Planning and Land Use Comments:

1. Provide additional pictures of the two units of the building.
Applicant Response: Please find attached the requested interior pictures. If more are required, please let me know.
Staff Response: Interior photographs have been received. Select photos can be found in the “Attachments” section of this report.
2. In her application, applicant mentioned that there were Kansas Gas records going back to 2002. Does applicant have access to these records in order to establish legal non-conformance?
Applicant Response: I spoke with Kansas Gas customer service who told me records go back to 2002 (that is all she could see electronically). Apparently, before that, records are paper based. I bought the property last year 2019, from an estate sale so have no access to prior owners’ records.
Staff Response: Staff has confirmed non-conforming use of the property has existed at least since 2005, if not earlier.
3. Staff stresses to applicant the significance and permanence of a change of zone ordinance. While the proposed setup of the duplex appears to be community-oriented and has positive externalities for the neighborhood, there may come a time where the living arrangements in the duplex change. Staff encourages the applicant to continue to be an active and responsive landlord, no matter who is living in or renting the duplex.
Applicant Response: It is my intention to remain an active and responsive landlord. Since buying the property and learning of the requirements, I have been trying to comply with all requirements. I am maintaining the property in good condition.
Staff Response: Staff commends applicant on her efforts so far, including her prompt and comprehensive communication throughout the change of zone process. We look forward to her and all of her tenants being a part of the Wyandotte County community.

Planning Engineering Comments: none.

Conditions of Approval:

1. The residence must be in compliance with all building and fire codes; and
2. Residents and visitors must park vehicles on the driveway if space is available in order to address potential on-street parking that comes with increased density.
3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer)

immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application #3222.** Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 20219...SPECIAL USE PERMIT APPLICATION #SP-2019-111 - RYAN DENK/MCANANY, VAN CLEAVE & PHILLIPS, P.A.

Synopsis: Special use permit to stockpile and process concrete material at 7241 Kaw Drive, submitted by Gunnar Hand, Director of Planning. The applicant, on behalf of G&G Holdings, LLC, wants to conduct this process on 8.2 acres and remove fill from the floodplain/floodway. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2019-111, subject to:

Urban Planning and Land Use Comments:

1. Materials cannot be stockpiled in the regulatory floodway or floodplain (Zone AE): Work cannot be performed in the floodway or floodplain;
2. The natural flow of the floodway and floodplain cannot be altered;
3. A Letter of Map Revision (LOMR) must be completed in order to bring the property above the floodplain elevation. A licensed Kansas surveyor can provide an elevation certificate. In order to raise the grade 18" minimum above the base flood elevation, a fill permit is required; and,
4. Per Business Licensing: Business filed an Occupation Tax Application. If approved, they will need to maintain a current application with this office as long as they continue to occupy and operate.

Planning Engineering Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval:
 - a. Please coordinate with Byron Toy (913-573-5757), UG Planning Department, for additional Planning and Zoning requirements i.e. work within floodplain and floodways.
 - b. Remove stockpile material that is within the floodway and railroad right-of-way. Removal of stockpile materials must be completed within 60 days of the special use permit approval.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: none.

Conditions of Approval:

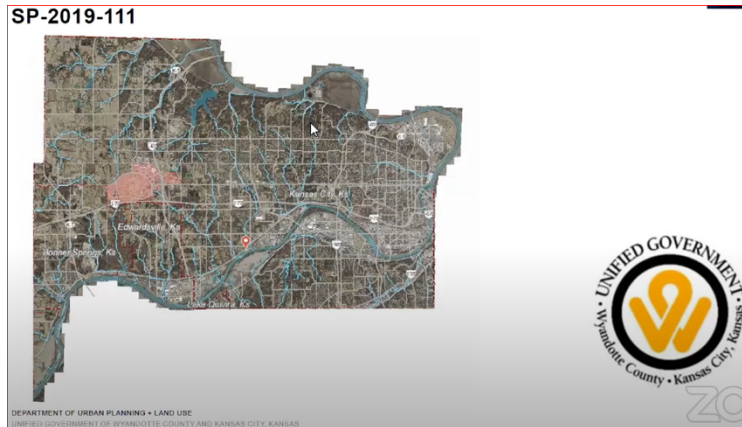
1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check or the petition becomes invalid;
2. The special use permit shall be valid for two years;
3. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM.;
4. Rumble strips shall be installed at the exits to remove any debris from accumulating on the roadways;
5. Dust is a significant problem with dirt fill and gravel operations in the vicinity, especially for the residents north of Kaw Drive. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto Kaw Drive;
6. All stockpiles shall be removed from the regulatory floodway and Zone AE within 60 days from the Board of Commissioners' meeting date. Planning staff will inspect the property, and if it finds the stockpiles have not been moved, the applicant and owner will be cited for violating the conditions of this special use permit and fined accordingly and may risk revocation of the special use permit;
7. All materials (stockpiles, equipment or any other accessory) shall be stored in Zoned X based on the boundary survey sealed March 11, 2020.
8. Stockpiles shall be corralled by to prevent them from shifting south into Zone AE the regulatory floodway.
9. Shall maintain a current application with the Business Licensing Department as long as they continue to occupy and operate;
10. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc.) from the Public Works Department;
11. Obtain any permits, as necessary with the Building Inspection Department;
12. Shall comply with Planning Engineering comments; and,
13. 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.

Mayor Alvey said I'll turn it over to staff.

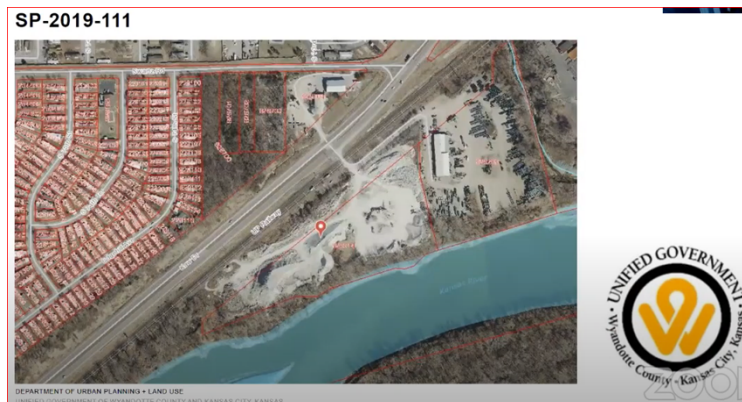
SP-2019-111	
Petitioner:	Ryan Denk
Address:	7241 Kaw Drive
Synopsis:	To keep stockpiles and process (crushing and sorting) concrete materials.
	

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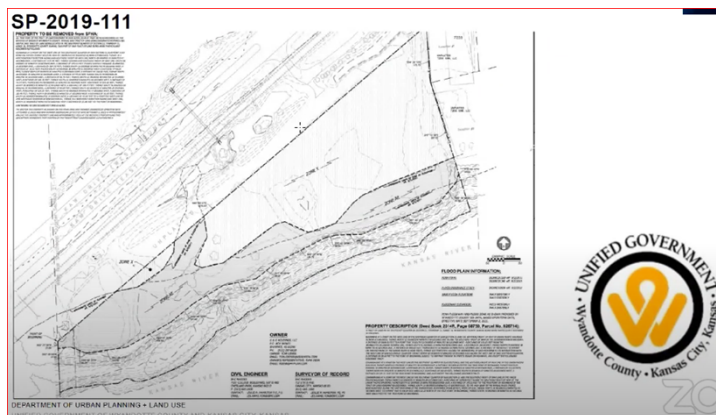
Gunnar Hand, Director of Planning, said this is an existing stockpile and processing plant that was recently purchased. They are looking to continue the operation with a few changes.



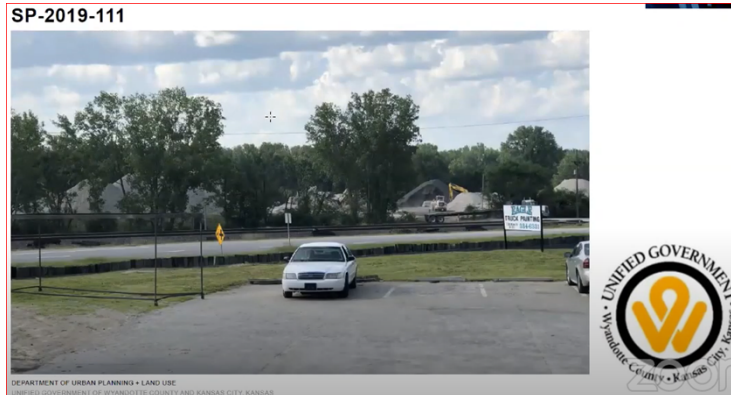
Again, it's located in an industrial area in the Turner community, on the other side of the Kansas River, sort of near the industrial park there.



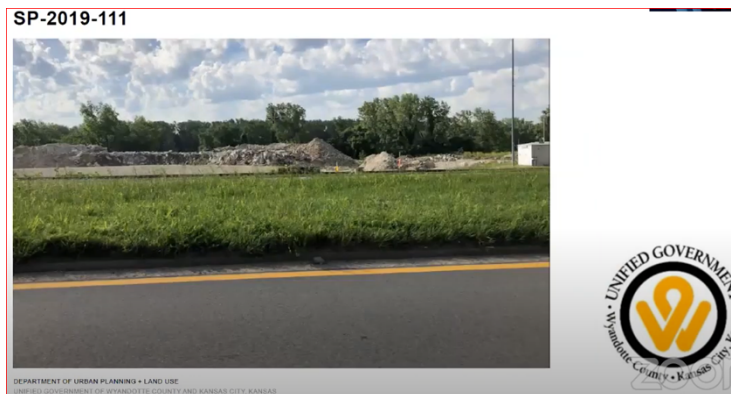
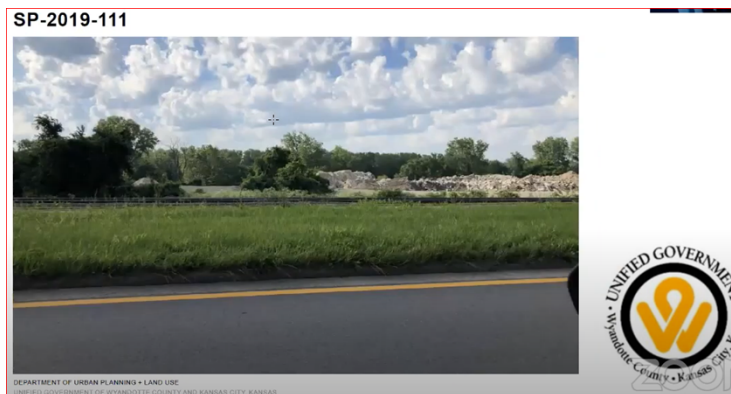
You can kind of see here, right off of Kaw Drive, in between Kaw Drive and the Kansas River.



They have requested a change to the zoning floodplain map with FEMA. This is that application that was approved. As approved, it did change the different zones; however, some of the existing stockpiles are still in the AE Zone and needs to be removed from that. That was part of our conditions of approval.



These are some of the site photos. As you can see sort of, again, across from Kaw Drive is an active location.



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Public Comments: None to date

Staff Recommendation: Approval

Conditions*:

1. \$125.00 Ordinance Publication fee;
2. Subject to approval, the Special Use Permit shall be valid for two (2) years;
3. Hours of operation shall be Monday through Friday, 8:00 AM to 5:00 PM;
4. Rumble strips shall be installed at the exits to remove any debris from accumulating on the roadways;



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We added a couple of dust mitigation conditions to this project as well. They do have an existing dust mitigation plan and we just felt that based on some of the concerns that we had about the property, that we would add on top of those a few others. They included things like rumble strips on exits so they wouldn't carry that dust into Kaw Drive and onto the public road; dust and gravel for that matter, as well as sort of a daily wetting of all of the site just to keep dust mitigation down.

SP-2019-111

Conditions (continued):

8. Stockpiles shall be corralled to prevent them from shifting south into Zone AE and the regulatory floodplain;
9. Shall maintain a current applicant with the Business Licensing Department;
10. Trucks that receive material from this location shall obtain all necessary permits (hauling, etc. from the Public Works Department;
11. Obtain any permits, as necessary with the Building Inspection Department;
12. Shall comply with Planning Engineering Comments; and,
13. If issues arise with adjacent property owners and are brought to staff's attention during this term, this Special Use Permit can be brought to the Unified Government Board of Commissioners for revocation.



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We also added a condition of approval. I believe it is within 60 days—that was part of the conversation with the Planning Commission—they would set up a meeting with our Zoning Enforcement agent who would go out there and sort of confirm that those stockpiles had been moved out of the floodplain.

With those conditions, we still recommend approval as did the Planning Commission.

Mayor Alvey asked, is the applicant available? **Mr. Hand** said Mr. Denk is the representative for the property owner. **Mayor Alvey** said just present your application, Mr. Denk.

Ryan Denk, McAnany, Van Cleave & Phillips, P.A., said this has been an existing site. It's owned by Kansas Heavy Constructors. They are the heavy road constructor. In fact, they do a lot of projects for the Unified Government. This is a site where they have a concrete plant. We submitted the application. They've been in operation on this site for a number of years. Staff informed us that a special use permit should be required for outside storage of materials in question. They retained me and we have submitted the application.

There were some floodplain issues, as Mr. Hand referenced. We've addressed those. We've dealt with those with FEMA and got a map amendment. We are in agreement with all of staff's recommendations. Any questions that any of you have or Commissioner Burroughs has, I'd be happy to try to field that.

Commissioner Burroughs said I pulled this because I had been notified by a number of residents in the area about the continued dust, but more importantly, the piles were, as Mr. Denk clearly stated there were issues about it encroaching upon the floodplain and if I remember correctly, upon the railroad property. The facility was not maintaining its boundaries with material that needed to be addressed.

I contacted the department, I think, well over a year ago in reference to this location that I had received a number of complaints from constituents in the area. I'm pleased to hear that there have been changes made in reference to the materials being cleared up, but they didn't move the material. All they've done is apply for an application with the floodplain, if I'm to understand what Mr. Denk said or stated.

Mr. Denk said they have moved materials. They've relocated materials in accordance with the new plan that we submitted. The materials that were in the floodplain have been moved; the encroachment upon the railroad right-of-way. There is a map that's attached to the application that shows where some of the stockpiles were that have been pulled back out of the railroad right-of-way. Of course, as part of the application, staff, we have to within 60 days of approval, staff has to come back out and confirm that we have pulled those materials back to that Zone X that you see represented there. That's a condition of approval, which we agree with.

Mr. Hand said, Commissioner Burroughs, just on top of that, we, as of the nature with an operation like this, piles of stuff kind of move around naturally as they're moving them from one place to

another. We added in the conditions that those piles had to be corralled, so those corrals will now essentially be a retaining wall, if you will, around those big piles. That will sort of keep them from drifting into AE, we hope. Those are what we're really going to go out there and measure and make sure that they're out of the AE zone within 60 days. **Commissioner Burroughs** said I appreciate that, Gunnar.

Commissioner Burroughs said the only other question/comment I had was the environmental impact, the dust, as well as any contaminate products within the concrete that may seep into the ground or have been adjacent to the floodplain. I know last year we had high water. I was just very concerned about any contaminate materials that may have been—that the soil may have contracted and/or the waterway may have contracted through the material. I had some concerns.

I'm not opposed to the project, but I do have some concerns about a five-year request for a special use permit. I would like to see a shorter term and then to ensure that the business is complying with the new requests and that they will continue to comply. That is an area that is close to a waterway as well as a railway as well as an R-1 development for single families. We've had some issues over the past couple of years that were brought to my attention. So, what I'm opposed to is the five-year request for the special use permit.

Mr. Denk said I believe our approval in front of the Planning Commission was for two, which is the initial term under the code. That kind of contemplates a test run, and then we can come back for the longer term. **Commissioner Burroughs** said thank you, Mr. Denk. If it is two, I'm supportive of two. I'm reading my recommendation here. I apologize. I lost my place. I was looking over the map. I do see it was for two years. Thank you for that clarification. I apologize for bringing that issue forward.

Gunnar, that's the only questions and comments I had. I would hope that the company, as well as Mr. Denk's client, recognizes that we do believe that the area down there needs to be maintained in proper order and that that waterway is an important contributory to our drinking water and water is important to not only to our community but others, as well as the R-1 area down there for single families on the dust mitigation. If they're willing to do that. I sincerely appreciate the opportunity to question Mr. Denk this evening. Gunnar, thank you for your work on this.

Mayor Alvey asked the Clerk, is there anyone present or anyone called in would like to speak in favor or in opposition? **Bridgette Cobbins, UG Clerk**, said no one has contacted the Clerk's Office. **Mayor Alvey** asked, is there anyone on the call who would like to speak either in favor or in opposition? (There were none.)

Mayor Alvey said if there are no further comments from the public, we'll close the public hearing. Would the petitioner like to make any closing comments? **Mr. Denk** said no. **Mayor Alvey** asked, do any members of the Commission have any questions or comments? Seeing none, I'd entertain a motion.

Action: **Commissioner Markley made a motion, seconded by Commissioner Philbrook, to approve Special Use Permit Application #SP-2019-111 for two years, subject to the stipulations.** Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 20158...SPECIAL USE PERMIT APPLICATION #SP-2020-23 - BENJAMIN STEPHENS WITH COPART OF KANSAS INC.

Synopsis: Renewal of a special use permit (#SP-2017-32 - expired 10/26/2019) for a parking facility at 6130 Kansas Avenue, submitted by Gunnar Hand, Director of Planning. The applicant wants to continue to use their automobile storage lot across the street from their principal facility at 6221 Kansas Avenue to keep used, damaged and undamaged, operable and inoperable vehicles on 12.04 acres. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2020-23 for five years, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, the special use permit shall be valid for five years.
2. Please provide an updated day-to-day business operation for the vehicle overflow storage lot.
Applicant Response: Approximately 30-40 cars per day are moved to and from this lot to the main lot across the street. Only loaders are on this property. There are no tow trucks or transport trucks that enter this lot.
Staff Response: This practice shall continue as stated previously.
3. The original special use permit expired in October 2019. Can you explain why the application was not filed in the Fall 2019?

Applicant Response: Personnel changes caused there to be some confusion over the permit application.

Staff Response: While staff understands that there are personnel changes within the company, the applicant and representative are the same individuals who applied in 2017. In the future, the special use permit cannot lapse or it will jeopardize your renewal process.

4. What are the proposed hours of operation?

Applicant Response: Monday through Friday, 8:00 AM to 5:00 PM.

Staff Response: Hours of operation have not changed since their initial approval and shall remain the same.

5. All lighting installed in the parking lot shall continue to have 90-degree cutoff fixtures.

Applicant Response: Acknowledged.

6. Vehicles are brought to the site by haulers, in various states of disrepair, and they shall be stored in an orderly manner, not stacked on one another and entirely screened from public view.

Applicant Response: Acknowledged.

7. No speakers will be used for communications for auctions.

Applicant Response: Acknowledged.

Planning Engineering Comments: none.

Business License Comments: The applicant has filed and maintained annual occupation tax application since 1987 and is currently located at 6211 Kansas Avenue. However, this location is not contiguous with existing business operations of the applicant; and is actually separated by Kansas Avenue. If approved, applicant would need to file and maintain occupation tax application for this additional location.

Applicant Response: Acknowledged.

UPDATE – May 11, 2020:

The applicant provided an updated stormwater drainage memorandum that discusses the background of the run-off issue and drainage analysis (pre- and post-development drainage conditions). In addition to the memorandum, included in the packet are aerial site photographs dating back to 2010, 2016 and 2018 to show site conditions on Sam and Maria Yazdani's property to the west and Copart's to the east.

The applicant's representative Jay Healy, P.E. with George Butler Associates, Inc. provided the analysis and concluded that pre- and post-construction drainage has not changed, the drainage area from pre- to post-construction is smaller and the stormwater on Yazdani's property enters a drainage ditch to the north of the east side of their property, or west side of Copart's.

Conditions:

1. The special use permit shall be valid for five years;
2. Approximately 30 – 40 cars per day are moved to and from this lot to the main lot across the street. Only loaders are on this property. Transport trucks and tow trucks are not permitted on the property;
3. Hours of operation shall be from 8:00 AM to 5:00 PM, Monday through Friday;
4. All lighting installed in the parking lot shall continue to have 90-degree cutoff fixtures;

5. Vehicles are brought to the site by haulers, they shall be stored in an orderly manner, not stacked on one another and entirely screened from public view;
6. No speaker will be used for communications for auctions;
7. File a new, and maintain an occupation tax application current from Business License Department for this property; and,
8. Lapse in future special use permits will require the applicant to submit as a new special use permit, not a renewal, and all operations will have to cease until such time as a special use permit is approved.

Additional Condition from meeting:

Copart provide a drainage system within the next 90 days to prevent any water run-off from their property to the Bermuda property and to correct any previous drainage problems from the Copart property based off the testimony from Sarah White in the Public Works Department and the engineers for the applicant and Bermuda's would work with Planning Engineering and Public Works Engineering.

June 25, 2020 Update: This application was held over at the request of the applicant and Bermuda's attorney at the May 28, 2020 Board of Commissioners' meeting. The staff has not received any additional information from either party since that meeting.

Mayor Alvey said staff.

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Petitioner: Ben Stephens

Address: 6130 Kansas Avenue

Synopsis: To continue to use a surface parking lot as a storage area for automobiles (used, damaged, and undamaged, operable and inoperable vehicles).



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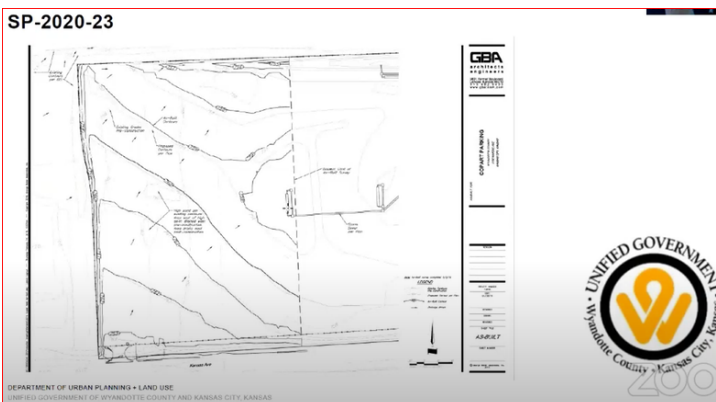
Gunnar Hand, Director of Planning, said Special Use 2020-23 is a Copart project. This is the one that's been continued multiple times by the Planning Commission and once by the Board of Commissioners to continue the use of a surface parking lot as storage there for automobiles.



Again, not too far from our last case that we just heard in that industrial area.

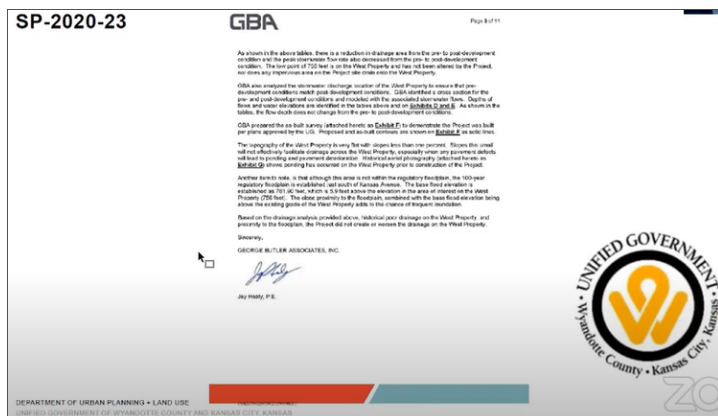


Again, close to the Kansas River in between Kaw Drive and the Kansas River on Gibbs Road.



This is the one where there's been some issues from the adjacent property owner, Bermudas Night Club, who I believe is in attendance, and both the owner of the Copart property and applicant as well as Bermudas is on the call tonight.

As we understand it, and I think they can do a better job presenting it, we had asked them for quite some time, even during the Planning Commission, to come to an agreement between one another. I believe they have reached that agreement. Part of the clarification that we were hoping to see tonight from the Planning Commission hearing was, in addition to the conditions of this project as is, were two things.

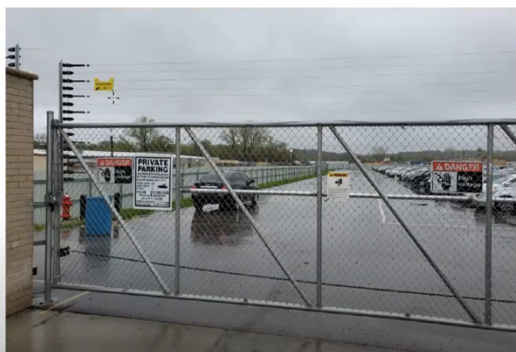


One, sort of designate myself, the Planning Director, as the final determinate of said resolution. There had been some confusion in previous approvals where we have told an applicant and adjacent property owner to come to a resolution and then who decided that resolution was another point of contention. So, I think for clarification, I think it would be a benefit to everyone if we sort of made myself that, as determinater of the resolution. Again, there's a storm drainage issue between the two properties along the shared property line.

Secondly, I understand that they have, and they have sent us in the last few days, a draft of that resolution on what a potential solution could look like. We need time from my engineers, as well as Public Works' engineers, to review that document. So, we would also ask the second condition be applied where they submit that. I think the last continuant said 90 days. It's been 60 days since that time, so we would ask that within 30 days, they submit that to our Development Review Committee, which is essentially just not to have it go through DRC, but it's essentially the mechanism by which we can bring all the approval agencies together and review that resolution document. We'll set up a dummy DRC number and then run it through all the different agencies and confirm that that is an acceptable solution. With those two conditions, we still recommend approval.

Here's some pictures of that issue that you can see here on a rainy day.

SP-2020-23



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SP-2020-23



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With that, I think the applicant is here to say a few words.

Mayor Alvey said, essentially, Gunnar, what you're saying is that the points of contention will be left to the discretion of administration of you and staff to work this out. When we approve this, we're basically authorizing you, and they are agreeing, that that's going to be the arrangement?

Mr. Hand said correct. **Mayor Alvey** said thank you.

Mayor Alvey asked, would the applicant like to come forward?

SP-2020-23

Public Comments: Maria Yazdani, property owner of Bermuda's (6220 Kansas Avenue) and her attorney, Tuck Duncan expressed opposition to this development at the March 9, 2020 CPC meeting because of ongoing site drainage issues pre- and post-construction of Copart's storage lot.

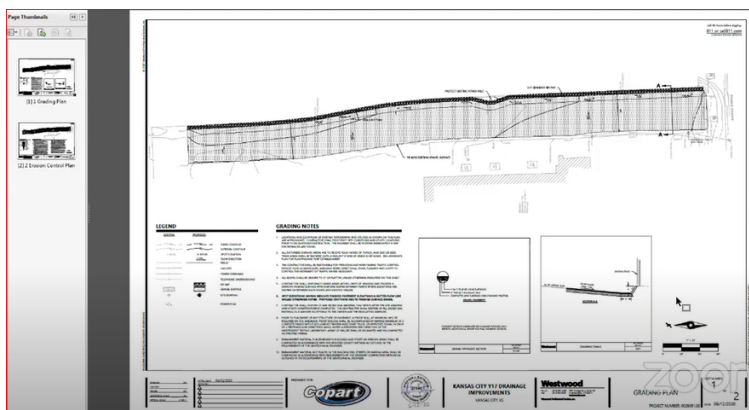
Staff Recommendation: Approval

Conditions:

1. Subject to approval, the Special Use Permit shall be valid for five (5) years
2. Approximately 30 – 40 cars per day are moved to and from this lot to the main lot across the street. Only loaders are on this property. Transport truck and tow trucks are not permitted on the property;



DEPARTMENT OF URBAN PLANNING • LAND USE
UNITED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS



Anna Krstulic said I just want to give you an update. Copart did engage an engineer to prepare a grading and erosion control plan in order to address the drainage issue that Gunnar just showed you. Ben Stephens of Copart and Sam Yazdani of Bermudas discussed the plan. From Bermudas' attorney, Tuck Duncan, reviewed them as well. He approved those plans and a phone call to me on Monday, which was the 22nd. I had sent the plan to Planning staff last Friday, the 19th, and staff has acknowledged receipt. So, Copart is prepared to work with staff to address and resolve the drainage issue.

The one clarification we would like to request is in the additional condition added by the Planning Commission on the 11th, if we could replace the phrase, "prevent any water runoff" with "resolve water runoff problems." The purpose of that is to maintain the intent of the condition without imposing an unreasonable standard on Copart.

Mayor Alvey asked, Gunnar, does that seem reasonable? **Mr. Hand** said we'd be amenable to that change.

Commissioner Philbrook asked, Gunnar, would you mind saying all of the provisions that we've now added to this document? Would you mind? **Mr. Hand** said yes, of course. I'll start with the

motion from the Planning Commission that Ms. Krstulic just asked to be slightly changed. It's a little long-winded. Then I'll go to the two that I was requesting.

The request from the applicant was to revise the motion for approval from the Planning Commission to read, Copart provide a drainage system within the next 90 days to resolve water runoff from their property to the Bermuda property, and to correct any previous drainage problems from the Copart property based off testimony from Sarah White in the Public Works Department and the engineers for the application; and Bermudas would work with Planning engineering and Public Works engineering. So, that revision changed 90 days to prevent any, to 90 days to resolve water runoff, as I understood it, which I think still maintains the intent from the Planning Commission as well as our needs.

The two additions from staff would be to clarify that that resolution would make me the final determinant of reaching said agreement, which essentially means that I'll be the one to decide after review by Public Works and my engineers that the proposed solution is sufficient. If we have any changes, we'll do a round of reviews with the applicant, confer with Bermudas again, and sort of move forward with that. Again, we have some past history with some confusion on said solutions.

Secondly, within that 90 days, I think we are now 60 days from when this was made in May, or we will be close to 60 days when this was made, so we would ask that they submit the plans that are on the screen right now essentially within 30 days for our review and that they submit that directly to DRC. We'll essentially take that into our intake, process, review it, get back to them if they have any comments then move forward. There is a chance here that this—they're basically—let me go back to my other presentation.

They're essentially going to grade along the property line here. What they've proposed to grade, if it goes over a certain amount of cubic feet, they're going to need an additional grading permit. I can't say if that's going to happen or not because we haven't reviewed these plans in detail with all the advice and things but, again, I think it would behoove us to understand that there could be things that come out of that review like a grading permit. That, again, is part of the review process.

Commissioner Philbrook asked, do you believe that there is—if they do need another grading permit, that's going to be a problem? **Mr. Hand** said no. That can be done administratively. That's not an issue. **Commissioner Philbrook** said okay. Thank you.

Mayor Alvey asked, is there anyone present who would like to speak in favor or anyone on the line who would like to speak in favor of this? **Mayor Alvey** said, Gunnar, we've got to know whether that change of language—it seems to me that to say—to make that change of language, since it is a significant difference otherwise it would not have been raised, does that require it to go back to Planning and Zoning to have the Planning and Zoning recommend that change of language?

Ken Moore, Chief Counsel, said, Mayor, I think the question in my mind is whether that change is substantial enough to require eight votes to incorporate that from the Planning Commission's recommendation or can it pass solely with six votes. I guess to make that determination, it would be helpful to have maybe a little more explanation from Mr. Hand as what or how important the Planning Commission relied on incorporating that language. If it was a key part in what they did, even though it's unreasonable expectation, that would be a change, a material change from their condition, which I believe would require eight votes for the Commission to approve this special use permit.

Mayor Alvey said perhaps the question is, Gunnar, in development practice, is that actually a difference in language, a difference in standards that is (inaudible). **Mr. Hand** said I'll guess I'll take them one at a time. I think to amend their motion for approval from "prevent any" to "resolve," I would see that as a minor change. I think it still addresses exactly what their intent was for this which was for them to reach an agreement amongst themselves and then allow the Planning Department and Public Works Department to review that resolution.

I think the two additional ones, one to clarify that the Director of Planning be the final determinate of that solution is above and beyond that motion that they made, but I think it was—we felt it was important that we clarify it based on previous case history. The truth of it is, it's just kind of the nature of adding conditions in a meeting or a motion to approval with additional conditions included within it. I also don't see that as a major change. It's just designating a single person as opposed to review by two different agencies. We worked through that with Public Works and they're fine with that, if that means anything to anyone.

Finally, the third about the additional 30 days, we believe that's in the spirit and still within the same timeframe of the 90 days from Planning Commission to submit something. I believe the applicant is ready to submit even like now to move this forward as soon as tomorrow to get it into our DRC process. With that, I can reasonably see how it would require eight votes. I don't think

it needs to go back to Planning Commission. It's gone around in circles in the Planning Commission at least three times. We've gotten it finally to the point where the adjacent property owners have agreed to come to a resolution. I think we're all ready.

Mayor Alvey said, Mr. Moore. **Mr. Moore** said I think those two things together are significant enough that it requires eight votes to approve. **Mayor Alvey** said okay. I think we'll have to defer to the attorney on this.

Mayor Alvey asked, again, is there anyone who would like to speak from the public in favor or opposition? Do we have any sign-up, Madam Clerk? **Bridgette Cobbins, UG Clerk**, said the Clerk's Office did not have anyone sign-up. I think we have someone who's hand is raised; Tuck Duncan.

Tuck Duncan asked, would it be appropriate to find out what Commissioner Burroughs' concerns were when he withdrew this so that I can respond to everything at one time? **Commissioner Burroughs** said, Mr. Duncan, my purpose of pulling this is there has been much discussion. As you can tell, there's some ambiguity as to what kind of settlement is going to happen here this evening. The fact that Copart was behind in asking for a special use permit by about eight months, that raised a little bit of concern. I just want to ensure that all parties are in full agreement because once this is settled and once this moves forward, there is very little remedy opportunities for Bermudas that is being impacted by the waterflow and/or the standing water caused by the construction of Copart. If these businesses are going to co-exist, I would hope that we only see them when they come to renew permits and not see them through Planning and Zoning dealing with on-going issues. That's my purpose for bringing this forward to get all the questions answered; i's dotted, t's crossed.

Mr. Duncan said thank you for giving us the opportunity, and I will be brief. As counsel for Copart has indicated, we had a conversation earlier this week. My client, who I think is also on Zoom, has been dealing with Copart with regard to putting together a schematic by which to try to prevent the excessive water, any means, 100%, that is probably unreasonable. There wasn't much time the night of the Planning Commission to actually work on that language with all the parties. We don't have any problem with addressing this to resolve water runoff because that's what we've always been trying to do which, as I understand it, will take the water to the north.

We have no problem with the Planning Director being the final arbiter, as it were, with regard to whether the plan and its capability of accomplishing that which, I believe, he understands very well is the problem here with regard to the waterflow situation. I thought the plan was submitted last Friday, but I'm sure counsel for Copart will resubmit it, if not this week, the first part of next week, and the 30 days can be accomplished.

I would say the parties have been working in good faith. We think this is a good resolution and I would suggest that, my guess is, there'll probably be eight votes and, therefore, that issue, as Mr. Moore indicted, probably would be moot inasmuch as the parties have come to a conclusion.

I want to thank the city staff in particular for their working with everybody to try to herd these cats in such a way as we could get this matter resolved. Thank you very much. We would ask that you approve it with these additional revisions, conditions, and modifications.

Mayor Alvey said I'm assuming there are no further comments or questions from the public. I will close the public hearing.

Mayor Alvey asked, do any members of the Commission have any questions or comments? **Commissioner Philbrook** said it is my district. I would tell you that area down there has been an issue long before Copart ever came in. Having said that, I am very pleased to see that Mr. Hand was capable of working with both parties to come to a resolution. I want to thank them for all that work. I want to move for approval of this with the stipulations added in; the three stipulations.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application #SP-2020-23 for five years, subject to the stipulations, to include the three added in this evening.** **Mayor Alvey** said we have a motion and a second. Roll call, please. Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 20207...SPECIAL USE PERMIT APPLICATION #SP-2020-35 - ANITA SHIKLES

Synopsis: Renewal of a home occupation special use permit (#SP-2018-24 - expired 5/31/2020) for an Airbnb at 1820 North 90th Street, submitted by Gunnar Hand, Director of Planning. This special use permit will allow for the operation of a bed and breakfast. This property is the applicant's primary residence. The applicant rents two rooms on the Airbnb website. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2020-35, subject to:

Urban Planning and Land Use Comments:

1. How will you communicate with the neighbors if there is an issue?
Staff Comment: There are no residents closer than 200 feet away, however, I am happy to address any concerns that are brought to me.
2. How will you pay appropriate lodging taxes?
Applicant Response: Appropriate taxes are taken out and paid by Airbnb.
3. How many rooms are rented?
Applicant Response: I rent two bedrooms.
4. What is the maximum number of people that will be staying at any one time?
Applicant Response: I allow only up to four adults in my home.
5. How often are the rooms rented, on average?
6. What is the maximum number of vehicles and where will they park?
Applicant Response: I have parking for one vehicle at the back of my home.
Staff Comment: Provide site plan with parking noted.
7. How often are guests in the residence?
8. Provide proof of a rental license from the Unified Government.
Staff Comment: Applicant has provided a 2020 Occupation Tax Receipt. It is attached below.
9. How many total bedrooms are in the home? Provide a floor plan.
10. Provide a detailed description of the areas rented for Airbnb..
Applicant Response: I have two bedrooms for guests. One is 12x12 in size. One is 10x12 in size. There is one bathroom that is 10x10 in size. Guests may use the common area that is 11x22 in size. There is a small kitchen area in that space that they may use.
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 Response: There are smoke detectors in each room and space in my home. There are also fire extinguishers in my home.
 - b. GFCI outlets required in bathrooms.
Applicant Response: Bathroom and kitchen areas have correct wiring up to code.
 - c. Double keyed locks are not allowed.
Applicant Response: There are no double key locks.
 - d. Copper cannot be used for gas supply lines.
Applicant Response: There is no copper for gas supply lines.
 - e. Windows must be operable, not blocked or boarded.
Applicant Response: Windows are operable.
 - f. Handrails are required at sets of four or more stairs/risers.

Applicant Response: There are no stairs where the two bedrooms are.

- g. Hot water tank and furnace must be vented properly and operational.

Applicant Response: The hot water tank and furnace are properly vented and operational.

- h. Electric panel and circuits must be safe.

Applicant Response: Electric panel and circuits are safe.

12. Do you have a renter's rules manual? If so, please provide.

Staff Comment: Applicant has provided a list of rules and regulations for guests. It is attached below.

Planning Engineering Comments: none.

Business License Comments:

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

Conditions of Approval:

1. The special use permit shall be valid for two years,
2. Property shall be rented out to no more than four guests at a time; and,
3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper. If the check is not submitted within 30 days after approval, the petition will become invalid.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-35 for two years, subject to the stipulations. Roll call was taken and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – 20208...SPECIAL USE PERMIT APPLICATION #SP-2020-37 - ADRIENNE BORTZ/GABEL RENTALS, LLC

Synopsis: Renewal of a special use permit (#SP-2018-16, expired 3/1/2020) for a short-term rental/Airbnb at 1101, 1103, 1107 and 1109 North 79th Terrace, submitted by Gunnar Hand, Director of Planning. This would allow the continued use of their four townhome properties for the operation of short-term rental spaces through sites such as Airbnb and VRBO. These properties are not the applicant's primary residence. There have been no notices of violation issued on these properties. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2020-37, subject to:

Urban Planning and Land Use Comments:

1. Please provide updated site photos and a floor plan of the interior of the properties.
Staff Comment: Applicant has provided updated site photos. They are attached below.
2. How will you communicate with the neighbors if there is an issue?
Applicant Response: Neighbors have been provided email and phone numbers to communicate. We have only had positive feedback.
3. Who will manage the properties and are they available 24 hours of a day?
Applicant Response: Adrienne Bortz is the property manager for the LLC and is available 24 hours a day via the phone.
4. How will you pay appropriate lodging taxes?
Applicant Response: Lodging taxes are paid via Airbnb.
5. How many rooms are rented in each unit?
Applicant Response: All four are each rented as a whole unit.
6. What is the maximum number of people that will be staying at any one time per unit?
Applicant Response: No more than four adults.
7. What is the maximum number of vehicles and where will they park? Please include a site plan that indicates where parking takes place.
Applicant Response: Never had more than 3 per unit. 2 per driveway and one per garage. The site has off-street parking for two vehicles for each property, garage and driveway.
8. How often are guests in each unit?
Applicant Response: We average 70% occupancy rate. Interestingly, approximately half of our guests rent for more than seven days. Our long-term guests tend to be either family of area residents or employees that are looking to relocate to the area and stay with us as they search for homes.
9. Provide proof of rental licenses from the Unified Government.
Staff Comment: Applicant has provided proof of rental licenses. They are attached below.
Note: Payment was mailed on May 29, 2020 for the expired licenses.
10. Provide a detailed description of the areas rented for short-term rental.
Applicant Response: 1101 N. 79th Terr., 1103 N. 79th Terr., 1107 N. Terr., (1109 N. Terr. is currently a long-term renter, but we are seeking a permit for this address also)
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 Response: Yes, have them.
 - b. GFCI outlets required in bathrooms.
Applicant Response: Yes, have them.
 - c. Double keyed locks are not allowed.
Applicant Response: Do not have double keyed locks.
 - d. Copper cannot be used for gas supply lines.
Applicant Response: No copper on gas supply.
 - e. Windows must be operable, not blocked or boarded.
Applicant Response: Yes, windows are all operable and not blocked.
 - f. Handrails are required at sets of 4 or more stairs/risers.
Applicant Response: Not Applicable.
 - g. Hot water tank and furnace must be vented properly and operational.
Applicant Response: Both are working and vented properly.
 - h. Electric panel and circuits must be safe.

Applicant Response: Yes, panel and circuits are new and safe.

Applicant Response: Our four properties are newer built duplexes. They meet the safety codes and we provide a safe environment for guests to Kansas City, Kansas.

12. Have you been in compliance with the terms and stipulations outlined in SP-2018-16, which state:

a. Host will obtain a business license with the city for each address.

Applicant Response: Yes.

b. The maximum number of guests is limited to four people per unit (not including infants/children);

Applicant Response: Yes.

c. Neighbors shall be provided with contact information for the owner/operator in case problems arise.

Applicant Response: Yes, neighbors have been provided with contact information.

d. House rules for each unit must include provisions indicating no parties or events to be held on site.

Applicant Response: Yes, there are strict no party rules and are provided to guests.

13. Provide rules and regulations manual for each unit, if different.

Applicant Response: The above rules and regulations are provided to guests.

Business License Comments:

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

Planning Engineering Comments: none.

Conditions of Approval:

1. If approved, the special use permits will be valid for two years;
2. The maximum number of guests is limited to four people per unit (not including infants/children);
3. Neighbors shall be provided with contact information for the owner/operator in case problems arise;
4. House rules for each unit must include provisions indicating no parties or events to be held on site; and,
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper. If the check is not submitted within 30 days after approval, the petition will become invalid.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-37 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 5 – 20209...SPECIAL USE PERMIT APPLICATION #SP-2020- 39 - CYNTHIA PESSELATO

Synopsis: Renewal of a home occupation special use permit (#SP-2018-22, expired 4/5/2020) for a short-term rental/Airbnb at 3107 South 7th Street, submitted by Gunnar Hand, Director of Planning. This short-term rental is through various websites such as Airbnb and VRBO in the applicant's primary residence. There have not been any code violations or code enforcement actions on the property throughout the duration of the time it has been used as a short-term rental. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2020-39, subject to:

Urban Planning and Land Use Comments:

1. Please provide updated site photos and a floor plan.
Staff Comment: Applicant has provided updated site photos. These and the floor plan are attached below.
2. How will you communicate with the neighbors if there is an issue? Who is the point of contact and their contact information if issues do arise?
Applicant Response: I am the point of contact for all issues that arise. All neighbors within 200 ft of the property have my name, phone number, and email and have been able to contact me at any time regarding any issues. To date (the past two years), I have never had a single complaint from a single neighbor. All comments have even been positive.
3. How will you pay appropriate lodging taxes?
Applicant Response: All fees are taken out by Airbnb and all fees are up-to-date.
4. How many rooms are rented?
Applicant Response: The unit includes a bedroom, bathroom, living room and office area with coffee pot and microwave.
5. What is the maximum number of people that will be staying at any one time?
Applicant Response: Two.
6. What is the maximum number of vehicles and where will they park? Please provide a site plan indicating where parking is.
Applicant Response: One car may park on site in my double-driveway.
Staff Comment: Applicant has submitted a diagram indicating where parking is. It is attached below.
7. How often are guests in the residence on average?
Applicant Response: Every month with rare exceptions there is a guest. Some stay only a few days, and some are long-term guests (for instance, I have an ER doctor who comes from Montana every month to work for St. Luke's mini ERs, a few contractors, etc. who stay from five days to several weeks.
8. Please provide proof of a rental license from the Unified Government.
Applicant Response: KCK does not provide me a physical rental license, but all fees are paid and current.
9. Provide a detailed description of the areas rented for the short-term rental.
Applicant Response: One large bedroom with a mirrored closet and window which is fully furnished with a queen size bed, memory foam mattress, a chest of drawers, a settee, two end

tables with lamps, a shelving unit with games, a CD player with CDs and a variety of books as well as a ceiling fan/light fixture. There are oriental rugs on the floor. The closet has extra linens, a fan, ironing board and iron and more. One large bathroom with a tiled walk-in shower, a floating wood floor, a vanity, toilet, medicine cabinet and mirror, shelves for extra linens and a bench to sit on.

One large living area that is covered with a variety of oriental rugs, a couch, chair, flat-screen TV with DVD player and an assortment of DVDs as well as a variety of books, basket with extra throws, two windows, coffee table, small vintage humidifier and end tables, lamps and fan. The living area has a delineated office area with a desk, chair, table, and cabinet with dishes and cups. There is a coffee pot, microwave and an assortment of popcorn, coffee, tea and goodies.

Every area includes a variety of artwork including original paintings, vintage lithographs and signed KC Blues and jazz posters.

10. Describe how you will maintain a safe environment including:

- a. Working smoke detectors in each bedroom plus each level of the unit/house.

Applicant Response: Working smoke detectors, plus on other levels.

- b. GFCI outlets required in bathrooms.

Applicant Response: GFCI outlets in bathroom.

- c. Double keyed locks are not allowed.

Applicant Response: No double keyed locks.

- d. Copper cannot be used for gas supply lines.

Applicant Response: No copper.

- e. Windows must be operable, not blocked or boarded.

Applicant Response: Windows not blocked and can be opened.

- f. Handrails are required at sets of 4 or more stairs/risers.

Applicant Response: No stairs leading to unit, outside handrails on 4 or more stairs leading to patio/deck areas.

- g. Hot water tank and furnace must be vented properly and operational.

Applicant Response: Hot water tank and furnace vented properly and operational.

- h. Electric panel and circuits must be safe.

Applicant Response: Electric panel and circuits are safe.

11. Have you been in compliance with the terms and stipulations outlined in:

SP-2018-22, which state:

- a. The maximum number of guests is limited to two people (not including infant/child); and,
- b. Only one additional (guest) car is permitted.

Staff Comment: Applicant has indicated that yes, she has been in compliance with these terms and stipulations.

12. Provide a guest manual that outlines rules and regulations such as “No partying,” etc.

Staff Comment: Applicant has provided a list of rules. This list is attached below.

Business License Comments:

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

Planning Engineering Comments: none.

Conditions of Approval:

1. If approved, the special use permit will be valid for two years;
2. Only two guests are allowed at one time;
3. Only one vehicle may park in the driveway; and,
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper. If the check is not submitted within 30 days after approval, the petition will become invalid.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-39 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 6 – 20214...SPECIAL USE PERMIT APPLICATION #SP-2020-40 - DAN BAKER

Synopsis: Renewal of a home occupation special use permit (#SP-2018-46, expired 5/31/2020) for a short-term rental/Airbnb at 322 Cambridge Street, submitted by Gunnar Hand, Director of Planning. This short-term rental is through various websites such as Airbnb and VRBO in the applicant's primary residence. There has been one code violation at this property during the duration of the short-term rental in July 2019. The applicant states that this was issued two and a half years ago for not having a special use permit for the Airbnb. This issue was resolved when they were granted the first special use permit. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2020-40, subject to:

Urban Planning and Land Use Comments:

1. What did you receive code violations for, and have they been resolved?
Applicant Response: The only one I've had was 2-1/2 years ago for not having the SUP for the Airbnb rentals. That was resolved with the first SUP.
2. Please provide updated exterior site photos and a floor plan.
Staff Comment: The applicant has provided a floor plan. It is attached below.
3. How will you communicate with the neighbors if there is an issue? Who is the primary contact and what is their contact information?
Applicant Response: Dan Baker, owner, is primary contact. My neighbors know me and would say something if there were ever an issue. 913-486-5014.
4. How will you pay appropriate lodging taxes?
Applicant Response: They are collected directly through Airbnb.

5. How many rooms are rented?
Applicant Response: One bedroom, one bathroom, one dressing room.
6. What is the maximum number of people that will be staying at any one time?
Applicant Response: Two.
7. What is the maximum number of vehicles and where will they park? Please provide a site plan to show where parking will take place.
Applicant Response: One. In my driveway on the south side of the house.
8. How often are guests in the residence?
Applicant Response: Pre-COVID I had occupancy 15-20 nights per month.
9. Please provide proof of a rental license from the Unified Government.
Applicant Response: Business License 18980-00797.
10. Provide a detailed description of the areas rented for Airbnb.
Applicant Response: I live downstairs and rent out the upstairs bedroom/bath.
Staff Comment: Applicant Photos are attached.
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 Response: Yes.
 - b. GFCI outlets required in bathrooms.
Applicant Response: Yes.
 - c. Double keyed locks are not allowed.
Applicant Response: I have none.
 - d. Copper cannot be used for gas supply lines.
Applicant Response: I have none.
 - e. Windows must be operable, not blocked or boarded.
Applicant Response: Yes.
 - f. Handrails are required at sets of 4 or more stairs/risers.
Applicant Response: Yes.
 - g. Hot water tank and furnace must be vented properly and operational.
Applicant Response: Yes.
 - h. Electric panel and circuits must be safe.
12. Have you been in compliance with the terms and stipulations outlined in SP-2018-46, which state:
 - a. The maximum number of guests is limited to two people (not including an infant/child)
 - b. Only one additional (guest) car is permitted.*Applicant Response:* Yes.
13. Provide a guest manual that lists the rules and regulations such as, "No parties," etc.
Staff Comment: Applicant has provided list of rules and regulations. It is attached.

Business License Comments:

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

Planning Engineering Comments: none.

Conditions of Approval:

1. If approved, the special use permit would be valid for two years;
2. No more than two guests are permitted at a time;

3. Guests are allowed to park only one car; and,
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper. If the check is not submitted within thirty 30 days after approval, the petition will become invalid.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-40 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 7 – 2021...SPECIAL USE PERMIT APPLICATION #SP-2020-43 - JULIA IFTICENE/HAPPY SMILES DAYCARE

Synopsis: Renewal of a home occupation special use permit (#SP-2018-4, expired 1/25/2020) for a day care at 10524 Augusta Drive, submitted by Gunnar Hand, Director of Planning. The applicant has not received any notices of violation. The applicant has stated that parking has not been a problem as there are four parking spaces in their driveway. The applicant has stated that drop-off typically takes two to three minutes per customer. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2020-43, subject to:

Urban Planning and Land Use Comments:

1. Please provide updated pictures of your site and operation.
2. How many children? What ages?
Applicant Response: We usually care for 5-6 kids, all under the age of 5 + 3 of my own kids, our license capacity is 12-14, depending on the age.
3. Do you have staff on site?
Applicant Response: I do not hire any staff, but it is myself and my mom that are providing care (we are both on the license).
4. Please describe how your operation may have changed since last approved as related to general operations, hours, parking, and total number of individuals being cared for.
Applicant Response: Nothing has really changed in our operation process except for the hours. We used to close at 6 PM and since January 1st, 2020 we close at 5:30 PM.
5. The conditions of approval per your previous special use permit are as follows, please describe what actions have been taken to achieve compliance:
 - a. Hours of operation shall be Monday through Friday, 7:00 AM to 7:00 PM;
Applicant Response: We are open 7:30 AM-5:30 PM

- b. Parking shall be restricted to the driveway at 10524 Augusta Drive and one side of the street, as it is possible that “No Parking” signs may be posted in the neighborhood in the future to accommodate KCKFD emergency vehicle access;

Applicant Response: Parking for parents is strictly allowed in our driveway only, we have 4 spaces in front of the garage door.

Applicant Response: We do have full access for KCFD emergency vehicles.

- c. No signs are to be posted on the property advertising the business; and

Applicant Response: No advertising on property, we are family/friend referral only.

- d. Approval is for two years.

Applicant Response: We have always stayed with compliance as far as daily operations and did not have any neighbor complaints about anything.

Planning Engineering Comments: none.

Business License Comments:

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

Conditions of Approval:

1. Hours of operation shall be Monday through Friday, 7:00 AM to 7:00 PM;
2. Parking and drop-off shall be restricted to the driveway at 10524 Augusta Drive and one side of the street, as it is possible that “No Parking” signs may be posted in the neighborhood in the future to accommodate KCKFD emergency vehicle access;
3. No signs are to be posted on the property advertising the business;
4. No employees other than members of the immediate family residing on the premises;
5. Approval for two years; and
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners’ meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-43 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 8 – 20212...SPECIAL USE PERMIT APPLICATION #SP-2020-44 - KELLY HORMANN/A BILLION BUBBLES PET SALON

Synopsis: Renewal of a home occupation special use permit (#SP-2019-59, expires 6/27/2020) for a pet grooming operation at 7114 Parallel Parkway, submitted by Gunnar Hand, Director of Planning. The applicant operates their grooming business out of their basement. The basement of

the home has its own side entrance and driveway with a turn around to the east of the home. The applicant has stated their intentions to provide a high-quality grooming service for both dogs and cats. The applicant has received no notices of violation since their last approval. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2020-44, subject to:

Urban Planning and Land Use Comments:

1. Please provide updated pictures of your site and operation.
2. Please describe any capacity in which your operation has changed as related to facilities, parking, hours, and general operations.

Applicant Response: Since my last approval, we have been busy transforming the basement into the grooming salon. So many improvements have and are taking shape, such as widening the sidewalk to make it handicap accessible, rebuilding the crumbling retaining wall leading to the business, building walls to create the lobby, grooming room, kennel room, and bathing area. We have six weeks left of construction before the official opening July 1st.

3. The conditions for approval per your previous special use permit are as follows, please describe what actions have been taken to come into compliance:
 - a. No signs;
 - b. No employees other than members of the immediate family residing on the premises;
 - c. No more than two clients doing drop-off or pick-up at any one time;
 - d. Hours of operation being 8:00 AM to 5:00 PM;
 - e. No overnight boarding of animals; and
 - f. Applicant must file and maintain an occupation tax application.

Applicant Response: I have remained in compliance with all the points listed in statement #3.

Planning Engineering Comments: none.

Business License Comments:

We do not find that applicant has filed any application with this office for business activities. Comment was made when they made application for SUP that they would need to file application with this office for business activity. If approved, applicant will need to file and maintain a current occupation tax application.

Applicant Response: I plan on filing for my occupation tax closer to my opening date.

Conditions of Approval:

1. No signs;
2. No employees other than members of the immediate family residing on the premises;
3. No more than two clients doing drop-off or pick-up at any one time;
4. Hours of operation being 8:00 AM to 5:00 PM;
5. No overnight boarding of animals;
6. Applicant must file and maintain an occupation tax application;
7. Approval for two years; and
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer)

immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-44 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 9 – 20213...SPECIAL USE PERMIT APPLICATION #SP-2020-49 - TOM WOOD/CREDIT MOTORS, INC.

Synopsis: Renewal of a special use permit (#SP-2018-13, expired 3/1/2020) for car staging area and used to store cars bought out of state that do not have correct documentation at 1401 State Avenue, submitted by Gunnar Hand, Director of Planning. The applicant had been operating as an unlicensed used car lot for some time. It is commonly used to store wrecked and inoperable vehicles. It had not had a business license for this use for more than two years. Therefore, it is now required to have a special use permit and to meet the requirements outlined in code, including meeting the commercial design guidelines, for continued operation as a used car dealership. It is associated with the used car dealership, Credit Motors, to the north of the property. The applicant has received no notice of violations from Code Enforcement since the previous approval. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2020-49, subject to:

Urban Planning and Land Use Comments:

1. Please describe how your operation may have changed since your previous approval as related to general operations and specifics such as hours of operation.
Applicant Response: Our operation has not changed since our previous approval.
2. Please detail how you manage run-off and other waste that may be a product of your operation.
Applicant Response: Runoff is managed by the natural terrain and into the city storm drain. There is no waste from our operation.
3. Please describe actions that have been taken to comply with conditions of approval from your last approval:
 - a. Please revise the site plan to include a street tree for every 30' of street frontage.
 - b. Architectural screening is required from residential property. Please revise site plan to include a 6-foot opaque fence with masonry columns every 32 feet on center, screening the property from the residence to the west.

- c. While a variance was approved for an 8' fence, the fence is in the sight triangle and must be moved out of the sight triangle.

Applicant Response: We completely complied with all conditions with the last approval.

Planning Engineering Comments: none.

Business License Comments:

Credit Motors has filed and maintained a current occupation tax at 1400 State Ave.

Conditions of Approval:

1. Architectural screening is required from residential property. Property must maintain a 6-foot opaque fence with masonry columns every 32 feet on center, screening the property from the residence to the west;
2. Approval for two years; and
3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-49 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 10 – 20215...SPECIAL USE PERMIT APPLICATION #SP-2020-50 - THOMAS SCOTT/KCK HOUSING AUTHORITY

Synopsis: Renewal of a special use permit (#SP-2018-10, expired 1/25/2020) for administrative office, warehouse of parts and appliances, appliance repair, carpentry shop and materials storage, minor auto repair and maintenance at 1300 Meadowlark Lane, submitted by Gunnar Hand, Director of Planning. The applicant is requesting a special use permit to allow light auto repair and maintenance as part of the work done on the property. The requested uses would occur alongside the other allowed uses proposed for the building: An addition to the structure is still under construction for renovations (applicant states the predicted completion date is Summer 2020), but the finished product will result in a mixed-use space to serve the administrative and practical needs of the KCK Housing Authority and the people whom it serves. The Planning

Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2020-50, subject to:

Urban Planning and Land Use Comments:

1. Applicant must provide the following items related to regulations for the property's CP-3 district zoning.

- a. Parking plan, demonstrating compliance with all parking regulations, including the parking minimum ratio of four parking spaces for every 1,000 square feet of floor area (see Section 27-467(e)).

Applicant Response: Parking plan is the same as what was approved in 2018.

- b. Landscape plan for the property, demonstrating one tree for every 7,000 square feet of land (see Section 27-467(g)).

Applicant Response: Landscaping plan is the same as what was approved in 2018.

- c. Fencing plan for the north boundary of the property that is 1) both part of the side or rear yard and 2) adjacent to any property that is residentially zoned (i.e. RP-1) (see Section 27-467(g)).

Applicant Response: No fencing is proposed. Original plans requested an exception to the fencing due to accessibility, natural vegetation, and steep grades of site. We would request this same exception.

Staff Response: Staff cannot find any record in the final staff reports for COZ-3156, SP-2018-10, nor PR-2018-7, nor in the City Planning Commission meeting minutes of January 8, 2018, nor in the Board of Commission that exempts applicant from complying with Section 27-467(g). Applicant may provide a record to the contrary, but at this time, staff is unaware of any exemption. Applicant may also apply for a variance from this requirement.

2. Applicant must provide the following items related the special use permit.

- a. Most recent site plan demonstrating the layout of the full building and addition.

Applicant Response: Site plan is the same as what was approved in 2018.

- b. Provide evidence of the installation of an oil-water separator.

Applicant Response: The oil-water separator has been installed. (I will forward a picture of the manhole access for the oil water separator).

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

- c. Answer the following questions:

- 1) What types of automotive repair and maintenance will take place?

Applicant Response: Auto repair proposed at this site is minor i.e. changing of oil, filter replacement, brake replacement, water pump and hose replacement, wiper and bulb replacement and minor tire repair.

Staff Response: Staff has determined that all listed operations fall under the definition of "light automotive repair" and thus fall under the current special use permit request. Automotive work must not expand from the operations listed above.

- 2) What are the hours of operation?

Applicant Response: Hours of operation [are] 7:30 AM to 4:00 PM.

- 3) Is the repair only for fleet vans or other vehicles used by KCKHA?

Applicant Response: Repair is for Housing Authority current fleet, consisting of 5 cars, 14 pickup trucks, 10 cargo vans, 3 one-ton box trucks, and 2 one-and-a-half-ton trucks. These numbers may fluctuate by one or two in each category at any given time.

- 4) Is the automotive shop strictly for necessary repairs or is it a custom learning/training shop as well?

Applicant Response: The automotive shop is strictly for as needed necessary repairs. There is no learning or training at this facility.

3. PR-2018-7 listed requested uses to include “interior vehicle loading and unloading, and night storage of fleet vehicles inside the building,” which was not listed as a requested use in this special use permit application. Is applicant no longer planning on having vehicular uses on the property?

Applicant Response: Interior vehicle loading and unloading, and night storage of fleet vehicles inside the building is proposed and requested at this facility.

Staff Response: Interior vehicle loading and unloading, and night storage of fleet vehicles inside the building will be included as uses for the property.

4. Complete or acknowledge the completion of stipulations from SP-2018-10.

- a. Remove existing foam and plastic stone from original building;
- b. Replace wainscot with real brick; and
- c. Paint metal panel above wainscot on existing building to match new building.

Applicant Response: [Questions 4a-c have been] acknowledged and will be completed as originally approved.

5. Any signage must comply with the sign code and be permitted through the Urban Planning and Land Use Department.

Applicant Response: All signage will comply with the sign code.

6. Resubmit any design changes to the building not reflected in PR-2018-7.

Applicant Response: There are no design changes to the building as approved in PR-2018-7.

7. Subject to approval, the special use permit cannot go into effect until the building’s final Certificate of Occupancy inspection has been passed regardless of when the special use permit was approved by the Board of Commissioners.

Applicant Response: It is understood that the special use permit cannot go into effect, until the Certificate of Occupancy inspection has passed.

8. Subject to approval, the special use permit shall be valid for two years.

Applicant Response: It is understood that the Special Permit is valid for two years.

Planning Engineering Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval: 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.

Conditions of Approval:

1. Landscaping of the property must be in compliance with the landscaping plan approved as part of SP-2018-10;
2. Parking of the property must be in compliance with the parking plan approved as part of SP-2018-10;

3. In compliance with Section 27-467(g), property must erect six-foot high architectural screening along all side and rear property lines, due to the fact that the property is adjacent to only residentially zoned property to the north, south, and west;
4. An oil-water separator must remain installed and operational on the property;
5. Automotive work must remain limited to oil and filter replacement, brake replacement, water pump and hose replacement, wiper and bulb replacement and minor tire repair;
6. Fleet vehicles must be stored inside overnight.
7. Hours of operation may not begin before 7:30 AM nor go past 5:00 PM;
8. Due to the unknown levels of noise and light that may be produced through the normal operation of the property, the applicant must work with staff to address noise and light pollution mitigation measures in the future, if any issues arise;
9. If SP-2020-50 is approved, the following building design conditions, stipulated by SP-2018-10, must be completed prior to the special use permit taking effect: 1) remove existing foam and plastic stone from original building; 2) replace wainscot with real brick; and 3) paint metal panel above wainscot on existing building to match new building;
10. Any signage must comply with the sign code and be permitted through the Urban Planning and Land Use Department;
11. Applicant shall comply and remain in compliance with all approved stipulations of COZ-3156, SP-2018-10, and PR-2018-7, including, but not limited to, all storm drainage, piping, and detention basin issues, as well as all building design and façade changes;
12. Subject to approval, the special use permit shall be valid for two years; and,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper. The applicant has 30 days to submit their check or the petition becomes invalid.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-50 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 11 – 20216...SPECIAL USE PERMIT APPLICATION #SP-2020-52 - JESUS RODRIGUEZ-TORRES/SPRINGSTAR LAWN CARE

Synopsis: Renewal of a special use permit (#SP-2017-68, expired 1/11/2020) for the temporary use of land to keep lawn care equipment at 1701 South 40th Street, submitted by Gunnar Hand, Director of Planning. The applicant lives on site and is keeping three lawnmower, three weed eaters, two leaf blowers, one salt-sand spreader, and one snowblade. All items are stored in the back of the yard. The applicant has stated that they have received no complaints from neighboring

properties and no notices of violation have been issued by Code Enforcement. The applicant's lawn care business is rather small and operated solely by the applicant without additional employees. The applicant has stated they have no issues related to parking and if the business is to expand in the future, then they will rent or buy storage space to accommodate additional equipment and vehicles. The applicant has requested a renewal period of five years. A storage shed exists on-site, but it is not permitted. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application #SP-2020-52, subject to:

Urban Planning and Land Use Comments:

1. Please provide pictures of property and the proposed use.
Applicant Response: Pictures are attached to this email. Pictures show how the equipment is not visible from the street as we have a gate to enter. Neighbors don't see that lawncare equipment as it is stored in a shed.
2. Please describe how equipment is being stored. Is there a shed? Is there appropriate screening so that the equipment cannot be viewed by adjacent properties?
Applicant Response: The equipment has been stored in a shed in the back of the yard. The trailer is also stored by the shed as well as the truck, so it is not visible to neighbors around our property.
Staff Response: The applicant has indicated there is a shed in the rear of the property. The shed is approximately 240 square feet and requires a building permit. However, no building permit exists, and the applicant has stated it was built previous to their occupation of the residence. A building permit will need to be acquired to ensure that the structure complies with city code and as a condition of approval.
3. Detail how you have complied with the conditions for approval from your previous approval:
 - a. So long as the trailer continues to be not visible from the street (where it is currently parked, near the shed toward the rear of the property is sufficient) and is screened from view of adjacent property owners, and the property is kept clear of all equipment other than the trailer, there should not be any aesthetic issues with this proposal; and,
 - b. Staff urges the applicant to begin making progress to move the business and its associated equipment to a commercial property.
Applicant Response: I believe I have complied with the conditions of approval from previous permit by maintaining all equipment in the same place in the back of our yard, away from neighbors view and our yard is pretty big so it doesn't interfere with the designated storage area.
4. The applicant is seeking approval for five years. Staff recommends that if approval is to be for the desired length of time, a shed for the storage of equipment must be built.
Applicant Response: We are seeking a 5-year permit. As I stated before in our application this business is relatively small. We have not acquired any additional equipment since we started business a few years back. Currently, I don't generate a lot of money to afford a commercial storage and support my family, as commercial space lease is sort of expensive.

Planning Engineering Comments: none.

Business License Comments:

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

Conditions of Approval:

1. Must acquire a building permit for the existing shed;
2. Must replace gravel driveway with either asphalt or concrete, no gravel is permitted within one year due to the COVID-19 environment and due to this being a new condition on this application;
3. No maintenance or repair is allowed on-site;
4. Approval for two years; and
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-52 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

MISCELLANEOUS - ORDINANCES (Final action on previously approved items)**ITEM NO. 1 – 20220...AN ORDINANCE**

Synopsis: An ordinance for a special use permit (#SP-2020-24) for outdoor storage of used, damaged and undamaged, operable and inoperable vehicles, boats and construction/farm equipment and machinery for wholesale online and retail auction, with accessory office, shipping/receiving and customer parking at 8402, 8440 and 8600 Gibbs Road, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-28-20**, "An ordinance authorizing a special use permit pursuant to Chapter 27 of the Unified Government Code for outdoor storage of used, damaged and undamaged, operable and inoperable vehicles, boats and construction/farm equipment and machinery for wholesale online and retail auction, with accessory office, shipping/receiving and customer parking located at 8402, 8440 and 8600 Gibbs Road, as requested by Ben Stephens, on behalf of Copart of Kansas, Inc." **Commissioner McKiernan made a motion, seconded**

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

ITEM NO. 2 – 20221...AN ORDINANCE

Synopsis: An ordinance rezoning property at 8600 Gibbs Road, by changing the zoning of R-1 Single Family District to MP-3 Planned Heavy Industrial District (#3218), submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-29-20**, “An ordinance rezoning property hereinafter described located at approximately 8600 Gibbs Road in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to MP-3 Planned Heavy Industrial District.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 20224...AN ORDINANCE

Synopsis: An ordinance adopting #MP-2020-2 and amending the Downtown Master Plan from Civic and Urban Residential to Downtown Mixed Use, located at 500 Minnesota Avenue, 600 State Avenue, and 645 Nebraska Avenue, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-30-20**, “An ordinance authorizing Downtown Master Plan Amendment MP-2020-2 pursuant to Chapter 27 of the Unified Government Code for the property located at 500 Minnesota Avenue, 600 State Avenue and 645 Nebraska Avenue from Civic and Urban Residential to Downtown Mixed Use, on behalf of Lanier United, LLC.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

Mayor Alvey said that concludes the Planning and Zoning portion of the meeting. Now I'll move to the regular portion of the agenda.

REGULAR AGENDA

MAYOR'S AGENDA

No items

REGULAR CONSENT AGENDA

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

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

ITEM NO. 1 – 20201...ORDINANCE: KANSAS CITY LEVEES PROJECT ALONG ARGENTINE, ARMOURDALE, AND CID LEVEE SYSTEM – CMIP 5057

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire property for the Kansas City Levees Project along Argentine, Armourdale, and CID Levee System (CMIP 5057), submitted by James Bain, Assistant Counsel. This project is located from 57th St. to State Line on both the north and south banks of the Kansas River. On August 15, 2019, the Commission unanimously adopted Resolution No. R-52-19, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Action: **ORDINANCE NO. O-31-20**, "An ordinance condemning lands and interests in lands for the Kansas Cities Levees Flood Risk Management Project along the Kansas River, and directing the Chief Counsel to institute eminent domain

proceedings as provided by law to acquire the tracts and parcels of land described in herein.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 2 - MINUTES

Synopsis: Minutes from special sessions of May 14, 21, 28, 2020; and regular session of May 28, 2020

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

ITEM NO. 3 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated June 4, 11, and 18, 2020.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES’ AGENDA

No items

Mayor Alvey said we will now move to the Administrator’s Agenda.

ADMINISTRATOR’S AGENDA

ITEM NO. 1 – 2020...RESOLUTION: SET PUBLIC HEARING DATE TO CONSIDER A REDEVELOPMENT PROJECT PLAN FOR THE DOWNTOWN CAMPUS

Synopsis: A resolution setting a public hearing date of July 30, 2020, to consider a resolution to adopt a redevelopment project plan for the Downtown Campus, submitted by Katherine Carttar, Director of Economic Development.

Mayor Alvey said I’ll turn it over to Mr. Bach.

Doug Bach, County Administrator, said, Mayor, this public hearing date is the item that is on the agenda tonight. If you would like an explanation and more detail, I can ask Ms. Carttar, who is here, our Economic Development Director, to explain it. The item we are voting on is just setting a public hearing date.

Mayor Alvey asked, any comments or questions from the Commission? **Commissioner McKiernan** said I was just going to say I move to approve this item as submitted to set the public hearing date.

Action: **RESOLUTION NO. R-36-20**, “A resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, establishing the date and time (July 30, 2020, 7:00 PM) of a public hearing regarding the adoption of a redevelopment project plan pursuant to K.S.A. 12-1770 et seq. (Downtown Campus).”
Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution. **Mayor Alvey** said we have a motion and a second. Roll call, please. Roll call was taken on the motion and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

Mayor Alvey said that now takes us to the blue sheet item. It’s a request to set the mill levy for the Self-Supporting Municipal Improvement District.

ITEM NO. 2 – 20236...REQUEST: SET MILL LEVY FOR THE SSMID

Synopsis: Request to set the 2021 maximum mill levy for the SSMID at 12.500 mills, submitted by Kathleen VonAchen, Chief Financial Officer.

Mayor Alvey said, Mr. Bach.

Doug Bach, County Administrator, said I'm going to recognize Kathleen VonAchen, our Chief Financial Officer, to come make presentation regarding the request from the Downtown Shareholders regarding the SSMID.

Kathleen VonAchen, Chief Financial Officer, said tonight, we're asking that you reconsider the maximum mill levy for the Self-Supporting Municipal Improvement District, the SSMID. During the budget workshop last week, we asked for an extension of the current mill rate, which was 9.9572. We overlooked the fact that the SSMID submitted a budget proposal on March 15th, which in their letter, they requested a mill rate of 12.5. In their budget documents, the budget document requires \$203,000 in property tax assessment funds. That's roughly \$4,000 more than what the maximum mill rate that you all approved would generate. So, at this point, we're basically asking for you to set the maximum mill rate at the amount requested in their cover letter of 12.5. It doesn't obligate you in terms of what the mill rate will ultimately be once we approve the budget.

The 12.5 mill rate will generate \$250,000, which is \$51,000 more than they would be receiving right now; far in excess of the additional \$4,000 that they supplied in their budget documents.

The motion is to set the maximum mill levy for the SSMID at 12.5 for publication, which we'll be submitting tomorrow. Further action on the actual mill rate will take place at the July 16th budget adoption hearing.

Mayor Alvey said thank you, Kathleen. To be clear, the mill levy only applies to those within the district, the defined boundaries of the district. It is not countywide. Correct? **Ms. VonAchen** said that's correct. Those businesses within the Downtown Shareholders' area or SSMID area would be the ones who would pay that higher, that mill rate. Yes. **Mayor Alvey** said thank you.

Mayor Alvey asked, any members of the Commission have any questions or comments? **Commissioner McKiernan** said I talked with Jason Norbury, who is the Executive Director of Downtown Shareholders last week. He was the one who alerted me to the fact that we had missed his request to raise the maximum mill levy. But in our conversation, he said that he was going to work along with his Board to keep any mill levy increase absolutely as low as it possibly could be, and that even though he was asking to set the maximum at 12.5, he would work to keep it just fractional units above the current mill rate and keep it as low as possible.

Based on the fact that he's pledged that and the fact that he's going to work with his Board, I would be in favor of moving forward with this as presented.

Mayor Alvey asked, is that a motion? **Commissioner McKiernan** said yes, sir.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve.** **Mayor Alvey** said we have a motion and a second. Roll call, please. Roll call was taken and there were nine "Ayes," Philbrook, Bynum, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters; and one "No," Burroughs.

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY

ADJOURNED THE MEETING AT 8:03 P.M.

June 25, 2020

cg

Bridgette D. Cobbins
Unified Government Clerk

June 25, 2020

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

SPECIAL SESSION, THURSDAY, JUNE 25, 2020

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, June 25, 2020, with eleven members present on line: 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; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Emerick Cross, Melissa Sieben, and Alan Howze, Assistant County Administrator's; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Manager; and Michael Peterson, Assistant Budget Manager.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, we have individuals attending remotely. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so that the public participating knows who is speaking. This is critical given the number of remote participants in his current guidance from Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

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

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, June 25, 2020, at 5:00 p.m. by way of ZOOM for the Administrator's Budget Presentation.

Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through ZOOM.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said, Mr. Bach, following your presentation of the budget, we'll reconvene for a COVID-19 update and a presentation regarding Fire Department funding, but first up, Mr. Bach.



Doug Bach, County Administrator, said this is our annual session where I come in and present to you where we're at with the budget. I feel like this is a year where we've had a lot of opportunity to chime in and go through it. We've done three budget workshops already. That's typically kind of the number of budget workshops we do after the budget is presented. I think that's enabled me, in a very difficult budget year, to work through this and get a lot of input from the Commission. While it's built, and typically is presented as my proposed budget, it is one where I think the Commission has weighed in heavy as we've gone through this and where we're at.

We start with this lovely streetscape of downtown. I think the budget staff went through and put this on. I think they did a good job with that.



So, this year, as we start to work on our budget, I always like to look at what's going on in the community. Obviously, COVID-19 has had a big impact on where we're at. It's had an impact on the health of our residents, it's restricted business operations, loss revenues, high unemployment across the community, so it is definitely a theme we have to consider when we're looking at what's going on.

With this happening, we had a lot of projects moving forward in our downtown area, our Merc Grocery Store is scheduled to open later part of July. Our BLVD Lofts project is underway. The Lanier project is still scheduled to move forward and come in and start the demolition of the old Reardon Center, build a new meeting space and then build new apartments in the area. The YMCA Lofts is underway, and as you all were talking before the meeting, our Juvenile Services Center looks fantastic and it'll be opening in about the next 1.5 months.

On the broader scheme, infrastructure is underway out of Turner Diagonal & I-70, taking out the old spaghetti loop that's been there for some time. We're putting in a diverging diamond. It will be a much more efficient way and it also opens up that corridor for new development with the Turner Logistics Park being what is going to come in place there.

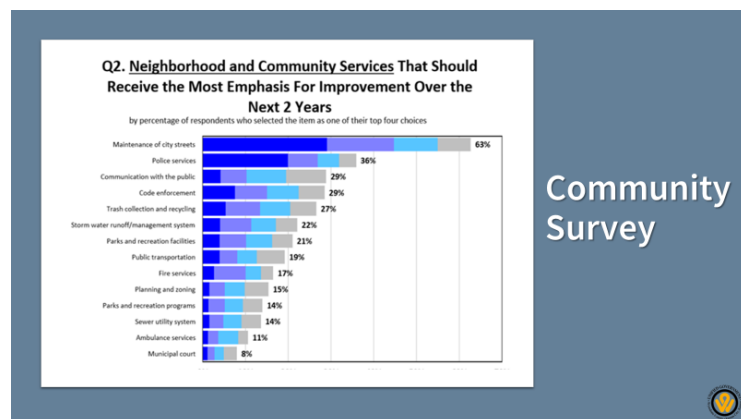
Also, Leavenworth Road 2nd Phase, is underway. The BPU is finishing up a lot of their right-a-way work this year. We'll be starting in the fall to come in with the road construction for that second phase of 63rd to 78th and as we see year after year, KU continues to grow and work on their main campus area.



UNIFIED GOVERNMENT PRIORITIES



This year, like we have since we put out our goals, we take a hard look at what's going on with all the different Commission goals as they are laid out on this wheel and determine where we're spending our money and try to make sure they focus back into it. Last fall as the Commission went through this, we added an area, Improve Infrastructure. It's always been a highlight for the Commission that that is something we want to do. We just didn't have it called out specifically. It was kind of woven into the other areas, so that is specifically put on because it's a high area of importance. With this,



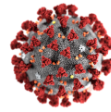
Community Survey

We look at the survey that we did last winter, and note, that maintaining city streets is the area of highest importance that comes back from our residents. As we go through this and say okay, how does this rank, I always want to focus on areas that are not only one of our Commission goals, but also an area that our residents say this is the highest. That dark blue area indicates where people thought it was the most important and you can see, with the exception of police services, it ranked in that one category higher than everything else did in all the other cumulative categories, so we try to maintain a focus on city streets even in difficult financial years.

June 25, 2020

Amended 2020 and 2021 Budget Drivers

- COVID-19
 - Loss of revenue
- Expenditures have outpaced revenues in previous years
- Volatility of sales tax is having a greater impact on the City General Fund
- Use of emergency fund balance
- Maintain lowest practical tax burden for residents to accomplish objectives



Alright, so the drivers for this year's budget, again, the COVID and its impact on our revenue. The fact that expenditures have outpaced revenues in previous years, as we came into the 2020 Budget, we were already working from a perspective that we were touching our fund balance and knew we had to reduce our expenditures coming into this year as we really didn't have the money to start adding new expenses in even before our revenues fell down.

The volatility of sales tax is having a greater impact on the city sales tax on the City fund than it does on the others because there's more reliance of the City on sales tax than other areas. We're using our emergency fund balance to help get through this year with the immediate impact and then into next year. Of course, we do this while trying to maintain the lowest practical tax burden for our residents to accomplish our objectives.

Key Initiatives to Balance Budget

- Proposed 2021 Budget \$11M lower than the original 2020 budget
 - \$382M proposed 2021 budget
- Non-Public Safety Staff Furloughs
- Debt Funding More/Cash Funding Less
- Heavy Utilization of Fund Balance
- One-time Internal Fund Transfers
- Service delivery efficiencies to provide same or higher level of service at lower cost
- Service reductions by holding vacancies



Key initiatives to balance this budget; overall, our Proposed 2021 Budget is \$11M than the original 2020 Budget that we started this year with, so this budget is proposed at \$382M. It's still a lot of money to work with, but it is significantly down considering a lot of things still cost more and we're lower than where we started this year before we even reduced 2020 Budget. You're all

aware that we're getting furloughs for our non-public safety staff. We're debt funding more in this year's budget and I know that's not the direction this Commission wanted me to go. We've been trying to cash fund a lot more projects and reduce our reliance on debt, but in order to keep doing things, particularly big projects, we had to put more in debt.

There is heavy utilization of our fund balance to get through this year and we have a one-time Internal Fund transfers. We don't really recommend these as they hurt us going forward and we need to pay these back in time, so that just puts additional burden on outyears. In order to get through this year and balance the budget, we have to make a couple of these actions.

Our service delivery efficiencies are in place to provide same or higher level service at a lower cost. However, we are seeing some service reductions because we're holding almost 300 vacancies right now amongst our staff.



Before I jump into the budget, I just want to talk about the CARES Act a little. This is one that we're having to deal with, and we feel good about it because we are seeing additional revenue come back to the local government. We want to explain how it works because some people probably think, oh, you're getting \$37M, that ought to take care of your budget woes.

CARES Act Funding

- Federal legislation provided \$1.25 billion to State of Kansas for COVID-19
- Governor Kelly established Strengthening People and Revitalizing Kansas (SPARK) Taskforce
- Dept of Treasury Guidance - payments may only be used to cover costs that:
 - Were necessary expenditures incurred due to the public health emergency
 - Were not accounted for in the budget most recently approved as of March 27, 2020
 - Were incurred during period from March 1, 2020, and ends on December 30, 2020.
- **NOT ALLOWED – Replace lost revenue, supplant budgeted expenses or capital construction**

THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT

First, this is legislation that put \$1.25B to the State of Kansas for COVID-19. Governor Kelly established a task force to allocate this money. Key's to that point are the ones that I've highlighted in red. This is not allowed for us to replace lost revenue, so if any sales tax are down, we cannot use it for that purpose, supplant budgeted expenses or Capital construction costs. So, this is not money we can use to fill shortfalls in revenue. This is only money we can use to take on additional expenses we incurred because of COVID.

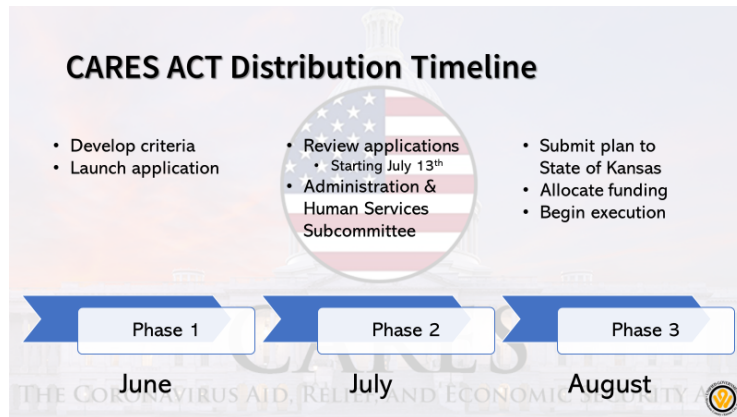
Wyandotte County CARES Funding

- Wyandotte Allocation – \$37,330,934
 - \$226 per resident (165,429)
 - \$32,136,238 from CARES Act funds
 - \$5,194,696 from impact fund – based on confirmed cases and job loss
- County retains fiduciary responsibility
- Other units of government eligible for funding – e.g. Bonner Springs and Edwardsville
- Separate allocations for:
 - K-12 schools Elementary and Secondary School Emergency Relief (ESSER)
 - Higher Education – public, private, non-profit
 - Health Care providers

THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT

As I noted, we were allocated \$37.3M. This is \$226 per resident. The CARES Act funds accounted for \$32M of this and then we received a greater allocation because of the Impact fund because of the confirmed cases of COVID and job loss in our county.

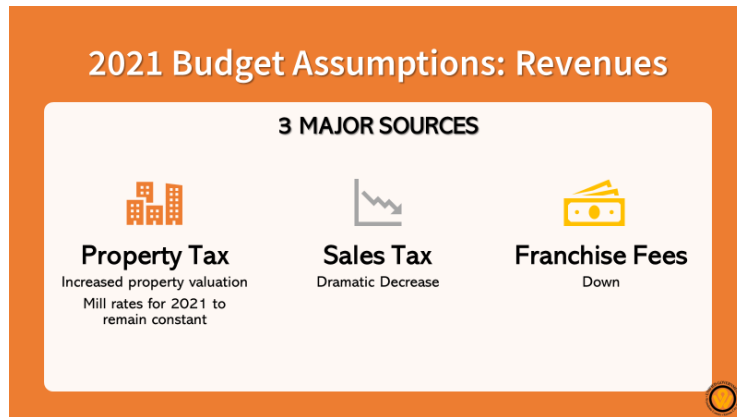
Other units of government; we are the fiduciary of this money, but other units of government such as Bonner Springs, Edwardsville, the City of Kansas City, Kansas; all can apply for this money as well as other taxing entities, the schools, higher education, Community College along with non-profits can apply for this money from us as well.



The criteria for this is one where we develop the criteria. We launch the application which we plan to do Monday of next week and we'll put it out on our website. We'll get this back, review the applications and do that in short order. This is a subcommittee from our Administration & Human Services Committee, which is where the Mayor assigned it to, to move quickly. The subcommittee will look through these applications that come in and then we have to submit a plan back to the State of Kansas by the middle of August.

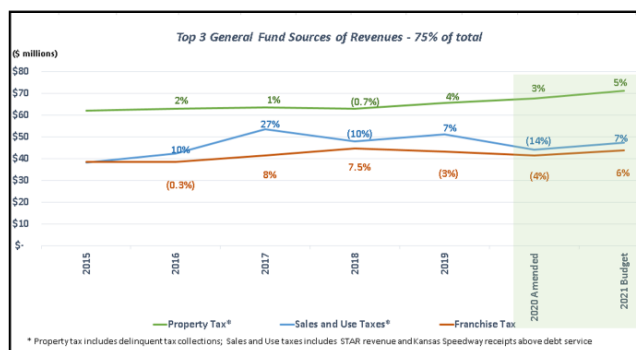
So, when you consider \$37M, some will be a little more straightforward to be actual expenses. Others will be new ideas, programs that people are putting forward, but these plans all have to be reviewed, gone through, submit to the State of Kansas, get approval, allocate the funding and expend all the money by the end of this year. It's going to be a herculean effort really to move through this and do it. I'm confident we will, but it will take a lot of staff time to be on top of this and commitment from the Commission as we go through and evaluate the application as they come in.

That being said, we'll move forward to talk a little bit about what's in this budget and details of that, but I didn't want to go into it without touching so people understood at least what's going on with the CARES budget.



As we look at revenue, I'm going to turn this over to our Chief Financial Officer Kathleen VonAchen and let her take it from here.

Kathleen VonAchen, Chief Financial Officer, said the General Fund has three major revenue sources that we've discussed previously; property tax, sales tax, and franchise fees. The first, property tax, is doing well. We have an increase in property valuation and the Proposed 2021 Budget recommends leaving the mill rate at the same rate that we have currently in 2020. The sales tax, we are estimating a dramatic decrease across all the City funds that receive sales tax. Franchise fees consumption was down somewhat in 2019 and we expect that consumption to continue to go down as the major commercial businesses were closed during the shelter in place period the last few months.



Revenue Trends

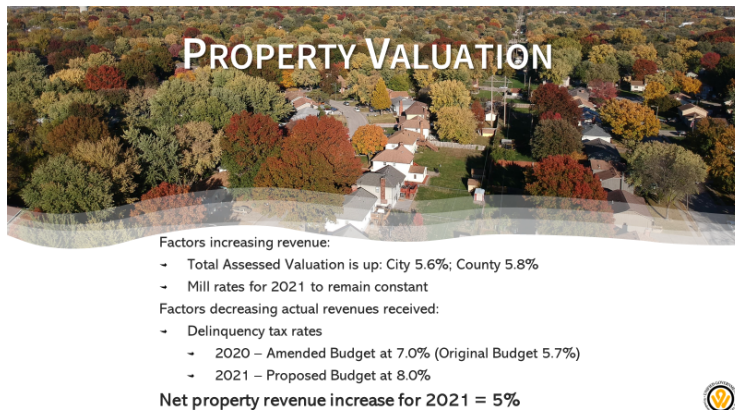
This is a graph we showed you before. It shows the performance of these three revenue sources since 2015 and the far right-hand side is a list of all of those same sources and what we're

estimating as part of the Amended 2020 Budget and 2021 Budget. We have property tax increasing 3% for 2020 and 5% for 2021.

The Property Tax, although the evaluations are doing well, we have—well I will talk about that later, but we have adjusted the delinquency rate upward to accommodate the expectation that collections for property tax will be down due to COVID.

Sales Tax which increased by 7% in 2019 is estimated to drop 14% in 2020 and this is Sales and Use Tax, so that's a mix of declining based sales tax but increasing Compensating Use Tax which is often tied to transactions related to online sales and deliveries. We estimate that's going to be increasing, so as a result, the net is around a 14% decline. In 2021 we expect the sales tax to increase by 7% from that low of 14% reduction in the prior year, so we aren't expecting sales tax to recover to the 2019 level which was above \$50M.

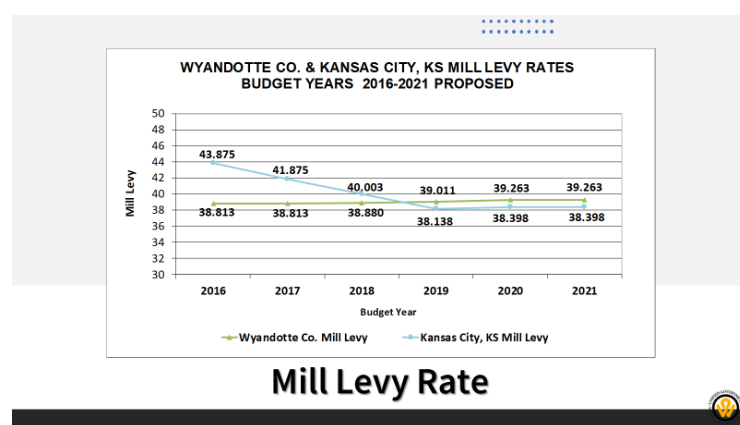
Franchise Tax, we saw, as I mentioned, a decline in consumption in 2019 of 3% and we expect further decline of 4% due to the delay in collections and then a lower consumption level related to the closer of those commercial properties, but we expect it to rebound at the 6% level in 2021.



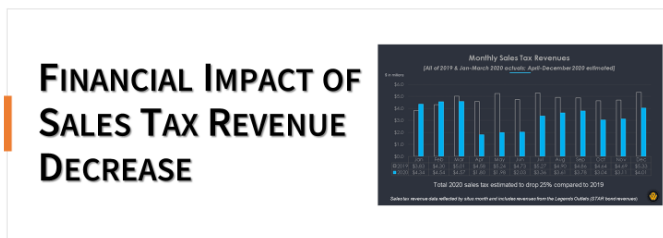
Property Valuation is a major revenue source for the General Funds and total evaluation for 2021 is, as was certified by the UG Clerk, at 5.6% greater than the prior year for the City and 5.8% for the County. Although our appraisers several months ago informed us that real property is on average increasing by 8%, we also have to factor in the evaluation related to personal property which is declining as well as the state assessed utility property and those additional values that are added to our total assessed value brought our assessed value total down. The UG Clerk certified

that these amounts are—rather than the 8% that was discussed previously, they’re at the 5.6 and 5.8% level. The recommendation is, again, to keep the mill rate for 2021 at the same level as 2020.

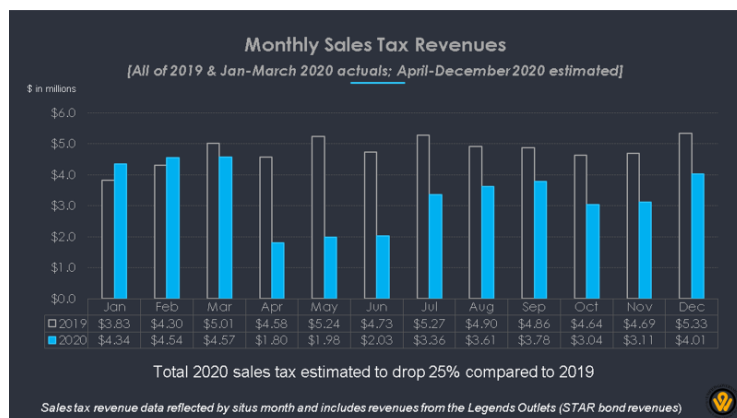
We have adjusted the delinquency factor. That’s a factor that we include in our revenue estimate for property taxpayers that are delayed in their payment of property taxes. In the original budget it was set at 5.7% and we’ve increased that to 7% due to looking at actual collections through June as well as anticipating that there will be a lag in collection in the remainder of the year because of COVID. We’re anticipating that lag will continue in 2021 at the 8% delinquency level, so given all of these factors we’re estimating that property tax revenue will increase in 2021 by 5%.



Another factor in determining the property tax route, revenue is actually the mill rates and here’s an example of the mill rates that have been set since 2016. You notice the blue line is the city of Kansas City, Kansas mill rates, both the City General Fund and the City’s Bond & Interest fund. From 2016 to 2019 there was an approved—you all approved a 2 mill reduction to those years, so you can see that it’s declining from the 43.875 mill rate down to 38.813 and we’re recommending that mill rate remain constant in 2020 and 2021. The County mill rate has remained the same throughout this period.

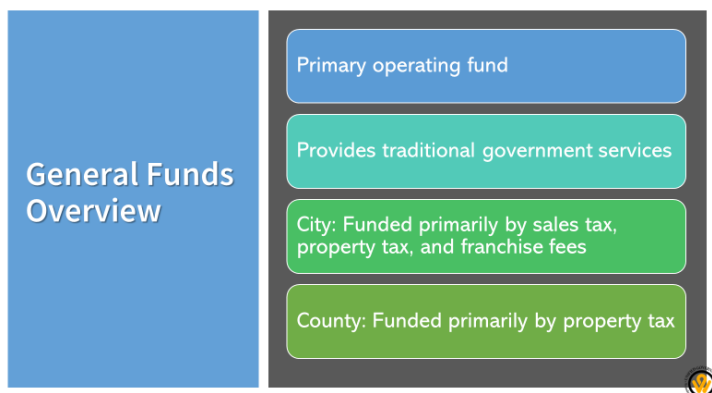


One of greatest impacts because of COVID was the dramatic impact on our sales tax.



This is monthly sales tax for the entire City, and it includes all of the STAR Bond and includes all of the Specials, which are for Dedicated Sales Tax and for our EMS, so, all of this, including the 1% from the City and the 1% from the County. This is all the money collected in retail sales, not Use, just retail sales and on a monthly basis.

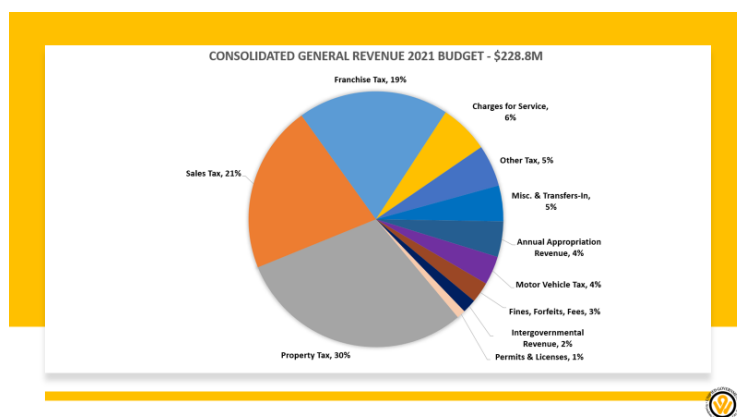
The blue lines are what we're anticipating for this current fiscal year 2020. Some of the data is actuals. For example, January, February, March, April is our actual—or March—actually just February, March, blue lines are actuals and then the blue bars from April to December are our estimates. Next to those blue bars are what we collected actually last year, so you can tell the dramatic decrease for each of the ones that we're anticipating as part of the sales tax estimate.



Now I'm going to turn it over to the Deputy Chief Financial Officer Debbie Jonscher and she's going to talk about the General Fund Overview.

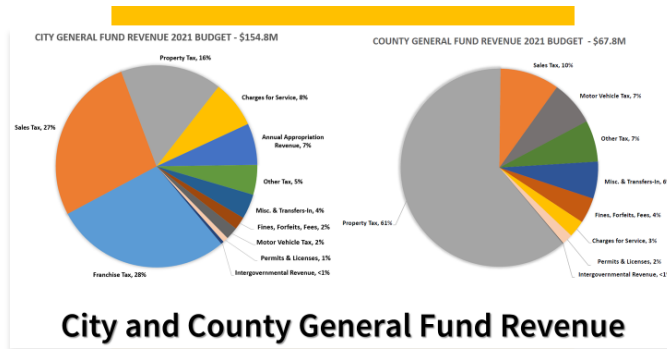
Debbie Jonscher, Deputy Chief Financial Officer, said the next few slides, we're just going to give you an overview of how the General Funds look. The General Fund is the primary operating fund for the Unified Government, and it provides traditional government services including Public Safety services, Public Works, Courts and other general and administrative functions of the government.

The City General Fund is funded primarily with sales tax, property tax and franchise taxes and the County General Fund is funded primarily with property tax.



This graph is showing the revenue budget for 2021 for the Consolidated General Fund and it totals \$228.8M. The Consolidated General Fund includes the City, the County and the Parks and this graph does show the three top revenues that Kathleen had in her graph showing that property tax

is 30%, sales tax is 21% and franchise tax is 19% as well as we have the other revenues that also contribute to the General Fund.



This next slide shows a breakdown between the City and County General Fund. On the left side is the City General Fund with a total budget for 2021 of \$154.8M. As you can see, the breakout between the franchise tax, sales tax and property tax. On the County General Fund side, the budget is \$67.8M on the County and this one shows that 61% of this fund accounts for property tax revenues.

When we talk about the reduction in sales tax due to the pandemic, we can see here how much more reliant the City's General Fund is on sales tax—was somebody saying something? **Mr. Bach** said I think you were just getting feedback. **Ms. Jonscher** said I was just saying that this graph shows how much more reliant the City General Fund is on sales than the County side because it only accounts for—sales tax only accounts for 10% of revenue on the County side.

	FY 2020 ORIGINAL BUDGET	FY 2020 AMENDED BUDGET	FY 2021 PROPOSED BUDGET
Revenues	158,363,391	140,628,394	152,531,984
Transfers-In	2,256,000	9,356,000	2,256,000
Subtotal: Sources	160,619,391	149,984,394	154,787,984
Expenditures	162,721,732	156,818,738	156,857,101
Transfers-Out	802,903	364,040	399,040
Subtotal: Uses	163,524,635	157,182,778	157,256,141
Net Change in Fund Balance	(2,905,244)	(7,198,384)	(2,468,158)
Cash Basis Ending Fund Balance	\$ 14,737,897	\$ 11,221,648	\$ 8,753,490
CAFR Ending Fund Balance	\$ 26,077,289	\$ 23,490,668	\$ 21,022,511

City General Fund



Now we'll just look at the revenues and expenses. This first slide is for the City General Fund and you can see the first column there is the 2020 original budget. We had revenues budgeted at \$160.6M and expenditures at \$163.5M, so we were expecting to drop the fund balance by just a little over \$2.9M with an ending cash balance of \$14.7M.

We have the middle column adjust that. We now have the 2020 Amended Budget and you can see that we dropped revenues down to \$149.9M and expenditures have dropped to \$157.1M. This results in a net change of \$7.1M reduction to the fund balance giving us an ending cash balance of \$11.2M.

For 2021, revenues are up from the 2020 Amended, but are not at the level that they were for the original 2020, so we have revenues of \$154.7M and expenditures of \$157.2M with a net change of \$2.4M for a fund balance of \$8.7M.



	FY 2020 ORIGINAL BUDGET	FY 2020 AMENDED BUDGET	FY 2021 PROPOSED BUDGET
Revenues	66,277,968	63,617,562	67,822,765
Transfers-In	0	0	0
Subtotal: Sources	66,277,968	63,617,562	67,822,765
Expenditures	65,322,495	65,867,544	68,499,857
Transfers-Out	1,560,000	1,360,000	1,560,000
Subtotal: Uses	66,882,495	67,227,544	70,059,857
Net Change In Fund Balance	(604,527)	(3,609,982)	(2,237,092)
Cash Basis Ending Fund Balance	\$ 5,083,680	\$ 5,479,729	\$ 3,242,637
CAFR Ending Fund Balance	\$ 6,768,960	\$ 7,349,335	\$ 5,112,243
17% Target Reserve	10%	11%	7%

This is the same information for the County General Fund. We see that in the original budget we had \$66M in revenues and \$66M in expenditures and our net change was a reduction of just a little over \$600K with a cash balance of just over \$5M. In the Amended, we have dropped the revenues several million. We're at \$63.6M, expenditures are at \$67.2M and now we are showing a net change in the fund balance of about \$3.6M and our fund balance would be \$5.4M.

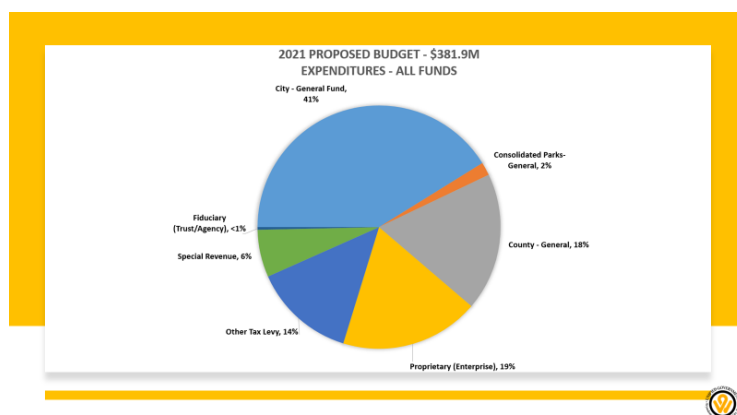
For 2021 our Proposed Budget has revenues at \$67.8M, expenditures at just a little over \$70M and a net change in the fund balance of 2.2 for a cash balance of 3.2 at the end of 2021.

Now I will turn this over to Reginald Lindsey, our Budget Manager, to talk about expenditures.

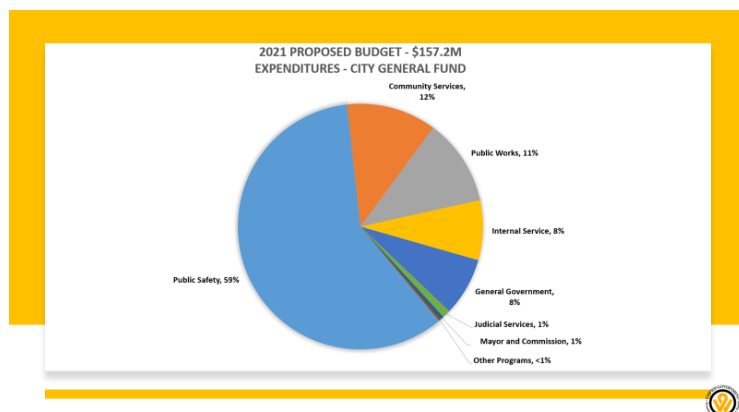
2021 Budget Assumptions: Expenditures



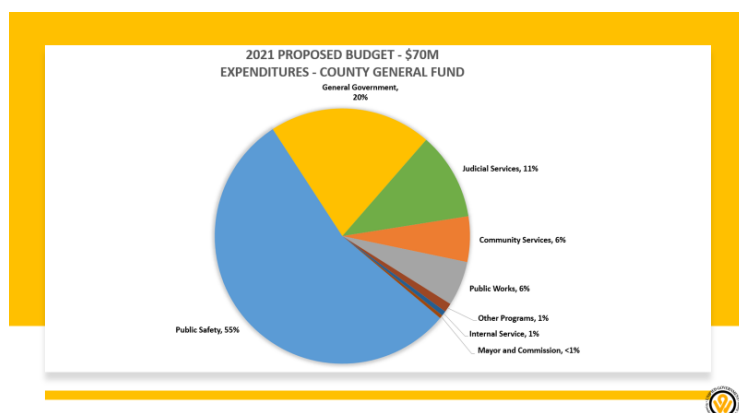
Reginald Lindsey, Budget Manager, said I'm going to concentrate on expenditure side of the budget, so I'm going to start out discussing 2021 budget assumptions. We funded more with debt this year and less in cash as we shifted away from cash. In Capital we moved it over into debt to kind of help balance the budget. We had no employee merit increases, a 7% increase in health insurance costs and then we did have a jump in inmate housing and medical costs.



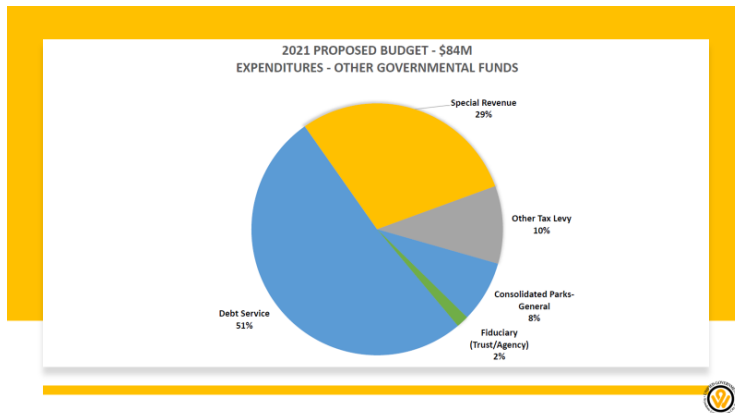
Our total expenditure budget is a \$382M balanced budget where revenue and expenditures are accounted for. This budget funds 29 state certified funds and provides over 200 services to the community. Some of the fund that we have in this \$382M budget that is shown on this pie chart is City General Fund which is a \$157M budget. Then we have the County General Fund which is the second largest fund at a \$70M budget and then our third largest fund is the Sewer System at \$52M.



Here I'm going to drill down into our \$157M City General Fund and look at the different functional areas. Public Safety is our largest piece of the pie at 59% which is about \$92M. Second largest piece of the pie is Community Service which is 12% of the pie at about \$19M and there we had departments which is Transit, Neighborhood Resource Center and Urban Planning. Our third largest piece of the pie is Public Works at about \$17M budget.

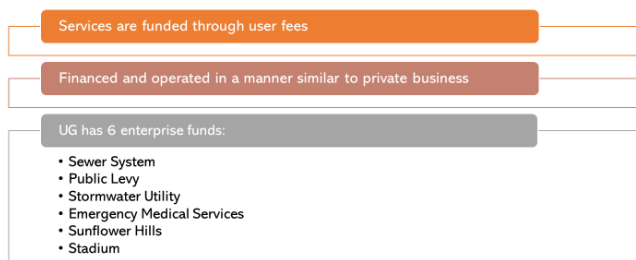


Here we're drilling down into our \$70M County General Fund and look at its different functional areas. Here we have Public Safety, the largest piece of the pie is 55% which is about \$39M and it includes County Public Safety which includes Sheriff, Community Corrections and Emergency Management. The second largest piece of the pie is General Government which is \$13M and that consists of Legal, Appraisers, Finance which are more so our internal departments that help run the operation and there's other departments within here also. The third largest piece of the pie for the County General Fund is Judicial Services. It's an \$8M budget and includes departments such as the District Attorney and District Court.

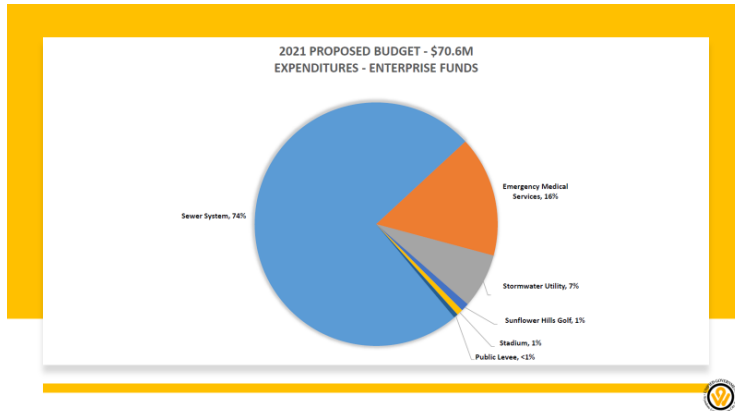


We have other funds beside the City and the County General Fund. They're included on this slide. One of the biggest ones, there is a Debt Service Fund which is about \$42M. Then we have our Special Revenue Funds which is a category of funds that total \$24M, one of the funds in there is a Dedicated Sales Tax which is a \$9.8M budget. Then we can see we also have Consolidated Parks which is 8% of the pie and it's a \$6.6M budget.

Enterprise Funds



Within the Unified Government we also have a group of funds that we call Enterprise Funds and where the funds are funded from user fees for services they provide. These funds are financed and operated in a manner similar to the private business. Within our Enterprise Fund we've got six different funds which are the Sewer System, Public Levy, Stormwater Utility, EMS Fund, Sunflower Hills and the Stadium.



For the six funds they total up to \$70M. The largest fund is our Sewer System, a \$52M budget and then our EMS Fund is \$11.2M budget and next we have our Stormwater Utility which is a \$5M budget.

User Fee Increases

Residential Trash & Recycling: \$0.35/mo. Increase

- Effective 2021

Sanitary Sewer: 5% Increase

- Effective 2021

User Fee Increases: ~ 10%

- Building, ROW, Planning, Fire Inspection, Garage Sale Permits, etc.
- Effective Fall 2020 into 2021

Within the proposed budget, there are a few user fee increases. The first one is the residential trash and recycling which will go up 35 cents effective in 2021. Next we have Sanitary Sewer, a 5% increase that is tied to a Consent Decree between the Unified Government and EPA and that'll be effective in 2021. Then we have other various user fee increases that total 10% which include Buildings, ROW, Planning, Fire Inspection, Garage Sale Permits and a few others.

Now I will turn it over to Gordon Criswell, our Assistant County Administrator.



Reduce Blight

- Abatement team equipment
- Demolition – Improved efficiencies allowing for reduced costs

UNFUNDED

- Parks – All seasonal positions (mowers, laborers)
- Second Abatement Team



Gordon Criswell, Assistant County Administrator, said I'm going to talk about some budget highlights and several of the pieces of the Commission goals that were approved starting with reduction of blight. Contemplated in this budget is funds for Abatement Team equipment. Demolition to improve efficiencies while allowing for reduced costs.

Not funded in this area of the budget are parks, all of our seasonal positions including our seasonal mowers and laborers. Those will not be funded in this proposed budget nor will the second Abatement Team be funded which will again reflect the impact of our reductions in revenue and our ability to address issues.



In the area of Public Safety and Perception of Safety; the Police Department Body Camera Initiative will include some new civilian positions to initiate that piece and we are starting to purchase the body camera equipment. The Sheriff's Department, you'll see five additional court services officers and as we prepare for opening of the new Juvenile Services Facility. The Pierson Park, we'll have money for the consolidated fire station.

As mentioned earlier, we've had some increased costs in our Inmate Medical and this budget reflects that increase in the cost of caring for our inmates. We're also contemplating the purchase of an x-ray machine for one of our County buildings and with the coming on line of our new Juvenile Services facility we're going to add two maintenance positions to take care of that building.

We are continuing to move forward with the District Attorney's archiving and digitizing program and so there is money budgeted for the continuation of that project that is really taking longer than we contemplated.

We've also budgeted funds for patrol vehicles in the Police Department as well as fire trucks and ambulances over in the Fire Department. Unfortunately, not funded in this year's proposed budget is 24 police officer positions, reduction in building security, and reduction in our Public Safety Building Maintenance funds, and not funding the District Court courtroom improvements.

Improve Community Health

- COVID-19
 - Contact Tracing
 - PPE Supplies
 - Personnel
 - COVID-19 Testing
- Clifton & City Park Improvements (CD-NRSA)
- Trail Network (Tourism Fund)
- Health Department Negative Pressure Room

UNFUNDED

- Pool and spray parks (2020)
- Reduced funding for recreation programs (2020)

Improve Community Health

In the area of Improve Community Health; leading the charge in that funding category, this year, is everything related to the pandemic. We've budgeted additional money for contract tracing, personal protection supplies, personnel to help manage response to COVID and additional dollars for COVID testing across the community.

We're also budgeting at Clifton Park and City Park some improvements that will be funded with Community Development dollars and this is part of our NRSA program. We're going to add a new trail network which will be funded out of our Tourism Fund and the Health Department will be getting a negative pressure room.

Not funded in this year's budget is our pool and spray parks. They will remain closed for 2020 and there will be reduced funding in 2020 for other recreational programs.

I'll now turn this over to Assistant County Administrator Alan Howze.

Increase Economic Prosperity of the Community and Opportunity for Our Residents

- Small Business Grant/Loan Program
 - Direct grants \$50k
 - Alt-Cap Business Loans \$175k leveraging \$1M for Wyandotte County businesses
- Transit Grant Funding to Maintain Full Operations

UNFUNDED

- Economic Development Professional Services
- Master Planning Studies

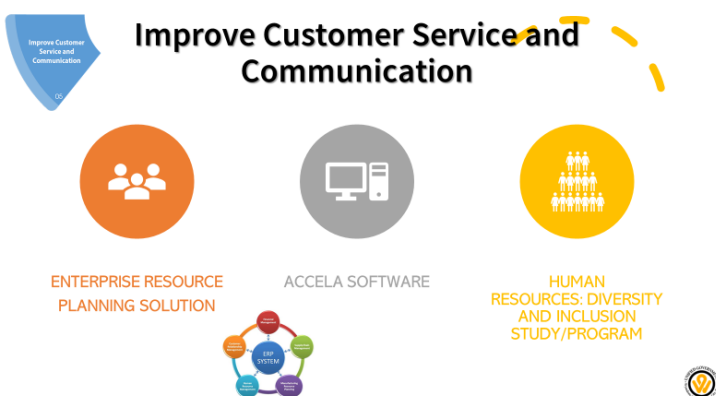
Increase Economic Prosperity of the Community and Opportunity for our Residents

AltCap
Alternative Capital for Community Impact

Alan Howze, Assistant County Administrator, said the next area we'll talk about is increasing economic prosperity in the community and as this year's budget shows the continued need to broaden and diversify the tax base and support businesses in the community. The first item here

is continuing the Small Business Grant/Loan Program. It includes \$50K in direct grants to small businesses and also includes a loan program with AltCap which is a funding company locally and that's leveraging \$1M for Wyandotte County businesses so that in conjunction with COVID relief efforts. Also, as part of that KCATA received a grant through the CARES Act that fully funds transit and maintains those operations for residents.

Not funded is Economic Development Professional Services, so those are being reduced, as well as cutting back on Master Planning studies that serve master plans in different parts of the community.



Next area, Improving Customer Service and Communication; certainly, has been a focus for the Commission and there are several projects and initiatives in the budget, I continue that work. There's the Enterprise Resource Planning Software project which combines Finance and HR software to support the overall operations of the government and the remote work capabilities. As likewise, with the Accela software that is used by Planning and by NRC to make their work both more productive and easier to do remote and field work. Then there's a Diversity and Inclusion Study program that is also included as part of this budget.

Increase Community Cohesion

- COVID Communications
- New Director of Development Coordination and Customer Service Success
- Plan Review Software

ON HOLD

- Strategic Communications Analysis Implementation



ReStartWVCo Kansas Ad Adm: A Plan to Reopen Kansas
Phase 2: At a Glance

Key: X Closed/Not Open ! Not up, Safety or Safety Only ✓ Not with Restrictions and Opening

People who are high risk, including those aged 65 and older, should continue to stay at home except for essential needs through the Phase 2. Many businesses and facilities are restricted as to the number of individuals who can be on the premises at one time, so visit ahead before you go. For industry-specific guidelines included in the Kansas Ad Adm Phase 2 plan, visit www.kansas.gov.

	PHASE 2	PHASE 2
Restaurants and Hospitality	✓	✗
Bars and Nightclubs	✗	✗
Retail	✓	✗
Personal Services (Salons, Spas, etc.)	✓	✗
Medical Practices / Veterinarians	✓	✓
Daycare	✓	✓
Office Settings	✓	✗
Schools	✓	✗
Childcare Facilities	✓	✗
Gyms	✓	✓
Mass Sporting Events	✓	✓
Arbitration and Venues	✓	✓
Construction Management Services with Capacity of 100	✗	✓
Fairgrounds, Carnivals, Fairs	✗	✗
Summer Camps	✗	✗
Most Swimming Pools*	✗	✗
Libraries	✓	✓
Community Centers	✓	✓
Boating Areas	✓	✓
Parks & Other Outdoor Recreational Venues	✓	✓
Long-Term Healthcare Facilities	✗	✗
Hotels	✓	✓
Gasoline Stations (Self-Service)	✓	✓
Food Services	✓	✓
Food Trucks	✓	✓

*Most and regularly already operating outside and covered services remain open.
*Single family backyards or pools being used only for the physical therapy of PHEC regarding training and safety.

The next area is around Increasing Community Cohesion. There's certainly been a lot of focus this spring, and this will continue on COVID related communications, and letting the community know what's going on with COVID and how they can take steps to protect themselves and their families and likewise, that will continue. There's a new Director of Development Coordination and Customer Service Success and that role is aimed at streamlining and supporting the development of new businesses and making it easier for people to start businesses and get through the application process.

Then an Electronic Plan Review Software. This project was in motion, funded by the Commission, and this allows for electronic review of plans and, again, accelerating and streamlining the plan review process.

What was not included was the implementation of the Strategic Communications Plan that the Commission funded last year in the 2019 Budget.

Improve Infrastructure

- Wolcott Water Treatment Plant Expansion: 3 New Positions
- Sewer Infrastructure Maintenance
- Annual Street Preservation/Repairs
- Hutton Road Intersection Project
- Pretreatment equipment, sweepers, snow plows, spreaders
- Fleet Vehicles
- Museum, Davis Hall, Restrooms (WYCO Park & City Park), and Community Center AC Units

UNFUNDED

- Down 19 Positions in Streets
- Reduced Annual Street Maintenance
- Vehicle Purchases
- Deferred \$1.2M in Facilities Funding
- Decreased ROW Mowing
- City Hall Facility Improvements

The next area is Improving Infrastructure. As noted, this was an area of focus that was added by the Commission through the budget conversations that have been held over the last year. There

are several items in the budget related to improving infrastructure including the addition of three new positions at the Wolcott Treatment Plant as that comes on line. There is sewer infrastructure maintenance work that continues, likewise with Street Preservations and Repairs. There is an intersection project to redo the intersection of Hutton Road & Leavenworth near the new fire station on Hutton Road. There is equipment in there related to snow removal, spreaders, and pre-treatments. There are some fleet vehicles in here, all be it at reduced numbers, and some facility improvements including adding AC to community centers which will make them usable all four seasons.

Not included in this is a significant reduction in the number of positions in Streets, so you can see that's 19 positions fewer. There is a reduction in Annual Street Maintenance budgeted, there is a reduction of vehicles purchases, deferred facilities maintenance funding, decreased ROW mowing and reduced City Hall facility improvements.

With that, I will turn it back to County Administrator Doug Bach to talk about Outside Agency Funding.

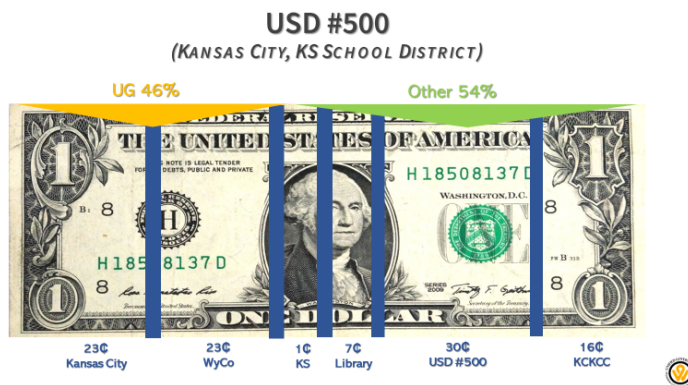
Mr. Bach said thank you team for going through the details in the budget. As you can see while we've had to remove many things from the budget, there are still a lot of our core things that we focus on to get done every year. Unfortunately, we've had to do things with a lot of one-year type funding to get through this year and a little bit more on debt, but we're still able to keep that focus in place.

As well as with our outside agencies, we put funding through each year and they're noted here on this page varying levels of funds which goes to these different groups like I'll point out on the bottom, we give about \$45K to Soil Conservation. There is \$1.3M in the budget for the Fairfax Industrial Association from the TDD that we have in place for that group. All these are scheduled to be at a level funding. I did not take money away from them or increase any of their funding for the coming year.

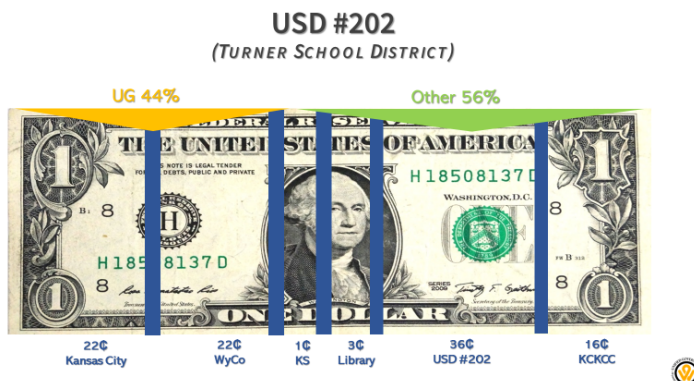
How One 2021 Tax Dollars is Spent for a Household in your District



There would be no budget presentation being complete without our showing of the dollar bill to breakout just how the tax dollars are spent across our community.



So, for every dollar you spend approximately 46% goes to the Unified Government and 54% goes to the Other taxing entities to the schools, Community College and library in the state of Kansas.



USD #203
(PIPER SCHOOL DISTRICT)



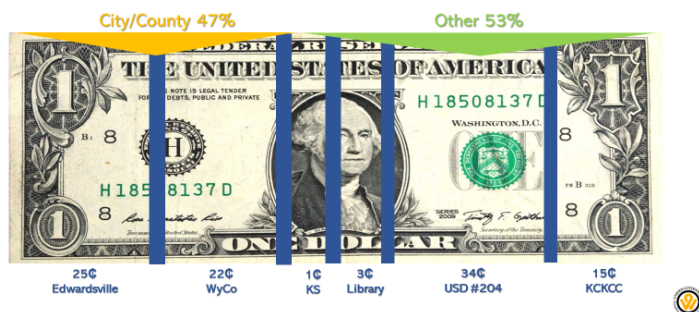
USD #204

(BONNER SPRINGS SCHOOL DISTRICT – BONNER SPRINGS RESIDENT)



USD #204

(BONNER SPRINGS SCHOOL DISTRICT – EDWARDSVILLE RESIDENT)



This goes through so anybody can look at this presentation and they can look at it specific to their own school district and they can see just how much goes to if they're in Turner, or USD #500, or Piper School District, or Bonner/Edwardsville. It even breakouts if you're in the city of Bonner or Edwardsville, so it gives the opportunity to see how that's done.



SUMMARY

- ✓ No mill rate increase
- ✓ Dramatic decrease in sales tax revenues
- ✓ Overall reduction in city operating expenses
- ✓ Heavy utilization of fund balance
- ✓ Reduce current personnel costs through efficiencies, furloughs, and reductions
- ✓ Continue investing in priority areas while recognizing current budget constraints
- ✓ More reliance on debt funding



That being said, the summary of this years budget really comes down to the fact that we are doing our services we've laid out, without any kind of mill rate increase, and by taking on a dramatic decrease in the sales tax revenues that we're projecting for this year and next. We will see an overall reduction in city operating expenses, so that's going to affect our performance in delivery of service that we have. It does heavily utilize fund balance and it has a reduction in current personnel costs through efficiencies, furloughs and reductions.

I'm going to continue to invest in priority areas, like I showed you with streets. We still have money in there that we did for debt and some of our equipment and we are more reliant on that debt to make it all happen. That's really kind of how the budget comes in.

BUDGET CALENDAR

September 5, 2019 • PBB Retreat	December 12, 2019 • CMIP Major Capital Evaluation Criteria	January 30 • Priority Based Budgeting	February 13 • 1st Budget Public Hearing	April 1 • PBB/Budget Retreat
April 23 • CMIP Special Session	May 7 • 1st Budget Workshop	May 21 • 2nd Budget Workshop/CMIP Special Session	June 5-10 • Budget On 3s	June 11 • 3rd Budget Workshop (Set MML)
June 25 • Administrator Presents Budget	July 9 • 4th Budget Workshop	July 13 • Final Budget Public Hearing	July 16 • Budget Adoption	



I'll also note our budget calendar that's out there, and again, as I said at the beginning of this meeting, this Commission has had a lot of input on this. It seems like no sooner did we finish the budget then we start. Last year we jumped in PBB and started working with that. We had to put a little bit of a pause on that. I wish I had the PBB further along coming into this year as we went through Priority Based Budgeting. We met on Capital several times throughout the course of the

year. I've just noted, we had our first public hearing for the public to come in, weigh-in, as to areas they felt were important in February of this year and then we had three different workshops, May 7th, May 21 and June 11th for you all to provide feedback to me so I could build the budget that really is one that I feel like is our budget to move forward with as we go through and just verify where things are within that.

With that, I'll note, I believe all the commissioners have been sent a link to this years budget that's online if you did not request a hard copy. It will be put on so if someone goes to our website, it's being put on there now so you can link into the wycokck site and we will link up to it and that will be on later tonight.

I want to thank the Finance and Budget team for all their hard work that they do throughout the year and then really over the course of the last couple of months to get us to the point where we are today.

With that, Mayor, there's the budget and we look forward to working through this in our fourth workshop when the Commission comes together to discuss things again.

Mayor Alvey said I did want to take note of the July 9th workshop. Would you explain why that was moved? **Mr. Bach** said we have Standing Committee meeting on July 6th. That was a scheduled workshop date. After going through agenda review today, we have a lot of items on that agenda that's going to take several hours. I think the projection was that could run in excess of 8:00, so we didn't want to hold the commissioners waiting to do that workshop after that time period, so the Mayor added a workshop for July 9th, and we'll do that at the 5:00 timeframe before the Commission meeting starts at 7:00.

Mayor Alvey said I want to thank Mr. Bach and all of his staff for the many long hours and days that have been put in, in what is clearly a very difficult situation and difficult as well because trying to look forward and project into the future of what the economy will do, what our revenues might be able to do is very uncertain.

I know we will have a COVID-19 update later, in just a few moments, but you know the situation as we look forward, more than half the states in the nation have seen recently significant increase in numbers of cases and we've got to continue to try and halt the spread of virus. Some of the places that reopened, in fact, maybe too early, too aggressively, are starting to see a major

uptick. I noticed that Houston, for instance, their hospital beds are at 97% capacity and I believe about 37% of those beds are related to COVID. They have not actually hit their peak yet, so they are contemplating going into emergency mode just to be able to handle the number of cases.

Again, what we're dealing with is a very difficult situation trying to really project where we are in the future. It's so uncertain and anything I read about the COVID virus continues to say it's uncertain. I recently read that a scientist at Harvard in their John Hopkins School of Public Health mentioned that even with most aggressive development of a vaccine, we are looking—kind of facing the same situation through next year at this time. Again, very difficult circumstances. Money is not easy to come by. We are hopeful that perhaps the federal government will come out with another package of stimulus and that it will take into account loss revenues, but that's by no means certain. In fact, there's significant pushback to that idea at the federal level.

Commissioner Bynum said I just have two quick questions. The first one is on the mill rate slide within the presentation, the mill rate from—excuse me, KCK mill rate from 2019 to 2020 showed a difference of about two-tenths of a mill, 38.138 in '19 to 38.398 in '20. I think there is a technical explanation for that given that we, the Commission, did not actually change the mill rate between those two years and I would just like to hear that technical explanation again.

My second question is, with regard to the CARES Act funding, do we think we have an estimated date by which our recommendations would go to the State, be approved, and the funds then be dispersed. Do we think that would be September?

Mr. Bach said, Commissioner, on the CARES funding, we have to have all our recommendations to the State by August 14th or 15th, I believe it's the 14th, so we have to have it all in place by then. I don't know how fast they will have all their approvals done to us, but that's our required timeframe. **Commissioner Bynum** said I guess what I'm thinking is if they turn it back around to us and say we approve of everything you're proposing to fund and funds have to be spent by December 31, you know, you're looking at a three or four month timeframe for entities to spend down all that money, so that's all I was looking for. **Mr. Bach** said I think you will want to start submitting up approvals as soon as we decide how different areas that we're ready to advance.

Mr. Bach said, Kathleen, do you want to answer the question on the mill rate and how that is impacted by the final tax value each year? **Ms. VonAchen** said yes. When you adopt the budget, you adopt in terms of the property tax, you adopt the revenue amount that you seek to generate. So, we use the June certified value supplied by the UG Clerk to determine that calculation. So, yes, we kept the mill rate at that level as you mentioned. But then in October between June and October a number of properties are either—they get processed through the appeals process and so that adjusts the total valuation percentage. So, when the UG Clerk submits her final certified numbers in October, the mill rate is slightly adjusted to a team, the revenue numbers, that are in the budget. Basically, between January and October, all the appeals work decided upon and it resulted in a lower assessed value and so as a result, the mill rate was adjusted upward and that's done by State law, you know, the UG Clerk which they do every year.

Commissioner Kane said I've been told that the turnaround on that is going to be as short as possible. I think once we turn the stuff in and we do it right, I think the money will come in short order and that's what I've been told. **Mayor Alvey** said hallelujah.

Mayor Alvey said seeing no more questions or comments we are adjourned. We will reconvene in ten minutes for the COVID-19 update followed by the presentation regarding Fire Department funding.

Mr. Bach said, Mayor, I would suggest you just recess. That way you can come back in and you don't have to go back through roll call. **Mayor Alvey** said okay, we are recessed.

MAYOR ALVEY RECESSED
THE MEETING AT 5:53 p.m.

Bridgette D. Cobbins
 Unified Government Clerk

dt

June 25, 2020

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

SPECIAL SESSION, THURSDAY, JUNE 25, 2020
2nd Meeting – 6:03 p.m.

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, June 25, 2020, with eleven members present on line: 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; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Emerick Cross, Melissa Sieben, and Alan Howze, Assistant County Administrator's; Juliann VanLiew, Director of the Health Department; Dr. Allen Greiner, Local Health Officer; Dr. Erin Corriveau, KU Medical Center/Deputy Health Officer; Elizabeth Groenweghe, Chief Epidemiologist; Chief Michael Callahan, Fire Department; Kathleen VonAchen, Chief Financial Officer; and Reginald Lindsey, Budget Manager.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, June 25, 2020, at 6:03 p.m. by way of ZOOM for a COVID-19 update and committee presentation regarding Fire Department funding.

Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through ZOOM.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

MAYOR ALVEY said it is 6:03 p.m. We will reconvene and I'll pass this on to Ms. VanLiew.



Juliann VanLiew, Director of the Public Health Department, said thank you for the opportunity for the Health Department to come and give you a COVID update again this evening. It's been a few weeks. We're going to give you an update to previous updates. We'll walk through the data; what we're seeing in the trends and a couple next steps of interventions we're thinking about within the Health Department.

I also have with me tonight Dr. Greiner and Dr. Corriveau as well as Elizabeth Groenweghe who is our Chief Epidemiologist.

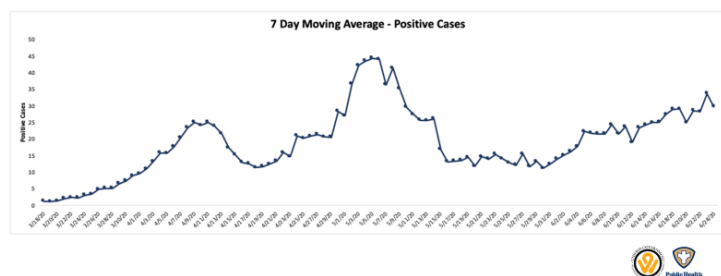


INDICATOR	KANSAS	JOHNSON COUNTY	KANSAS CITY, MO	WYANDOTTE COUNTY
Positive cases	12,970	1,369	1,881	1,977
Deaths	261	81	32	78
Rate (per 100,000)	446	234	391	1203



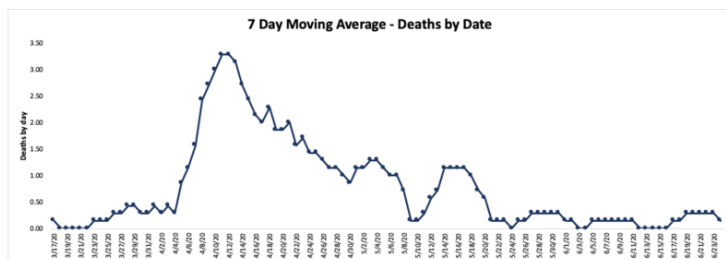
High level numbers, you can see our positive cases is actually—this slide was updated yesterday, so as of today we're just over 2,000 cases within Wyandotte County but our rate per 100,000 is sitting right around 1,200 cases. Again, that's higher than what we're seeing in Kansas and in surrounding counties. Reaching just over the 2,000 case mark also makes us now the highest cases of all counties within the state of Kansas unfortunately.

Rolling Averages: New Cases



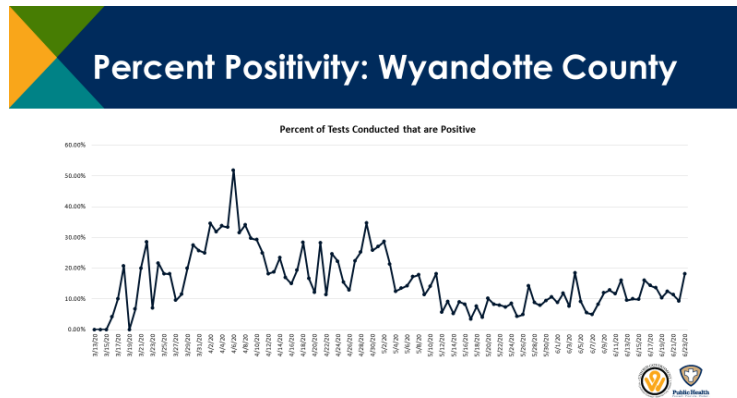
As we look at our 7-day rolling averages, you can see that we've seen a very steady incline, unfortunately, over the last few weeks so we're now sitting around—between 25 and 30 new cases a day. The other day we had 38 which was a considerable increase from where we were a few weeks ago so this is very concerning for us. I think as we think about next steps we're really going to have to figure out what the threshold for us needing to consider some drastic measures as we're seeing these climb.

Rolling Averages: Deaths



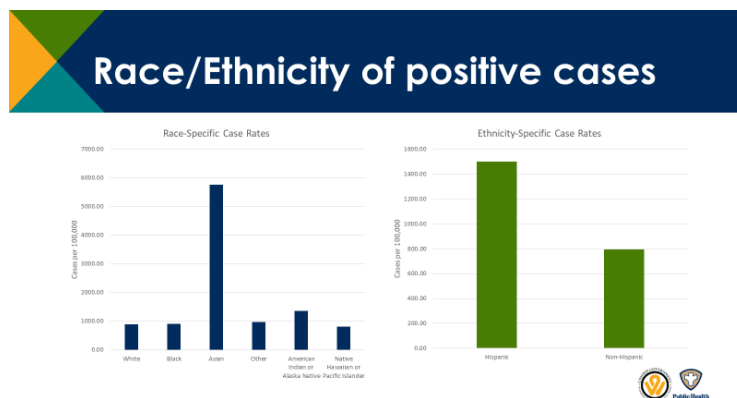
One of the good things is that we have not seen a drastic increase in our deaths recently. We did have a death I think 7 or 10 days ago, so you're seeing about .25% rolling average which is obviously much better than we were. I think that has a lot to do with the precautions we've put in place in our long-term care facilities and we will hear in a few minutes about a few smaller clusters we're seeing in some of those facilities, so we're really going to keep our eye on this metric as always.

I'm going to send it to Dr. Corriveau to talk about percent positivity.



Dr. Erin Corriveau, KU Medical Center/Deputy Health Officer, said as you can see here our percent positivity rate is increasing a bit. As you can see on this graph, around mid-May there we see that it looks as though the graph really starts to kind of come down and that's because at that point and time, we believe, KU started testing all of the patients who are admitted to the hospital there. That is people who are both systematic and not systematic within the hospital, so it really kind of pulled our percent positivity rate down.

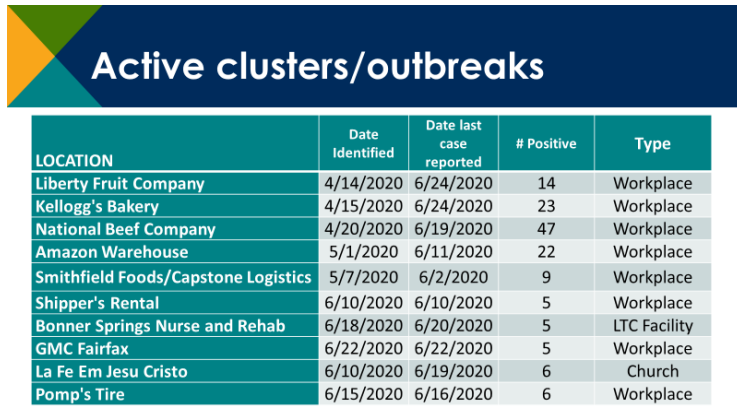
This is graphed out just a point by date and so we don't have the rolling averages yet here, but we can see—if you squint, you can see a bit of an angle popping up there. We did have a concerning positivity rate of 30%, that was on Monday for our Health Department testing. Overall in our community we're just under 20% for that.



Moving on to the next slide, overall in our testing just showing race and ethnicity data here. You can see on the left-hand side race-specific case rates. We're seeing overall White, Black, Other; staying pretty low there. Asian category has popped up quite a bit. To the right is the ethnicity-specific case rates are Hispanic. Case rates have gone really through the roof. That has been

lately. I can tell you antidotally from about the last week or so probably about 90% or so of our cases have been in our Latino community.

The next slide, I'm going to turn it now to Elizabeth Groenweghe, our Epidemiologist.



LOCATION	Date Identified	Date last case reported	# Positive	Type
Liberty Fruit Company	4/14/2020	6/24/2020	14	Workplace
Kellogg's Bakery	4/15/2020	6/24/2020	23	Workplace
National Beef Company	4/20/2020	6/19/2020	47	Workplace
Amazon Warehouse	5/1/2020	6/11/2020	22	Workplace
Smithfield Foods/Capstone Logistics	5/7/2020	6/2/2020	9	Workplace
Shipper's Rental	6/10/2020	6/10/2020	5	Workplace
Bonner Springs Nurse and Rehab	6/18/2020	6/20/2020	5	LTC Facility
GMC Fairfax	6/22/2020	6/22/2020	5	Workplace
La Fe Em Jesu Cristo	6/10/2020	6/19/2020	6	Church
Pomp's Tire	6/15/2020	6/16/2020	6	Workplace

Elizabeth Groenweghe, Chief Epidemiologist, said this is kind of a summary of the active outbreaks that we have going on here in Wyandotte County. As you can see we've got quite a few outbreaks that we're working on and investigating here at the Health Department. A lot of them are among work places, in particular, a lot of manufacturing and production and warehouse type of work places. Just because that kind of work environment, you know, the employees are working closely together, sometimes in more enclosed spaces really puts them at risk for spreading COVID within the workplace.

We also do have one long-term care facility where we're following an outbreak right now, Bonner Springs Nursing and Rehab. We have kind of a more established strategy for responding to long-term care facility outbreaks than we did kind of at the beginning back in March, April and May. We've kind of paused and then came up with some better strategies, so now when we have an outbreak at a long-term care facility, we're testing all the residents and all of the staff every week until we get negative test results across the board.

You can also see we do have one outbreak that we've identified at a church as well where one of the congregation came to the church service while systematic with COVID and we later identified other cases as a result. That's kind of the summary of the outbreak activity here in Wyandotte County.



- Long-term Care Facilities
- Educational institutions
- Churches
- Business Toolkit



Dr. Allen Greiner, Local Health Officer, said I'll jump in here. We've mentioned a couple of times things we're doing with long-term care facilities. We put out some guidance this week on reopening and we were concerned about reopening and I think all the long-term care facilities are as well. In fact, Elizabeth and I had a phone meeting with all of them last Friday to kind of go over some things and they're very concerned and really trying hard and struggling and under a lot of stress. We worked with them and then we worked with our Long-Term Care Task Force group that includes several geriatricians as well as some folks that have worked in long-term care their entire careers, really a great group of people, so we feel pretty strongly those reopening measures we have in place will help safeguard residents. Things like a stepped approach where only once they sort of feel like things are in good shape with their ability to use protective equipment, their ability to conduct testing if they need to and their ability to screen both staff and visitors, would they be able to start having visitors even for outside visits. Then we would move from that, if we feel like things are going well, they would then potentially have visitors coming in, but lots of safeguards in place. We could certainly share those details if folks want to see that. We believe as well with this testing, as Elizabeth mentioned, increased testing we're having some impact with that and going forward if facilities are wanting to reopen, we're going to ask them to test all of their employees every 14 days to try to detect employees that might be asymptomatic, but might be infected, so that will be happening. That's all on long-term care.

Educational Institutions; many of you are aware we have a group of regional educators from all the school districts from higher learning from early childhood, all the different sectors who worked with us to put plans together and those plans have been distributed. We haven't finalized any of the ordinances or measures around that, but you may have seen some press about this this week as well. Dr. Corriveau did a couple of interviews I know with local press on these

issues. There are also statewide groups working on these things as well. There's a group out of KDHE over in Topeka. I know of another group out of Wichita that are a bunch of pedestrians that's working on statewide plans. We'll try the best we can to align with all those things, but again, we know it's important to get kids back in a learning environment, but we want to do it as safely as we can. We want to have as many people having input as possible.

For churches; of course, in our current phase, they are allowed to be open. We're strongly recommending some things such as use of face masks, such as not singing which concerns us. There are certainly no mandates that people can't sing when they go to church, but we're strongly encouraging that. We've also got guidance about social distancing, of course, and we've got a 45 person limit still in place for the total size of a gathering that can be in an environment where people couldn't guarantee that 6-ft. distancing.

Many of you may have seen the business toolkit that came out last Friday, mailed out. Again, developed through Janell Friesen, our Information Officer, as well as Elizabeth and all the rest of us, so that's out. We'll continue working with the local businesses to try to hone that.

Phase 3.0

Most Frequently Asked Questions

- When will we move to the next phase?
- Why do we have restrictions in place while Johnson County does not?
- Will we be implementing requirements for mask wearing in public?



What are we hearing in terms of questions? When will we move to the next phase? Of course, we've extended this current Phase 3 that we're in and will be in this phase watching the data until at least July 6th. The reason we extended it is really related to this uptick in cases that we are seeing and since we made that decision last week we're continuing to see that uptick and I think many of you are seeing this in the press both regionally and nationally. There are a lot of concerns on the table right now and so we will be closely watching things, closely working with the local hospitals. We're hearing things in places like Texas about them starting to restrict elective surgery procedures again so they can have some hospital capacity. Those might be the kinds of things that are in our

future, but we want to be cautious. We don't want Wyandotte County—although we are certainly leading in cases again as a county in the state, we are not leading in terms of those hospital numbers and our death rates have been down. We want to work really hard to maintain that with whatever we have going on. We'll stay in contact with all of you and we will be following that data and sharing that data and hoping to make the best decisions we can.

Why do we have more restrictions than other people? It's a couple things. I think number one, we are concerned about the vulnerability of our overall population. This county, as all of you know, has historically had worst county health rankings than many other counties including Johnson County. We really feel like having more in place to protect the vulnerable gets us the best chance to weather the storm of this pandemic and we feel like the science is honestly on our side. We have throughout this made slightly different decisions than Johnson County and I think in the end when we look back on this, we will find that we followed the science, as the Mayor has said, we are going with what the virus tells us and what we can find out there in terms of expert opinion. We want to continue to do that and I think that we all feel certainly here at the Health Department that's the right thing to do.

Will we be implementing requirements for mask wearing in public? A hot topic this week. We have certainly not made any final decisions about that, but we are seeing increase data just published in literally the last 10 days that really suggests that this may make a big difference and we are—of course many of you are probably seeing this too, we are not seeing the best compliance in the world with mask wearing as a recommendation. It varies I think from place to place across our metro, but there are more and more places across the United States implementing a mask wearing requirement in public. Again, there are many, many questions around this. How would you enforce it, what other measures would we need to make to increase education and create buy-in, etc., etc. We feel like there may be a similarity to this with what we did with the stay-at-home orders a couple of months back where we had to take a leap based on the science and try to get the buy-in of the population and not worry so much about how we were going to enforce things but put something in place that we think can really save lives. We'll be talking more about this in coming days. I had a really good conversation today with the other metro Health Department Directors and Health Officers, so more on that to come and we appreciate everyone's support.

CARES Funding

- Eligible entities: UG departments, city governments, nonprofits, healthcare, social services, education, etc.
- Eligible uses: Testing, tracing, PPE, modifying workspaces, providing social needs (food, housing, etc.), etc.
- Timeline:
 - Application available online 6/29/20
 - Applications close 7/13/20
 - Internal review team submit proposal to state by 8/1/20
 - Disburse funding by 9/1/20 (depending on state's timeline) 

Ms. VanLiew said for those of you—those commissioners who are not on the Administration & Human Services Committee, we wanted to make sure you were updated on where we are with the CARES funding and for the public as well. Entities who are eligible to tap into the \$37-\$38M that will come to the Unified Government are obviously Unified Government departments, other city governments within our jurisdiction, non-profits, health and social service organizations, educational entities, for-profit entities as well. Those uses that they can apply for include everything related to COVID clinically, but also those social needs we know people have around food and housing, modifying work spaces and businesses, so anything that can be linked to COVID is, generally speaking, an eligible expense. People can apply to be reimbursed for expenses that they have already made as well as expenses they intend to make before the end of 2020.

Just to give folks a general timeline, we are working fast and furious to get an application up on our website on this coming Monday, June 29th. Again, all those eligible entities that I mentioned can go to our website at that time to find that application. We'll keep that application open for two weeks and close that on Monday, July 13th and then the seven person team that has been put together by Commissioner Markley will review all those applications. We then have to turnaround and submit to the state how we intend to use the money and have that approved by them before we can disperse it, but our hope is that will happen fairly quickly in the month of August and we will be able to get the funds dispersed by the beginning of September.

Again, these funds have to be used by the end of the year. They're still working on the guidance in terms of how much of that can be encumbered or what that can look like at the local level, so we're trying to find details as quickly as we can, but this is generally speaking what we know and the timeline that we're working with.



That is all we have for this evening. We're happy to take questions.

Mayor Alvey asked are there any questions or comments.

Mayor Alvey said if you would, Dr. Greiner, just describe why wearing masks are effective and why, for instance, bars are the last to open, large events are last to open, we discourage singing in church; just the basic physics of it. **Dr. Greiner** said it's been a real learning curve for all of us with this virus. I think overtime as we've seen more and more data come in from different countries and here in the United States, we've really felt more strongly that there is significant aerosolization of this virus so that when people are doing things like speaking loudly, singing, even talking, that's where the 6-ft. distance comes in. Sometimes there's probably a need for even more barriers to things that get aerosolized slightly when we do normal activities. We don't think we're seeing as much spread of the virus from contaminated surfaces as we thought at first. We're certainly not seeing a lot of cases that relate to food, but we are seeing it—you know, if you look back to our first clusters from churches in this county, I think we're sort of sitting here thinking if we would have known how much aerosolization was really happening, and I think we're seeing the same thing in the meat processing facilities in that probably that virus is somehow aerosolizing from the sawing equipment and the meat and the human air. None of this is all proven, but there is a lot more data on the aerosolization.

If you have a mask on and some masks are better than others, but any mask creates a barrier for that virus and small particles of saliva to be genesis down and to be floating around where somebody else can inhale them. So, especially if two people in the same place have a mask, you're creating a pretty significant reduction in the risk in that environment. Of course, bars and

restaurants are risky because people are going to have to have masks off to eat and drink and we've got to figure out how we can encourage at least intermittent mask use because, again, it's all statistical. If you can lower your risk by intermittent use even, it's better than no use. Barriers, barriers, barriers is really the key to the masks.

Mayor Alvey said I've read, for instance, that perhaps some of the clusters at meat packing plants and other places where the machinery is very loud and people are close together, when they do have to communicate, they have to really project their voice which causes more aerosolization and so, again, both parties wearing the mask it prevents some of the droplets going out, but it also helps prevent on the receiving, you're not picking it as much. I've also seen research that says that the amount of viral material that you are exposed to will determine the severity—first of all the transmissivity and the severity of a virus. So, if someone is really shedding, viral shedding heavily and we come into close contact with that and we get a big dose of that, what's likely to happen is we're more likely to get infected and have more severe infection. Is that accurate?

Dr. Greiner said that's right. We do think that asymptomatic individuals can certainly spread this virus, so that's why we want everybody wearing masks. Even if you're asymptomatic, you could be potentially infectious to others, but if you've got symptoms, that means you probably have a higher viral load in your blood stream, in your saliva and if any of that gets to somebody else, their chance of getting infected are higher. So, the messages of wear the mask, yes, you can transmit it symptomatically, but certainly if you're sick, stay home, stay home, stay home because those are the people that are probably going to be out there infecting the most folks. We've got to keep pushing those messages.

Mayor Alvey said thank you for your update. Those are always very helpful to us.

FIRE STATION STAFFING

COMMISSIONER BYNUM, 6/25/2020



Mayor Alvey said we now move on to a presentation regarding Fire Department funding and I think I'm handing this over to Commissioner Bynum.

Commissioner Bynum said just by way of quick background, as you know the Commission approved the building of a new fire station in Piper, multiple budget cycles previous, and now that Piper Fire Station is ready to be occupied and come into operation. The proposal that's come forward is that we would close Fairfax Station 15 and utilize the Quindaro Station 5 to provide fire coverage for the Fairfax Industrial area and, of course, that would also increase the fire coverage area that 5 would be responsible for.

FIRE STATION TASK FORCE

- Purpose: To identify any budget opportunities that would allow for the opening and staffing of our new Piper Fire Station (No. 12) while keeping the Fairfax Fire Station (No. 15) open
- Members: Mayor Alvey, Commissioners Bynum, Burroughs, Markley and Townsend, County Administrator Doug Bach, CFO Kathleen VonAchen, Deputy CFO Debbie Jonscher, Fire Chief Mike Callahan, IAFF Local 64 President JJ Simma
- Task Force met for a total of more than 4 hours

Commissioner Bynum said I had asked the Mayor to allow us to have a small group to sit and meet together to try to identify if we had any possible opportunities that could allow for keeping both the Fairfax Fire Station #15 open and staff our new Piper Fire Station and the Mayor granted that request. The group that met, that I want to say a very sincere thank you to, included Mayor Alvey, myself, Commissioner Tom Burroughs, Commissioner Angela Markley, Commissioner

June 25, 2020

Gayle Townsend, County Administrator Bach, our CFO Kathleen VonAchen, our Deputy CFO Debbie Jonscher, our Fire Chief Mike Callahan, and J.J. Simma, our President of our Local Firefighters Union.

We met multiple times over several days. We met for a total of more than four hours in discussion of what, if any, options are available for reaching this goal of opening new Piper Station 12 while maintaining operations at Fairfax Station 15.

GOALS

- Get through 2020 with short-term funding solution
- Seek long-term, stable revenue sources for 2021 and future years
- Not intended to remove or delay other departmental priorities

The goals were to get through 2020 with some sort of short-term funding solution and then, obviously, as we move into '21 and future years seek longer term, more stable revenue sources, and certainly not with any intention of removing or delaying any other departmental priorities.

COST TO STAFF AND EQUIP STATION NO. 12

2020	2021
■ Personnel: \$900,000 (overtime)	■ Personnel: \$1.9 million
■ Pumper: \$0 (temporarily use existing inventory)	■ Pumper: \$65,000 (finance)
■ Personnel in Academy: \$315,000	■ Overlap Overtime: \$588,000
■ TOTAL: \$1,215,000	■ TOTAL: \$2,553,000

The cost of staff and equip new Station 12 in Piper, these are the costs that have been identified and you will see that just to get hypothetically opening on July 1, which is how we based this 2020 figure, Personnel itself is \$900K and that would all be obtained by utilizing overtime. Then we had a conversation around the cost of a pumper which is about \$650K; however, the one thing put

forward was zero for now as we would use something in the existing inventory and then we would have to put new firefighters into the academy, so you can see that just getting through the balance of 2020 would have a total of \$1.2M. Then as you move into '21, again, in Personnel you're looking at \$1.9M. If we purchase a new pumper, but it's on a finance plan, then that annual payment would be around \$65K. Again, we would still have an overlap in some overtime that would be needed for staffing, so you can see that cost for '21 would be around \$2.5M.

FUNDING OPTION FOR REMAINING 2020

■ Loan from Special Assets Fund and Tourism & Convention Fund (to be repaid)

	Fund Balance (Cash Basis)	Loan Amount
Special Assets	\$1.432 million	\$500k
Tourism & Convention	\$1.172 million	\$400k

We spent a good deal of time looking at our special funds that were referred to earlier in the budget presentation in the first half of our time together here. There are a couple of funds, not many as you can see, we identified a total of two where there is actually money available out of all of those special funds. These are the two that have a fund balance available. We would make very clear to all of you and everyone involved that this would be a loan much the same way that Mr. Bach has already explained to us. Loans have been taken already to create a balanced budget that we saw earlier and then in the loan amount column, it's not correct simply because of the fact that the slide prior to this had the increases in Personnel costs that actually came in this morning. Again, you can see Special Assets and Tourism & Convention are two choices from which we could potentially borrow the funding that we need. So, the \$500K and the \$400K don't quite get the job done. Both of those dollar amounts would have to be adjusted upward in order to reach that balance for 2020 operations.

FUNDING OPTION FOR 2021

- Place Public Safety sales tax initiative on November ballot
- Potential to raise:
 - .25 cent = \$6 million
 - .125 cent = \$3 million

Another item that came from our hours long discussions did include the option of a Public Safety Sales Tax Initiative. This would be an item that I think we would want to spend some time contemplating together both tonight and at a future time. At the same time, I think it is time sensitive because I'm sure there are legal and technical issues required with deadlines for placing any kind of items such as this on a November ballot for a public vote. I think we have to keep in mind here this would be clearly a vote we would take to the community and place it on there as a referendum for them to either approve or reject.

If you look at our current Public Safety Sales Taxes that are in place, we know that the .25 cent that we currently have in place as the Dedicated Sales Tax—excuse me, I think it's the EMS Tax, does raise about \$6M annually. If you had an .125 cent, you could identify about \$3M annually in sales tax revenue.

SALES TAX INITIATIVE

- Would be specific to public safety
 - Updating antiquated police and fire stations, equipment, and personnel
- Would have an expiration date
 - 10 years

Also, one thing that the Mayor pointed out that I do completely support with regard to this kind of conversation, we certainly would want to put perimeters around anything we were to do with this Public Safety sales tax. We certainly would want it to expire and it could be used for the other

needed building initiatives both in Police and Fire that we know are so desperately needed in our community. Again, this is a discussion point, something for all of us to, I think, consider and discuss together as a body.

FOR DISCUSSION

- Utilize fund balance reserves from the Special Assets and Tourism & Convention funds to keep both fire stations open in 2020
- Place a sales tax initiative for Public Safety on November ballot
- Other long-term revenue streams for ongoing operations costs

So, over all of our hours of talking, you know, bringing forward to you the concept of utilizing fund balance reserves from the Special Assets and the Tourism & Convention funds to keep both fire stations operating at a minimum through the balance of 2020. Potential conversation for a sales tax initiative and then other long-term revenue streams that we would obviously continue to seek high and low for ongoing operation costs. I would just add a few comments onto the end of this presentation.

Commissioner Bynum said my few comments that I would use to sort of open up this discussion with the rest of the Commission are simply these: We do have in place an agreement dating to 1985. It is an agreement that exists within the City and General Motors that we've all been made aware of that as we've had these ongoing conversations about the Fairfax station over these last few months. We have a Northeast Area Master Plan that, we as a Commission, adopted as policy. It does state as one of its goals to keep the Fairfax Fire Station open. Our FACETS Facility Study on page 5 when it lists out a chart of all of our stations along side the Fairfax Station in that study it states maintain. We have the opportunity, as we saw earlier in Mr. Bach's presentation, for the Pierson Park consolidation of two fire stations which could potentially once two stations are consolidated into one, free up a fire company.

In addition, I would only add a few more points. Within our Commission goals one piece of that pie is Safety and the Perception of Safety. I do think this speaks directly to that Commission goal and within our community survey the slide that was referenced earlier in the budget

presentation, fire does reside in the top 10 of those categories. I would also just like to put on the table for conversation that we would continue to seek any and all grant opportunities.

Also, I would hope that we would keep our eyes and ears open for any COVID-19 related CARES Act funding as it may be helpful to us in the future. We do still have a fund balance so if we decided that it was important that we keep all of our fire stations operating and we don't like the notion of taking from these two fund balances out of these two special funds, there is still a fund balance. What I'm asking now is simply the opportunity that we continue to talk about this and look at every opportunity before we unilaterally say that the only possible solution to staffing a brand new Piper Fire Station that is beautiful and ready to go is to close Fairfax.

One thing I would like to do if Commissioner Townsend is on, I would like her to speak a bit about the concept that she has brought forward and other than that, Mayor and Mr. Bach, I would be happy to turn this back over to you to facilitate any further conversation that we might have tonight. But, before that, I would like to recognize Commissioner Townsend.

Commissioner Townsend said thank you Commissioner Bynum for a great startup. Thank you Mayor for considering that the task force could forward and thank you to Administrator Bach and his staff for the support. One of the things, and it wasn't a part of this slide presentation, because I wanted to talk more with the constituency at Fairfax about another possibility and I'll say that not all of them were excited about it in the least, but as we try to do the best we can as commissioners to put everything that might be a possible solution on the table, it was worthy of the discussion tonight and then we can go from there with the Commission's pleasure.

For lack of a better term, it is what I would call the Solomon option or shared arrangement where personnel and equipment from Fairfax, which currently exists and is open and functioning, would share time, equipment and personnel with the new station at Piper meaning whereas it's manned 24/7 now at Fairfax, there would be some time of the week where it would be fully staffed. Then another portion of the week the staff and the equipment would be at the new Piper station. Nobody gets everything they want, but this is worth consideration and discussion because it is relatively neutral with regard to cost to the budget.

Several other benefits of just considering this is that while the shared arrangement, as I said, is not the ideal for either one, it gives a bridge time for Fairfax to become accustomed to

something they've had for over 30 years, 35 years, which was 24/7 coverage. Also, it would be more than what the new station has had and is deserving in that area of Piper also.

When 15 would be in Piper the Quindaro station, of course, would become the primary and statistics have shown that 5 which has a great response reputation and history should be able to make it in the 4-minute response time set by the National Fire Protection Association down to Fairfax. Fairfax concern is that there's already EMT availability there so they are concerned about whatever gap in time may exist from a first responder ability to help someone being there in Fairfax as opposed to whatever time may be lost in minutes coming from 9th & Quindaro. The EMTs, I believe, have more time under the National Fire Protection Association to arrive to transport.

This is something that we think is worthy of discussion. We know it may not be, at first glance, the best thing for either one or favorable for either one, but it gives us some time and it helps with this transition to see if what was proposed in a plan in actuality can work. Safety is the main concern.

A Part B of that shared option is if the pumper and the whole personnel crew left Fairfax 15 what the possibility might be to have some person or persons who could perform just EMT services. The concern would address issues raised by Fairfax in terms of what would happen losing the immediate availability of someone who could perform emergency medical in the amount of time that it would take to come from Quindaro.

I just thank Commissioner Bynum for coming forward with this, the Mayor, the Administrator, all the other commissioners who put their heads together so we can at least get some of these options on the table.

Commissioner Markley said thank you to Commissioner Bynum for her steady leadership of this task force. It's definitely not an easy conversation. I really appreciate her effort. I do think if the will of this Commission and the community because in the plan that Commissioner Bynum has proposed sales tax would be required for the ongoing support, I think if that is the will of this group in the community, that this is the best plan that we can come up with given the budget constraints that we are under. That being said, I think I have a history on this Commission as repeatedly asking us to look at the big picture and to make sure that we're considering it when we make budget decisions, the budget as a whole. So, I will again make that comment tonight. We were just—obviously, it's not a final draft of our budget presentation and now in your email inbox, or

perhaps on your desk if you requested a paper copy. You have volumes of budget material to look into, but I would urge you to focus on those things that Doug has listed that are not included and to hold those up against the item we have before us now.

Just to give you an example of what I mean by that, the amount of money we have found in those loan funds is directly the amount of money that we would need to not furlough our employees for the 10 days that we're furloughing them. That's just to give context, not to say the two are related at all. They're not related. We had to do furloughs to make our budget work, but we are saying we're finding these funds for the project before us tonight to keep the station open. That same amount of funds could have kept us from having to furlough our entire Unified Government staff other than Public Safety.

I would just say look at all of those not included items and make sure that in your mind this station is more critical than any of those unfunded items because if it's not, then we're not making the right decision for our community or for this Commission. So, take a look at those budget books and I'm just begging you all to do that analysis and if we come back together and we say this station is the highest priority, then we know we've done our job. There are a lot of things that are not included in this budget that I think we also need to give consideration to, so I hope you will do that.

The other concern that I have is just something to keep in mind as you're considering this item, not up for vote tonight folks, so take your time, but make sure you're considering all these aspects. We are, you know, considering a measure that would get us a little further along until we get into the sales tax issue. I don't think that we're going to be in a good budget position next year either and probably not the year after that and so this concept that we're just going to get forward far enough to get into a better day, I just think is important. It's important for us to be aware that better day is probably a little further down the line than we would like it to be. When we talk about taking loans out of these funds, if we take all this money this year, we've already taken some loans as part of the proposed budget. The Administrator's proposed budget already has taken some of those loans. If we take additional loans and then we're in a rough spot again next year, that money is not there to get a loan from. We already took it all out of the piggybank. So, take a look at your budget predictions.

If you're on the Mid-America Regional Council, you've seen a lot of these presentations, but they're all available out there for the other commissioners as well. They're talking about more

like five years before we're back in a good budget position. I would just say keep that in the back of your mind as well as you're considering this issue. It's not going to be an easy decision for this Commission to make. I just want to make sure that we are seeing the full budget picture as we make that decision, not just this years budget picture, but what that future might look like for us.

That's all I've got and, again, thank you Commissioner Bynum, for your leadership.

Commissioner Kane said first of all, Commissioner Bynum I appreciate the work that you and your committee did. Secondly, I think the idea of coming with a sales tax is awesome. It worked in Kansas City, MO. It would be a good time to bring it forward and I just want to remind everybody that it has taken three years and 10 months for the fire station and the study showed that we needed two fire stations. In my mind safety is the overall priority. I think we need to push forward with Commissioner Bynum's recommendation and to give us further conversation so we can dig deeper into the weeds to figure this out.

Commissioner Ramirez said thank you to the task force and all the members that were on there and thank you Mayor for allowing the Commission to continue to have this conversation. I'm in support of Commissioner Bynum's presentation and her recommendations. This is not saying that what we have tonight is what may be the final in the end, but allowing us to continue to have these conversations with the task force and with Commissioner Bynum and the community and all of the players in this situation so that in the end we not only have a brand new fire station with brand new people who are willing to fight for their community and protect their community, but we're also still protecting a very, very valuable part of our community in the Fairfax and all of those businesses. I'm in support of Commissioner Bynum and have to go for her recommendation and to just continue these conversations, so thank you to everyone who worked hard on this. This is not an easy task.

Commissioner McKiernan said I would also like to thank all of the people who met on this task force and put these things together. This is in fact not an easy task to accomplish and we luckily still have some time to consider all the aspects of it as we try to accomplish this. We come into this discussion with the mindset of maintaining and improving the public good. Now, on its face to an outsider like me, it appears that the closeness of Stations 15 and 5 make their coverage areas

largely redundant or overlapping. This suggests that combining the stations is a step that we could take to free budget resources to support other areas of fire operations. The FACETS Study of 2015 recognized this potential for overlap and on page 24 it listed combining Station 15 and 5 as a possible action step for the Unified Government to consider. At first glance, the current recommendation to close 15 seems to be in line with that suggestion and yet there has been a lot of discussion lately about how this closer, or potential closer, would potentially put people and/or businesses at greater risk than they are today.

The first question I have, and this is not for anyone to answer this evening, but rather this is something that I would like to talk about over the next three weeks is, would we be putting anyone or anything at measurable risk, increased risk, by closing Station 15 and on what basis would we answer that question.

The other thing that I want to just bring up to the Commission is, if we think about funding for the public good, beyond just a fire station, I think there's some very, very, very, large areas of funding that we should be considering that would have a very broad positive impact across the entirety of our community, not just one area.

As we look to find the funding to continue, I think we should find a way to prioritize, identify, and encumber the funds for these following things: first of all, I think that we need to consider how we restore and improve funding for our Public Health Department. I believe it's critical to find resources to fully fund our Public Health Department and our public health effort both now and into the future. That certainly is a measure that would improve the public good, so when it comes to the next pandemic, we're better prepared to quickly mobilize and protect our citizens. You notice I said when the next pandemic comes, not if, it will come and based on our track record in the past we will not be ready, and we will suffer potentially preventable hardship when it does come again.

Second thing, I think we should find ways to put larger amounts of funding into policies and programs that support the residents of our community who have lost their jobs or have otherwise suffered massive economic hardship through no fault of their own due to COVID-19. Yes, this CARES funding that we're talking about tonight may in fact help in that regard, but residents of our county who were treading water before this pandemic are now drowning and not due to any lack of effort on their part. I believe we need to find a way to support them in their recovery because their recovery promotes our collective recovery. Now, that may come in the

form of funding specific assistance programs or it may come in the form of reducing the amount of money we collect, for example, in taxes or both. As Commissioner Markley said, based on the economic forecast for local officials that was presented today by the Mid-America Regional Council, the economic recovery from this pandemic will be prolonged and painful in the Kansas City metro area.

Third, I think we should find a way to increase our broad overall funding for policies and programs that will help us reduce the negative impact of the social determinants of health on the residents of our county. As of today, 78 residents of our county have died due to COVID-19. One of the things that has undoubtedly contributed to that very high death toll is the fact that Wyandotte County still ranks last in the state of Kansas in the county health rankings. Yes, we still rank dead last in the state of Kansas in the 2020 data which was just very recently released. We're last in health outcomes, how long and how well people live, and we're last in health factors; the things that have an influence on how long and how well people live. Funding policies and programs to reduce the negative impact of the social determinants of health will have a broad positive economic impact on every household in our community.

Finally, there are some areas of our city that don't even have what we've been told is the minimum desired coverage that is a 4-minute response time. I would suggest that we consider prioritizing determining how we can provide that minimum coverage for the taxpayers in those other areas that are currently not as well covered or not covered at all.

I am open to the continuing discussion. I am grateful that the committee has brought that discussion up for us, but I do think there are a lot of areas that we could and should invest our resources for the broader benefit of everyone in Wyandotte County.

Commissioner Burroughs said I just want to thank you for the opportunity to have served on the task force trying to identify resources and listening to the prior commissioner speak about the needs of our community, those needs have been out there for decades. It has been a challenge for us to meet any and all of those and, yes, we can do better and we should do better, but as you know government can't be everything for everyone.

One thing I will state, as a public servant we are obligated to listen to those that bring their concerns forward. In my research on this particular topic, it was my understanding that the original fire station—and I'm going to ask that you all bear with me because I don't know the

number of the fire stations, I only know them by designation, but I was to understand the original fire station that was mentioned was the one by KU. Well, that for whatever reason, was pulled out and then all of a sudden the one in Fairfax was identified. I'm only going by what I—the information that I have, Mayor, because you and I were—either one of us was not around when these decisions were made in reference to being members of this Commission.

In meeting with those in Fairfax and meeting with those involved on the task force and those that I trust their judgment. I truly believe that those that come before us and request us to be partners with them that have paid into the investment in our community for public safety deserve to be heard and they deserve to have the resources that they are due. There is some concern over MUA that occurred years ago or decades ago in reference to the deeding of property to the Unified Government with GM for a fire station whether it's ongoing or not. I would just state that once again we're being asked by entity that has a tremendous investment in our community to consider keeping fire protection in that area. We have tremendous volatile, not only volatile liquid, volatile chemicals, but also processes that it won't take much before we have a major incident. What happens if the station on Quindaro is on call and we have an incident. Now the response time is even more.

So, my comment would be—I'm not here to challenge the budget. I have other issues within the budget I think we can meet, but when it comes to serving all this other stuff in reference to the health of our community and public programs and all that, we've dealt with those for decades and we're still shy of being able to do that. When it comes to the public safety of this community I'm a public safety advocate and I'm going to stand strong with our public safety servants and I'm going to support the recommendation by Chairman Bynum who worked hard, and I want to thank her for that commitment in allowing everyone to have input. To all the other members of the committee, thank you for the time that you gave not only those of us on the committee but the community in listening to the concerns.

With that, Mayor, I appreciate the time to have an opportunity to speak to this, but I will supporting Chairman Bynum's recommendations for support of the public safety funding for the fire station in Fairfax.

Mayor Alvey said seeing no more hands, I will go ahead and close with this before we move to our next meeting. I'm going to start off with that I think fundamentally that even before the

pandemic the data that was presented on what kind of coverage we could continue to provide to Fairfax was good. I'm not calling that data into question, but then, of course, with the pandemic now and certainly the budget considerations, those things have changed, and we want to talk about public safety, remember we are not hiring 24 police officers. I sit at my corner and watch people blow through the stop sign. I just received a call from an individual yesterday on 47th Street between Shawnee Drive & County Line Road and people are simply coming over the hill and putting other lives in danger, not stopping for the stop sign at County Line Road because we apparently do not have enough resources to really enforce our speed limits and our traffic regulations.

I'm concerned for public safety as well that we're not going to be providing as (inaudible) street preservation and street clearance. That is a serious concern. I've been in accidents myself on icy snowy roads right here on 49th Street. That's going to be worse this year and we, again, do not know what this will mean for us in 2021 moving into the winter of 2022 as well.

We, again, look at the entire budget. The number of furloughs—the way we've had to actually shutdown operations because of employee furloughs is, again, that we're not fulfilling the basic trust that people have in government that we are going to be able to provide them the services they need. I'm just seriously concerned that if we have an option, an opportunity to continue to provide the coverage that is needed in Fairfax, and I'm confident it does, what is proposed to us that we need to continue with the proposal that has already been laid in front of us. Again, this conversation will go on and we will convene on this again.

We will adjourn this meeting and gather back in at 7:10 p.m. for the regular session. Is that enough time? **Mr. Bach** said it should be Mayor.

MAYOR ALVEY ADJOURNED
THE MEETING AT 7:01 p.m.

Bridgette D. Cobbins
 Unified Government Clerk

dt

June 25, 2020

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

SPECIAL SESSION, THURSDAY, JULY 9, 2020

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, July 9, 2020, with eleven members present on line: 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; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Emerick Cross, Melissa Sieben, and Alan Howze, Assistant County Administrator's; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Manager; Michael Petersen, Assistant Budget Manager; Jeff Fisher, Executive Director of Public Works; Interim Police Chief York, Angel Obert, Assistant Director of Parks & Recreation; and Mark Dupree, District Attorney.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, we have individuals attending remotely. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so that the public participating knows who is speaking. This is critical given the number of remote participants in his current guidance from the Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

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

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, July 9, 2020, at 4:00 p.m. by way of ZOOM for a Budget Workshop.

Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through ZOOM.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said tonight is a Budget Workshop and I will turn this over to Mr. Bach to introduce staff.



Doug Bach, County Administrator, said this is our fourth budget workshop, coming out of one budget to where we did most our workshops leading up to the presentation of the budget so we could factor in all the many considerations before we released the budget. So tonight, we look at the screen we're putting up on front.

Agenda

1. Budget Overview
 - Overview
 - Revenue Performance
 - CMIP Changes
2. Proposed Service Cuts & Reductions
3. Elected Officials
4. Fire Company Follow-Up
5. Library Mill Rate

We're going to do a quick overview. There's a lot of slides that Mr. Lindsey will take us through, but it'll be an overview of what's all in the budget document in case there's any questions about certain sections that you would like to clarify. We also thought it would be important to do an update on revenue as we've seen some sales tax dollars come back in and then other dollars for different areas, so we wanted to give you an update where are there. As we've tried to do in the last year or two is to make sure we point out any changes to the CMIP Plan that we went through in May and there are several different things that we'll go over there. After that, we're going to talk about some of the proposed service cuts and reductions. My objective here is just to make sure the Commission understands in some of the larger areas, those that I would characterize as those in service areas that the Commission feels are of high priority that you understand what we will reduce and what some of the impacts will be in those areas before we move forward to adopt the budget so in the event there's some additional direction or thoughts in that.

We have an appearance from our District Attorney, Mr. Dupree, tonight who asked to appear tonight. Then we're going to do just one additional follow up. The Mayor asked me to work back on some things and provide some additional follow up to the information that came out of the subcommittee if there's any additional discussion regarding that and commissioners had asked us to go through the Library Mill rate.

So, if we can do all those today, we have time slotted for that and that'll be our target time. Is there a question before going into this? Okay, with that, we've got a lot of information to move through this evening, so we will do that. If there are questions from the commissioners, we can address them by section as we go along.



I'm going to recognize Reginald Lindsey, our Budget Director, to do an overview of the budget.

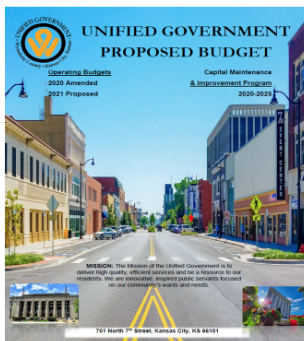


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Reginald Lindsey, Budget Director, said I'm going to start off the budget overview of the document with the Table of Contents. One of the neat features about our Table of Contents, you click into the Table of Contents and you're looking at it electronically, it'll take you to the page that you click on within the electronic document.



COUNTY ADMINISTRATOR'S MESSAGE



2021 Proposed Budget	CAD Budget Message
June 25, 2020	Douglas G. Bush County Administrator
Citizens of the Unified Government Honorable Mayor and Honorable Members of the Board of Commissioners:	
The COVID-19 pandemic has impacted all of our lives. The same is true for the Unified Government. The closure of businesses and other impacts will cost the Unified Government more than \$23 million in revenue in 2020 and an estimated \$28 million in 2021. The revenue shortfalls are largely caused by the sharp drop in sales and gasoline tax collections when the economy shutdown for several months.	
The Proposed 2021 Budget I am recommending deals with these painful realities without an increase in the property tax rate or in the BPU Payment-in-Lieu-of Tax fee. Instead, the proposed budget cuts or shifts \$23 million to represent the community cannot afford due to the negative impacts of the COVID-19 pandemic.	
I am recommending the Unified Government balance the budget by reducing services, deferring expenses and borrowing from "rainy day" funds. But even those actions still leave a \$2.5-million shortfall in 2020 and an estimated \$5.6-million shortfall in 2021. To fill that remaining gap, I have implemented a mandatory 30-day furlough of most Unified Government employees. Police officers, firefighters, sheriff deputies and 911 dispatchers are exempt from the furlough to maintain a strong public safety presence in the community.	
Prior to the economic crisis caused by the pandemic, the Unified Government reduced property taxes for three consecutive years, resulting in nearly 23% less in property taxes for KCC property owners. It is important to note the Unified Government property tax is only one component of the total property tax bill. Public schools, the Kansas City Kansas Community College, Library and State of Kansas account for more than 50% of the total tax bill property owners pay.	
Office of the County Administrator Staff	
Gordon Criswell Assistant County Administrator	Emerick Cross Assistant County Administrator
Alan Throne Assistant County Administrator (KCC)	Melissa Miller Assistant County Administrator
Renesh Moore Chief Legal Counsel	Kathleen Vinkler Chief Financial Officer

July 9, 2020

The next section, we have the County Administrators message.



Here you will find the budget message from the County Administrator and then you'll also find a budget presentation slide from when the budget was presented on June 25th.



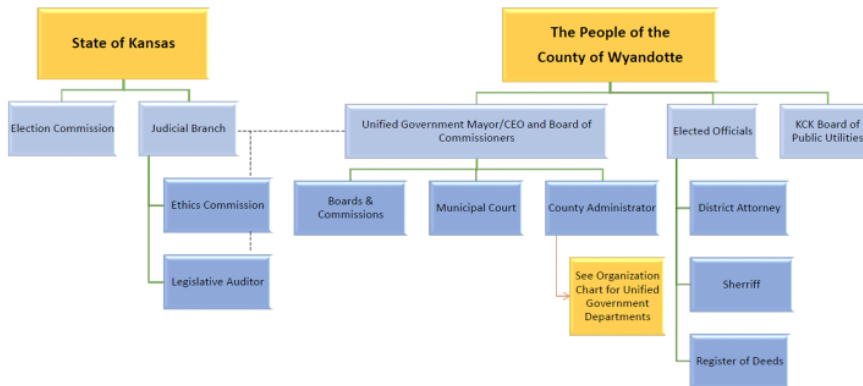
COMMISSIONER'S
VISION, VALUES, AND
STRATEGIC GOALS



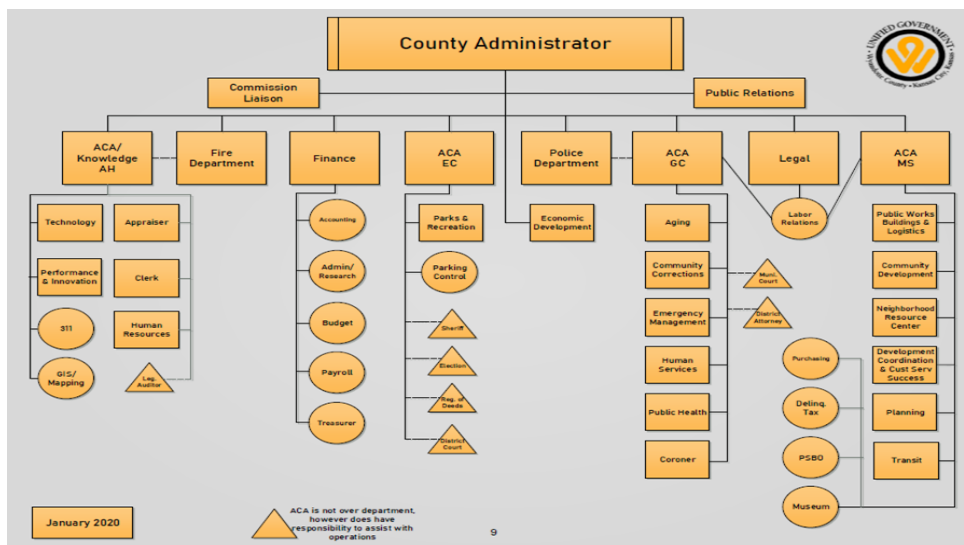
The next section is the Commissioner's Vision, Values, and Goals and Budget Guidance. Here we have the Vision Statement, Mission Statement, Strategic Planning goals. Then we also have a Strategic Plan Goals wheel. One of the things that happened within this last budget year, Commission added to improve infrastructure in the area. It's the black goal at the top, number 7, Improve Infrastructure.

July 9, 2020

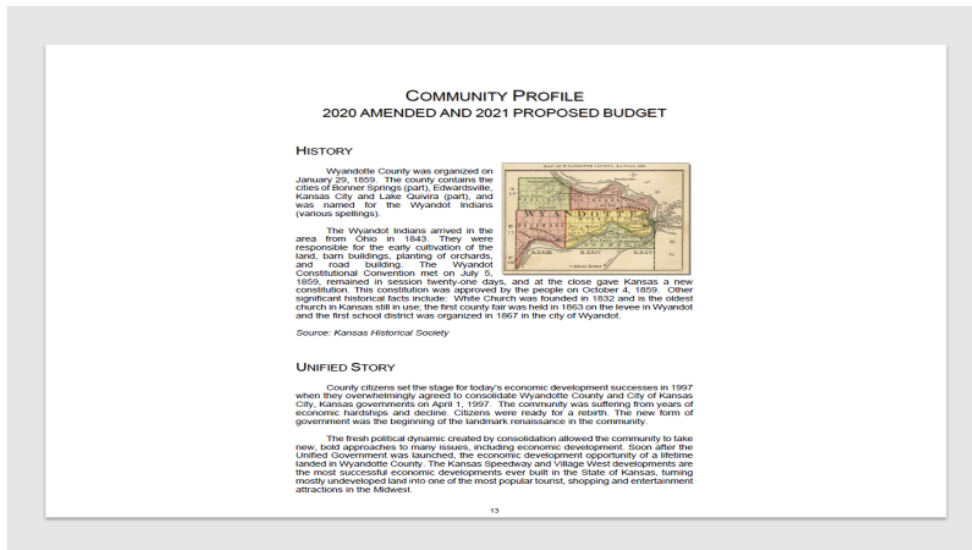
Unified Government of Wyandotte County / Kansas City, Kansas
Organizational Chart
Elected and Appointed Officials



The next slide is the org chart for elected officials and appointed officials.



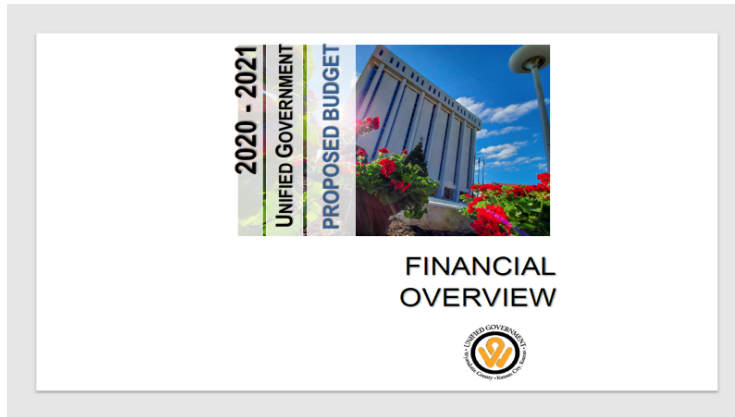
Followed by an org chart for internal operations here at the Unified Government.



This next slide, we have a Community Profile which is a really cool section. It kind of provides the history, the form of government, major services provided by the Unified Government and provides community characteristics and statistics.



Next we have the Budget Overview. Here we have information on the budget process, the budget calendar, also a glossary of terms, then we have a summary of all our financial policies.



The next section is the Financial Overview. Here you can find a notice of all the budget hearings.

Unified Government of Wyandotte County/Kansas City, Kansas
2020 Amended - 2021 Budget

Expenditure by Fund & Mill Levies

	2020 AMENDED BUDGET	2020 CERTIFIED MILL LEVY, 2020 BUDGET	2021 PROPOSED BUDGET	2021 PROPOSED MILL LEVY, 2021 BUDGET	CHANGE OR MILL LEVY RATE FROM 2020
Tax Levy Funds					
General Fund - City	157,182,779	21.387	157,206,141	21.387	0.000
Bond and Interest - City	38,903,943	17.011	37,933,840	17.011	0.000
General Fund - County	67,427,544	31.389	70,980,897	31.389	0.000
General Fund - Consolidated Parks	5,707,200	1.400	6,094,081	1.400	0.000
Bond and Interest - County	7,878,822	2.216	6,996,322	2.216	0.000
Aging	1,870,379	1.034	2,947,133	1.034	0.000
Developmental Disabilities	614,083	0.257	672,154	0.257	0.000
Elections	1,811,487	0.879	1,998,730	0.879	0.000
Health	3,458,881	1.710	3,962,230	1.710	0.000
Mental Health	874,000	0.420	874,000	0.420	0.000
Total US Tax Levy Funds	285,067,316	77.662	285,505,568	77.662	0.000
Other Funds					
Alcohol	1,076,028		789,850		
County Clerk Technology	132,000		83,000		
Court Trustee	594,374		619,959		
Dedicated Sales Tax	8,540,234		8,613,228		
Emergency Medical Services	10,340,012		11,228,793		
Environmental Trust	1,000,000		1,300,000		
Jail Commissary	100,000		100,000		
Parks and Recreation	691,384		677,798		
Public Library	412,320		394,140		
Register of Deeds Technology	130,170		345,170		
Sewer System	66,484,000		61,989,089		
Special Assets	800,000		1,080,000		
Stadium	2,047,800		677,800		
Stormwater	4,530,649		5,539,747		
Street and Highway	7,249,332		6,943,391		
Surfman Hills Golf Course	969,891		780,187		
Travel and Tourism	6,832,184		3,497,439		
County Treasurer Technology	45,000		45,000		
Wyandotte Co. 911	1,650,000		707,000		
Total Other Funds	104,054,863		94,962,732		
TOTAL US OPERATIONAL BUDGET	389,122,179		380,468,300		
County Library Fund*	3,385,620	6.122	3,834,872	6.122	0.000
Total All Funds	392,507,800		384,303,172		

*The County Library mill levy is set by the County Library Board and not the Unified Board of Commissioners.

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This next slide we have the expenditures by fund and mill levies that goes with those funds.

Unified Government of Wyandotte County/Kansas City Kansas
2020 Amended - 2021 Budget

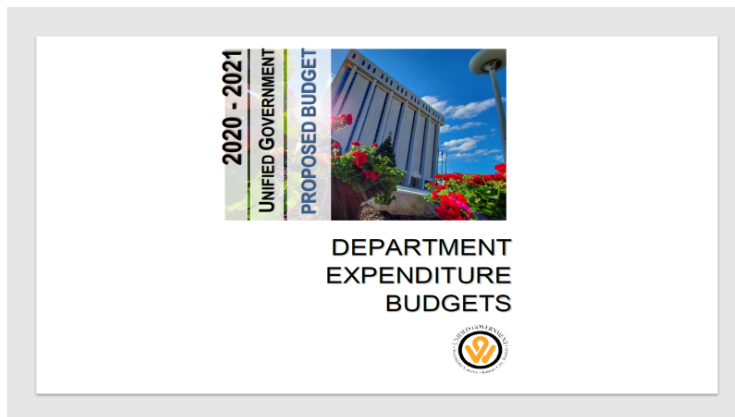


Fund: 110 - City - General Fund

The City General Fund is the principal operating account of Kansas City, KS. Revenue is received from taxes, fees, intergovernmental revenue, charges for services, and other sources. The General Fund is used to support general operations including Police, Fire, Municipal Court, Public Works, general services functions, and administrative programs. General Fund revenues are also used to finance the purchase of capital equipment and cash-funded capital projects.

Account Type Description	2018 Actual	2019 Actual	2020 Original	2020 Amended	2021 Budget
Revenues					
41 - Tax Revenue	\$120,600,605	\$120,591,870	\$136,824,500	\$123,044,542	\$131,712,868
42 - Permits And Licenses	\$1,285,260	\$1,320,230	\$1,389,800	\$1,293,928	\$1,319,803
43 - Intergovernmental Revenues	\$940,238	\$786,674	\$723,000	\$735,000	\$735,000
44 - Charges for Services	\$10,826,204	\$11,095,043	\$11,976,200	\$10,072,883	\$11,891,032
45 - Fines/Forfeits/Fees	\$3,886,253	\$3,487,622	\$3,155,700	\$2,105,007	\$3,171,948
46 - Interest Income	\$575,820	\$333,037	\$900,000	\$395,008	\$480,729
47 - Miscellaneous Revenue	\$1,549,511	\$1,564,518	\$1,855,131	\$1,254,801	\$1,821,516
48 - Reimbursements	\$1,737,843	\$1,596,000	\$1,859,000	\$1,727,225	\$1,719,190
49 - Other Financing Sources	\$2,295,675	\$2,256,300	\$2,338,000	\$9,356,000	\$2,338,000
Total Revenues	\$143,764,269	\$143,514,294	\$160,819,391	\$149,984,394	\$154,787,864
Expenses					
51 - Personnel Costs	\$107,160,059	\$108,420,414	\$113,047,787	\$112,456,344	\$110,810,078
52 - Contractual Services	\$20,297,514	\$22,423,203	\$23,569,246	\$22,046,929	\$24,587,886
53 - Commodities	\$4,363,675	\$5,013,930	\$5,345,299	\$5,071,871	\$4,126,292
54 - Capital Outlay	\$4,260,797	\$3,304,795	\$4,878,571	\$1,414,187	\$1,421,987
55 - Grants, Claims, Shared Revenue	\$4,613,258	\$4,544,874	\$4,794,994	\$4,757,887	\$4,816,759
56 - Debt Service	\$640,850	\$643,650	\$10,735,855	\$10,721,740	\$10,944,382
57 - Nonexpense Items	\$2,767,800	\$1,032,898	\$802,903	\$364,040	\$369,040
58 - Reserves	0	0	\$350,000	\$350,000	\$350,000
Total Expenses	\$144,130,053	\$145,383,865	\$163,324,635	\$157,182,778	\$157,256,141
Net Change in Fund Balance	(\$365,784)	(\$1,869,570)	(\$2,905,244)	(\$7,198,384)	(\$2,468,157)
Cash Basis Ending Fund Balance	\$20,289,602	\$18,420,032	\$14,737,897	\$11,221,648	\$8,753,489
CAFR Ending Fund Balance	\$31,628,394	\$30,689,052	\$26,677,289	\$23,490,688	\$21,022,311

This slide we have a breakout of the different funds, so the particular fund on the page, now the City General Fund. It gives the historical information on that fund and also shows the fund balances. Also, within this section, there's a summary on the Dedicated Sales Tax.



The next slide goes into the Department Expenditure Budgets.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
2020 Amended - 2021 Budget

DEPARTMENT: WYANDOTTE/LEAVENWORTH AREA AGENCY ON AGING AND
DISABILITY RESOURCE CENTER

Department Overview:

The mission of the Wyandotte/Leavenworth Area Agency on Aging and Disability Resource Center is to act as the single point-of-entry, where older adults, persons with disabilities and their caregivers can navigate through a network and become linked with information that allows them to make informed choices about services and supports, with a primary focus of maintaining independence in their own homes and communities.

The Area Agency on Aging (AAA) is responsible for planning, implementing, and administering services to seniors and the disabled at the local level. The local point centers on services that allow consumers to remain independently in their own homes.

Important Issues:

- Navigation of services during the COVID-19 pandemic to the senior customers of the Nutrition programs (Meals on Wheels and congregate meals sites) has been an important issue for Aging. Eight congregate meal sites had to be shut down affecting approximately 150 customers. While these are more mobile clients, providing social opportunities for seniors to both have a nutritious meal, and interact with peers, is an essential component to the quality of life and health for the senior community member. Congregate customers have been offered the opportunity to receive non-perishable food items that have been pre-ordered for them, as well as a pick-up time scheduled for them at Target and Walmart at the Legends location. Home delivered clients have not had interruptions to their delivery of either a frozen five meal package, or a chilled 10 meal package delivery. All 450 customers of Home Delivered meals, and 150 Congregate meal sites participants will receive two 7 meal boxes of shelf staples, which equals a 14-day meal supply in the case they or their caregivers are quarantined.

Highlights:

- GIVING THE BASICS is a program which offers personal hygiene supplies, such as incontinence liners to older adults who lack available resources to provide these items. Oftentimes, because government insurances and health benefit plans do not cover these items, older adults go without medicine or food in order to purchase needed incontinence liners. Fearing possible nursing home placement or severe skin ulcers, older adults prioritize these items to remain independent in the community. GIVING THE BASICS partners with numerous community agencies and local businesses to provide incontinence liners free of charge, allowing older adults to live safe and with dignity.

New Initiatives:

- In January 2020, the State Association of Area Agencies on Aging began a contract for Administrative Case Management (ACM). The program allows Aging case managers to work with Kansas Functionally eligible clients from the First Elderly (FE), Physically Disabled (PD) Brain Injury (BI) and PACE eligible customers. The ACMs will provide support and assistance to expedite the completion of their Medicaid application. History has proven that assistance is needed with what can be a very complicated and cumbersome process.

This next slide we have a narrative for the departments and basically this kind of shows you what's going on within the department and kind of walks you through what some of the important issues are in departments. It also gives you some highlights of what's going on within a department into initiatives that they're taken on within the year. This particular slide is looking at the Aging Department.

Unified Government of Wyandotte County/Kansas City Kansas
2020 Amended - 2021 Budget

Department: 0420 - Aging

Department Expenditures Summary				
	2019 Actual	2020 Original	2020 Amended	2021 Budget
01 - Personnel Costs	\$491,600	\$1,380,412	\$985,000	\$985,000
02 - Contractual Services	\$1,138,888	\$2,317,788	\$1,414,216	\$1,415,888
03 - Commodities	\$730,636	\$882,017	\$889,217	\$889,107
04 - Capital Outlay	0	0	\$24,500	0
05 - Grants, Claims, Shared Revenue	\$500	0	0	0
06 - Revenues	0	\$10,000	\$10,000	\$10,000
Total	\$2,759,874	\$4,300,195	\$3,122,733	\$3,114,877

Full Time Equivalent Positions				
	2019 Actual	2020 Original	2020 Amended	2021 Budget
102 - Service Program Elderly	2.05	2.05	1.70	1.70
422 - Area Plan Administration	1.35	1.35	1.05	1.05
424 - Supportive Services	2.30	2.30	1.55	1.55
426 - Congregate Meals	1.40	1.40	1.35	1.35
427 - Senior Case Act	0.85	0.85	0.70	0.70
428 - Home Delivery Meals	1.40	1.40	1.20	1.20
430 - Senior Health Insurance Counts	0.10	0.10	0.10	0.10
437 - Family Caregiver Grant	0.10	0.10	0.10	0.10
441 - Aging & Disability ResourceCtr	4.05	4.05	4.25	4.25
Total	14.70	14.70	12.00	12.00

Expenditures By Fund				
	2019 Actual	2020 Original	2020 Amended	2021 Budget
100 - County - General	\$49,758	\$95,000	\$95,000	\$95,000
105 - County - Aging	\$371,504	\$460,888	\$432,488	\$440,888
202 - Department of Aging Grant Fund	\$5,287,812	\$3,788,287	\$2,840,245	\$2,824,287
Total	\$2,759,874	\$4,300,195	\$3,122,733	\$3,114,877

Expenditure By Division				
	2019 Actual	2020 Original	2020 Amended	2021 Budget
102 - Service Program Elderly	\$371,504	\$460,888	\$432,488	\$440,888
422 - Area Plan Administration	\$145,247	\$123,220	\$95,495	\$95,744
424 - Supportive Services	\$229,402	\$208,527	\$274,804	\$275,917
426 - Adult Protective Services (APS)	\$7,889	\$10,000	0	0
428 - Congregate Meals	\$141,828	\$109,211	\$398,290	\$387,287
427 - Senior Case Act	\$487,219	\$1,084,582	\$830,735	\$840,751
428 - Home Delivery Meals	\$880,670	\$888,880	\$728,000	\$702,750
430 - Disease Prevention	\$20,620	\$10,000	\$24,000	\$24,000
433 - Grant Announcements	\$14,488	\$5,000	\$34,000	\$34,000
438 - Senior Health Insurance Counts	\$5,787	\$5,758	\$5,718	\$5,693
437 - Family Caregiver Grant	\$82,444	\$107,813	\$107,813	\$107,882
439 - Aging Special Projects	\$2,913	\$7,800	\$7,800	\$7,700
441 - Aging & Disability ResourceCtr	\$208,224	\$201,879	\$451,048	\$469,814
Total	\$2,759,874	\$4,300,195	\$3,122,733	\$3,114,877

This slide you can see financials for Aging. So, you have the expenditures by category, which categories are like the personnel costs, contractual costs, capital outlay. You can see how much is being spent on those in each given year. Then you also have fulltime equivalent positions by division within Aging. Then towards the middle of the page, you have the funds that fund Aging. You can also look at Aging by the different divisions, how much funding goes towards each division.



The next section is CMIP.

EXECUTIVE SUMMARY

Process & Policy

[Capital Maintenance Improvement Program Process and Policy Summary](#)

The Capital Maintenance Improvement Program (CMIP) is a 5-year planning tool intended to assist management in financial forecasting that allows for prioritization, financing, coordination, and technical design of all capital assets. Each year the document is updated and presented to Commission for approval. Changes may include the addition of new projects or equipment, as well as the reprioritization or removal of other capital. More detailed information on the Capital Maintenance and Improvement Program may be found in the Appendices Section, Financial Policies, *Capital Asset and Equipment Investment and Management Policy*.

CMIP Program Overview & Highlights

[2021 Capital Maintenance Improvement Program Overview](#)

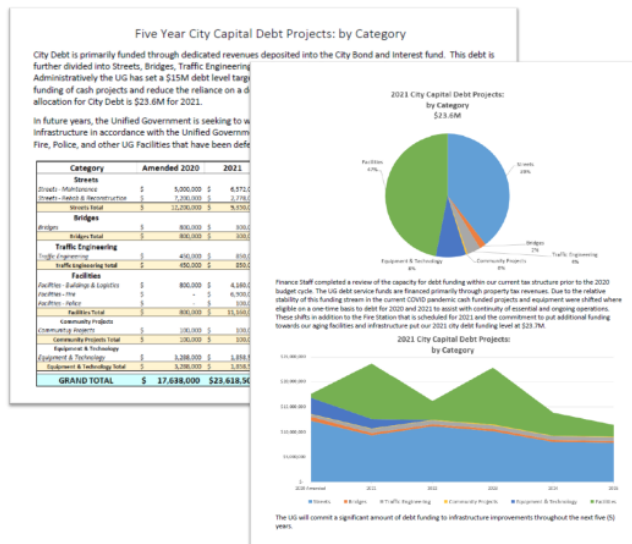
The Unified Government of Wyandotte County / KCK (UG) 2021 Budget has allocated \$86.1M across the organization for our 2021 Capital Maintenance Improvement Program. Of this amount \$26.3M is contained within our certified funds with the remaining \$59.8M originating from our Debt and Grant budgets. The \$26.3M constitutes 6.88% of the Unified Government total certified budget, which breaks down to the following percentages for each of our funding sources' 2021 expenditure budgets:

Funding Source	% Capital	% Other Expenditures
Consolidated General	1.35%	98.65%
Other Tax Levy	0.55%	99.45%
Special Revenue	21.95%	78.05%
Proprietary (Enterprise)	24.28%	75.72%
Fiduciary (Trust/Agency)	11.28%	88.72%

On this next slide we have a view of the Executive Summary. What this is, it provides process and policy and overview and highlights of the CMIP section.

SUBSECTION SUMMARIES

- CAPITAL EQUIPMENT
- CAPITAL PROJECTS
 - CASH PROJECTS
 - DEBT PROJECTS
 - CITY DEBT

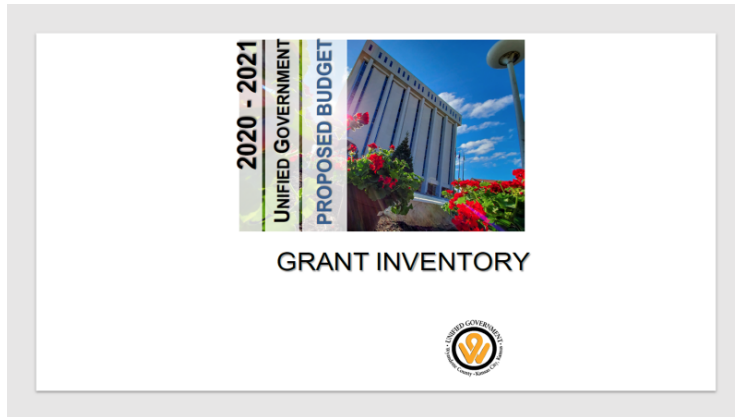


This slide is the Subsection Summaries. Basically, the Subsection Summaries provide detail into Capital Equipment, Cash Projects, and Debt Projects.

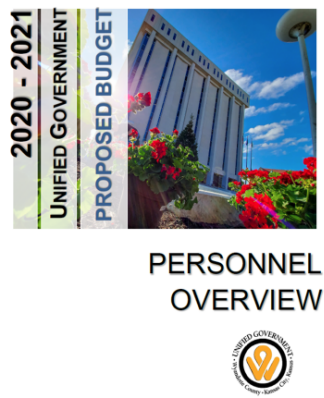
CMIP Schedules

UNIFIED GOVERNMENT 2021 - 2025 Proposed Capital Maintenance Improvement Program (CMIP) Capital Cash Project Summary 06/25/20														
Project/Department	Phase	Amount	Start	Priority	Building	MP	CMIP	2020	2021	2022	2023	2024	2025	FY20-21
100 - City - General Fund														
Fire Department	MP	5	4	MP	2021	Annual Fire Station Renovation	75,000	-	-	-	-	-	-	290,000
	MP	5	12	MP	2024	Future Fire Station Land Acquisition	-	-	140,000	-	140,000	-	-	280,000
						Fire Department Total	75,000	-	140,000	-	140,000	-	-	570,000
Knowledge Department														
MP	5	13	MP/20	2024	4	Children Phase 2	-	-	60,000	-	-	-	-	60,000
	MP	4	6	MP/20	2027	Recreation Fund	-	-	150,000	-	-	-	-	150,000
						Knowledge Department Total	-	-	210,000	-	-	-	-	210,000
Police Department														
MP	5	12	MP/20	2024	Police Station Annual Maintenance Program	50,000	6,000	50,000	50,000	50,000	50,000	50,000	50,000	290,000
	5	12	MP/20	2024	Police Station Major Facility Improvements	50,000	-	50,000	50,000	50,000	50,000	50,000	50,000	250,000
	5	12	MP/20	2024	Police Station Parking Replacement	17,000	800	20,000	20,000	20,000	20,000	20,000	20,000	80,000
	5	12	MP/20	2024	Police Station Upgrade	26,000	-	26,000	26,000	26,000	26,000	26,000	26,000	104,000
	5	12	MP/20	2024	Police Station Renovation	25,000	6,000	-	-	-	-	-	-	31,000
	5	12	MP/20	2024	Police Station Renovation	25,000	-	-	60,000	60,000	60,000	60,000	60,000	240,000
	5	12	MP/20	2024	Police Station Renovation	25,000	-	-	25,000	25,000	25,000	25,000	25,000	100,000
	5	12	MP/20	2024	Police Station Renovation	25,000	-	-	25,000	25,000	25,000	25,000	25,000	100,000
	5	12	MP/20	2024	Police Station Renovation	25,000	-	-	25,000	25,000	25,000	25,000	25,000	100,000
	5	12	MP/20	2024	Police Station Renovation	25,000	-	-	25,000	25,000	25,000	25,000	25,000	100,000
					Police Department Total	206,000	14,800	325,000	325,000	325,000	325,000	325,000	1,000,000	
Public Works														
MP	5	10	MP/20	2024	Village Infrastructure Improvements	75,000	-	-	75,000	75,000	75,000	75,000	75,000	290,000
	5	14	MP/20	2024	Concept Studies & Research	150,000	-	-	150,000	150,000	150,000	150,000	150,000	600,000
	5	14	MP/20	2024	Bridge and Road Repairs	175,000	-	-	175,000	175,000	175,000	175,000	175,000	700,000
	5	9	MP/20	2024	Water Main Replacement	50,000	-	-	50,000	50,000	50,000	50,000	50,000	200,000
	5	9	MP/20	2024	Water Main Replacement	50,000	-	-	50,000	50,000	50,000	50,000	50,000	200,000
	5	17	MP/20	2024	Cyber Capital Program	50,000	80,000	130,000	130,000	130,000	130,000	130,000	130,000	550,000
	5	9	MP/20	2024	Water Main Replacement - City	150,000	-	-	150,000	150,000	150,000	150,000	150,000	600,000
	5	12	MP/20	2024	Parking/Refueling Annual Maintenance & Repair	50,000	-	-	50,000	50,000	50,000	50,000	50,000	200,000
	5	12	MP/20	2024	Parking/Refueling Annual Maintenance & Repair	50,000	-	-	50,000	50,000	50,000	50,000	50,000	200,000
	5	12	MP/20	2024	Parking/Refueling Annual Maintenance & Repair	50,000	-	-	50,000	50,000	50,000	50,000	50,000	200,000
					Public Works Total	600,000	-	600,000	600,000	600,000	600,000	600,000	2,400,000	
100 - City - General Fund Total								735,000	8,200,000	3,477,000	3,400,000	3,400,000	3,400,000	
101 - Consolidated Police Reserve														
MP	5	7	MP	2022	Water Main Reserve Study	50,000	-	-	50,000	-	-	-	-	50,000
	5	18	MP	2022	Police Reserve (Capital Designation)	110,000	-	-	110,000	110,000	110,000	110,000	110,000	440,000
	5	18	MP	2022	Police Reserve (Capital Designation)	110,000	-	-	110,000	110,000	110,000	110,000	110,000	440,000
	5	18	MP	2022	Police Reserve (Capital Designation)	110,000	-	-	110,000	110,000	110,000	110,000	110,000	440,000
	5	18	MP	2022	Police Reserve (Capital Designation)	110,000	-	-	110,000	110,000	110,000	110,000	110,000	440,000
					Police Reserve Total	370,000	-	370,000	370,000	370,000	370,000	370,000	370,000	1,460,000
101 - Consolidated Police Reserve Total								370,000	370,000	370,000	370,000	370,000	370,000	1,460,000

The next slide, we have a view of a 5-Year CMIP schedule and their schedules within the budget document for Equipment, Cash Projects and Debt Projects.

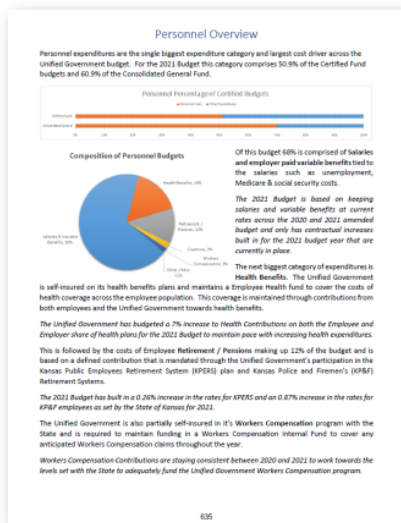


Then we do have a Grant section that breaks out grants the Unified Government receives. It breaks it out by federal, state and a combination of federal and state. Then we also look at private funds. This year we did add a section to show what we had received grant wise for COVID at the point of time we were working the budget document.



At this point in time, I will turn it over to Michael Petersen, Assistant Budget Manager, and he's going to walk you through the Personnel Overview section and the Financial Policies.

Michael Petersen, Assistant Budget Manager, said one of the more significant changes that we made this year to the budget document was adding a Personnel Overview.



PERSONNEL OVERVIEW

- Personnel Assumptions & Impacts
- COVID-19 Personnel Impacts
- Operational Realignments Summary
- New Position Summary

This whole section isn't new, but the narrative is new. So, basically, in the narrative we discussed kind of some of the personnel assumptions and the significant impacts the personnel that we dealt with this year. We have a specific section addressing the COVID-19 personnel impacts as well as we provided some narrative on some various operational realignments that happened during the budget and during the time that we were preparing the budget this year from last year as well as the summary of the new positions that were added through the budget and what the purpose of those positions are.

Fund	2020 Budget	2020 Amended	2021 Budget
Consolidated General			
110 - City - General Fund	1095.02	1066.05	1040.00
113 - Consolidated Parks-General	70.25	71.75	71.75
160 - County - General	625.20	632.65	660.70
Consolidated General Total	1790.47	1770.45	1772.45
Other Tax Levy			
162 - County - Elections	19.25	19.25	19.25
165 - County - Aging	22.27	22.72	22.72
171 - County-Developmental Disability	2.45	2.45	2.45
172 - County - Health Department	38.35	38.35	38.35
Other Tax Levy Total	82.32	82.77	82.77
Special Revenue			
212 - Dedicated Sales Tax	50.25	50.25	50.25
220 - Special Street & Highway-City	73.50	66.25	37.25
221 - Special Parks and Recreation	3.00	3.00	3.00
222 - Special Alcohol	5.50	5.75	5.75
223 - Tourism & Convention	1.00	1.00	1.00
Special Revenue Total	133.25	126.25	97.25
Proprietary (Enterprise)			
560 - Sewer System	127.77	127.77	132.77
563 - Stormwater Utility	6.00	6.00	6.00
564 - Emergency Medical Services	65.00	56.00	56.00
565 - Sunflower Hills Golf	4.00	4.00	4.00
570 - Court Trustee	9.00	9.00	9.00
Proprietary (Enterprise) Total	211.77	202.77	207.77
Certified Funds Total	2217.80	2182.73	2160.79

Along with that, we provided, as normal, the Position Inventory by Fund which breaks down the fulltime equivalency of all the positions across the Unified Government by fund and by funding source category.

Unified Government of Wyandotte County/Kansas City, Kansas
2020 Amended – 2021 Budget



Position Inventory by
(in Full Time Equivalents)

Department	Position Class	2020 Budget	2020 Amended	2021 Budget
Aging	ADMIN SUPPORT SPECIALIST	1.00	1.00	1.00
	DIRECTOR	1.00	1.00	1.00
	FISCAL OFFICER	1.00	1.00	1.00
	FISCAL SUPPORT SPECIALIST	1.00	1.00	1.00
	PROFESSIONAL PROGRAM ASSISTANT	1.00	0.00	0.00
	PROGRAM AIDE	1.00	0.00	0.00
	PROGRAM COORDINATOR	2.00	2.00	2.00
Aging Total		15.00	12.00	12.00
Appraiser	ADMIN COORDINATOR	4.00	4.00	4.00
	ADMIN SUPPORT ASSISTANT	3.00	3.00	3.00
	ADMIN SUPPORT SPECIALIST	2.50	2.50	2.50
	APPRAISER	9.00	9.00	9.00
	APPRAISER SUPERVISOR	1.00	1.00	1.00
	DIRECTOR	1.00	1.00	1.00
	INFORMATION SYSTEMS ANALYST	1.00	1.00	1.00
	MANAGEMENT ANALYST	1.00	0.00	0.00
	MANAGER	1.00	1.00	1.00
	PROFESSIONAL ASSISTANT	1.00	1.00	1.00
	PROFESSIONAL PROGRAM ASSISTANT	1.00	1.00	1.00
	PROGRAM COORDINATOR	0.00	1.00	1.00
	PROGRAM SUPERVISOR	2.00	2.00	2.00
Appraiser Total		32.50	32.50	32.50
Commissioners	COMMISSIONER	3.00	3.00	3.00
	PROFESSIONAL ASSISTANT	2.00	2.00	2.00
Commissioners Total		5.00	5.00	5.00
Community Corrections	ADMIN SUPPORT SPECIALIST	3.00	3.00	3.00
	ADMIN SUPPORT SUPERVISOR	1.00	1.00	1.00
	DIRECTOR	1.00	1.00	1.00
	INTEN SUPERVISION SUPERVISOR	7.00	7.00	7.00
	INTENSIVE SUPERVISION OFFICER	34.00	34.00	34.00
	INTENSIVE SUPR ADMINISTRATOR	3.00	3.00	3.00
	MANAGER	0.00	1.00	1.00
Community Corrections Total		58.00	59.00	59.00

Then after that section you can see we have personnel broken down by departments and by classification within those departments with the 2020 Original Budget in comparison to the Amended and 2021 Budget.

Unified Government of Wyandotte County/Kansas City, Kansas
2020 Amended – 2021 Budget



Employer Paid Benefit Assumptions

Employer Paid Benefits	2020 Original	2020 Amended	2021 Budget
Health Insurance (Traditional Plan)			
Single Coverage	\$8,823	\$8,823	\$9,441
Family Coverage	\$21,019	\$21,019	\$22,491
Health Insurance (Health Savings Account)			
Single Coverage	\$7,940	\$7,940	\$8,496
Family Coverage	\$18,646	\$18,646	\$19,962
Dental Insurance			
Single Coverage	\$393	\$364	\$390
Family Coverage	\$924	\$866	\$916
Vision Insurance			
Single Coverage	\$66	\$62	\$66
Family Coverage	\$121	\$112	\$143
Standard Life Insurance			
Single Coverage	\$28	\$28	\$28
Family Coverage	\$28	\$28	\$28
Health Insurance Waiver			
Health Insurance Waiver	\$1,800	\$1,800	\$1,800
KPERS Civilian Rates			
KPERS Civilian Rates	9.61%	9.61%	9.87%
KPERS Fire & Police Rates			
KPERS Fire & Police Rates	21.93%	21.93%	22.80%
KPERS Sheriff			
KPERS Sheriff	21.93%	21.93%	22.80%
KPERS Retired From Different Employer			
KPERS Retired From Different Employer	8.89%	8.61%	8.87%
FICA (Social Security)			
FICA (Social Security)	6.20%	6.20%	6.20%
FICA (Medicare)			
FICA (Medicare)	1.45%	1.45%	1.45%
Unemployment			
Unemployment	0.10%	0.10%	0.10%

The last part of the Personnel section is just the Employer Paid Benefit Assumptions which lists out all the different benefits that we're responsible for paying as the Unified Government.

July 9, 2020



FINANCIAL POLICIES



Lastly, in the budget document we have the Financial Policies. In this section Commission resolution number and approval dates for those. Some examples would be the Expenditure Policy, in the Long-term Financial Planning Policy, or the Operating in Economic Uncertainty and Emergency Reserve Policy. Last, I guess, we'll turn it over to Doug Bach, County Administrator, to discuss the Capital Maintenance Improvement Program adjustments.

Mr. Bach said before we move to that, I will just look back to the Commission. I know you've had it for a couple of weeks, but we thought it was important not only for you, but for the public if they were looking to understand where things were in the document. Are there any questions about where something may be located or as its positioned. You know, if something comes up, you can obviously ask us any time as we go through this.



July 9, 2020

Next is the proposed changes to the CMIP. As a governing body you spent a fair amount of time on this. We start back in the fall, bring it to The Standing Committee, work through it, then we come in as a Commission. I think we had a meeting in April and then we went to meetings in May to go through and position where we are, but as we get to the final budget, I'm often put in a position in order to balance the budget, and this year was one of them, to move several things around. I will say overall the changes that you will see on the next few pages really are, most of them, are fund changes that happened, maybe slight adjustments to one item or another. So, there are some reductions, but there's not a lot of major changes to which project we funded one way or another or primarily we move things from cash to debt which we're all aware of that we need to do in order to keep the project going.

I will offer, Reggie can go through this line item by line item if you would like, or you have the information. I know that's how you've asked, you wanted to be sure and have this information to do it so I will if you don't, I'll just point out key points I think that's in here.

Commissioner Kane said, Doug, where in this is the park right by the fire station? **Mr. Bach** said the park by the fire station is not in the 5-Year CMIP Plan. It was on that sheet when we went through all the proposed potential projects that could come in, so at this point, it has not been funded into the 5-Year Plan. **Commissioner Kane** said okay, change petition 3155, page 7, paragraph 3, clearly states the site plan process continues connection to the park being proposed by the UG as well as tying into the infrastructure improvement being made along Hutton Road. The original site plan which the preliminary plat is based upon, traditional axle grinding—the bottom line is, it was in the Change of Zone Petition 3155. It was clearly supposed to be there. I want to know when it's going to be there because when I went out there and met those guys the other day, they talked about we're going to put a picnic table here, a picnic table there. That's fine, but there is supposed to be a park there, so I want to know when we're going to get a park. **Mr. Bach** said whenever you want to prioritize it up to move it into the Commission. **Commissioner Kane** said it was prioritized when we first did this Doug. **Mr. Bach** said we put it in as a future park. That was the intent when we bought it.

I'll go back to the day Commissioner Markley leaned over me and told me, hey, it would be a good idea if you guys looked at acquiring the property next to this. I mean, we could build a park out in that area. I proceeded to go forward and we were able to acquire the acres to come

with it. That did not mean we put the money to build out the park next to it. So, we have it, we have it proposed for a future park. It sits in the CMIP Plan as an unfunded future project.

Commissioner Kane said when we sent out *The Citizen*, it was clearly noted that there would be a park there. **Mr. Bach** said I don't disagree that our plan is to build a park there. You all can discuss it. Reggie or Debbie, I think we need to pull the—I don't think—it wouldn't show up here. We can pull it. I think it's projected somewhere around a million dollars or something. It's in the CMIP proposed project list. **Commissioner Kane** said, Doug, it was never going to be a million dollars. **Mr. Bach** said okay, I don't want to argue with you. If you guys want to fund it, fund it. That is really a debate for you all. I don't have the funds to build this park. **Commissioner Kane** said there was no debate. It was part of the project. **Mr. Bach** said okay, it has never been funded. It would make a great site for it, work to get it in, work to buy the property, it would make a good addition to it, so I agree. I'm not sure what action I'm supposed to take from this point. The point is noted.

Mr. Bach said regarding the changes from the CMIP to what's going on tonight, do you want me to have Reggie go through these by line? **Mayor Alvey** said yes, I think so. **Commissioner Burroughs** said I agree. **Mr. Bach** said, Reggie, take it from here and walk through each one.

2020 – 2025 CMIP CHANGES FROM JUNE PREVIEW Cash Financed Equipment

	Fund	CMIP	Page #	2020 Original	2020 Amended	2021	2022	2023	2024	2025	FY20-25
Public Works											
June Preview	110	03070002 - Total Mgmt System	1	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Proposed 6/25	N/A	03070002 - Total Mgmt System	N/A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Parks and Recreation											
June Preview	221	06005001 - Vehicles	9	\$ -	\$ -	\$ 114,135	\$ 163,909	\$ 168,826	\$ 173,891	\$ 179,108	\$ 799,869
Proposed 6/25	221	06005001 - Vehicles	454	\$ -	\$ -	\$ 74,135	\$ 163,909	\$ 168,826	\$ 173,891	\$ 179,108	\$ 759,869
Proposed 6/25	972	06005001 - Vehicles	456	\$ -	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ 40,000
June Preview	221	06010001 - Mowing/Maintenance Equipment	9	\$ 140,000	\$ -	\$ 140,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 740,000
June Preview	972	06010001 - Mowing/Maintenance Equipment		\$ -	\$ 140,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 140,000
Proposed 6/25	221	06010001 - Mowing/Maintenance Equipment	454	\$ 140,000	\$ -	\$ -	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 600,000
Proposed 6/25	972	06010001 - Mowing/Maintenance Equipment		\$ -	\$ 140,000	\$ 140,000	\$ -	\$ -	\$ -	\$ -	\$ 280,000

Mr. Lindsey said just to kind of update everyone on kind of a few things that's going on here. We have a June preview, which is when the CMIP schedule was sent out to the elected body and that was on June 8th and this was at a point in time when we were still kind of in the midst of balancing

the funds. One of the things that happened here as we were still balancing the funds and we were producing the budget document, funding was shifted. Nothing was added, but funding was shifted and so that's what the June preview is on the left side of the page. Then the proposed June 25 on the left side of the page that is the day that we presented the budget document, so those are the schedules to sit within the budget document.

The first project here is the Total Management System that's in Public Works. We moved that funding to Operating, so it was in the document that was sent out on June 8th and the funding was moved to Operating so it doesn't show up in the CMIP anymore.

Next, in Parks and Rec, we had vehicles. Funding was shifted between Special Parks & Rec and also our Capital Projects fund, so the \$40,000 was broken out, added or broken out between the two funds, so the total of \$114,000 there, that's what the project was at first or the equipment was at first. We pulled \$40,000 out, so they both equaled \$114,000.

Next is also equipment for Parks & Rec and basically funding just shifted between Special Parks & Rec fund and our Capital Projects fund.

2020 – 2025 CMIP ADJUSTMENTS TO PROPOSED BUDGET Cash Financed Equipment

	Fund	CMIP	Page #	2020 Original	2020 Amended	2021	2022	2023	2024	2025	FY20-25
Parks & Recreation											
Proposed 6/25	221	06005001 - Vehicles	454	\$ 154,500	\$ -	\$ 74,135	\$ 163,909	\$ 168,826	\$ 173,891	\$ 179,108	\$ 759,869
Proposed 6/25	113	06005001 - Vehicles	N/A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Proposed Adjustment	221	06005001 - Vehicles		\$ -	\$ -	\$ 74,135	\$ 163,909	\$ 168,826	\$ 173,891	\$ 179,108	\$ 759,869
Proposed Adjustment	113	06005001 - Vehicles		\$ 154,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Parks & Recreation											
Proposed 6/25	221	06020001 - Tractors	454	\$ 72,100	\$ -	\$ 72,100	\$ 74,263	\$ 76,491	\$ 78,786	\$ 81,149	\$ 382,789
Proposed 6/25	113	06020001 - Tractors	N/A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Proposed Adjustment	221	06020001 - Tractors		\$ -	\$ -	\$ 72,100	\$ 74,263	\$ 76,491	\$ 78,786	\$ 81,149	\$ 382,789
Proposed Adjustment	113	06020001 - Tractors		\$ 72,100	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

This is Parks & Rec and funding did move between Special Parks & Rec and our Consolidated Parks funds on these vehicles. Same story below with the tractors. Funding moved from Special Parks fund to the Consolidated Parks fund.

July 9, 2020

2020 – 2025 CMIP CHANGES FROM JUNE PREVIEW Cash Financed Projects

	Fund	CMIP	Page #	2020 Original	2020 Amended	2021	2022	2023	2024	2025	FY20-25
Public Works											
June Preview	110	1055- PW Asset Mgmt Sys Integration	1	\$ 50,000	\$ -	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ 100,000
Proposed 6/25	220	1055- PW Asset Mgmt Sys Integration	472	\$ -	\$ -	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ 100,000
Proposed 6/25	971	1055- PW Asset Mgmt Sys Integration	475	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
June Preview	110	7846 - Landscaping	1	\$ -	\$ -	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 200,000
June Preview	160	7846 - Landscaping	3	\$ 50,000	\$ -	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 200,000
June Preview	971	7846 - Landscaping	9	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
June Preview	110	7847 - Hardscaping	2	\$ 50,000	\$ -	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 200,000
June Preview	160	7847 - Hardscaping	3	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 300,000
Proposed 6/25	110	7847 - Hardscaping/Landscaping	470	\$ 50,000	\$ -	\$ -	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 400,000
Proposed 6/25	160	7847 - Hardscaping/Landscaping	471	\$ 100,000	\$ 50,000	\$ 50,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000
Proposed 6/25	990	7847 - Hardscaping/Landscaping	N/A	\$ -	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ 100,000
Proposed 6/25	971	7847 - Hardscaping/Landscaping	475	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000

On this slide you can see landscaping and hardscaping. Funding was consolidated so we combined the landscaping and hardscaping to the same project.

2020 – 2025 CMIP CHANGES FROM JUNE PREVIEW Cash Financed Projects

	Fund	CMIP	Page #	2020 Original	2020 Amended	2021	2022	2023	2024	2025	FY20-25
Public Works											
June Preview	563	5082 - Cash Resv Debt Mgmt Major Cap	7	\$ -	\$ -	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 1,250,000
Proposed 6/25	563	5082 - Cash Resv Debt Mgmt Major Cap	474	\$ -	\$ -	\$ 200,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 1,200,000
June Preview	563	5303 - Storm Sewer Repairs/Replacement	7	\$ 950,000	\$ 950,000	\$ 1,500,000	\$ 2,000,000	\$ 2,500,000	\$ 3,000,000	\$ 3,000,000	\$ 12,950,000
Proposed 6/25	563	5303 - Storm Sewer Repairs/Replacement	474	\$ 950,000	\$ 950,000	\$ 1,300,000	\$ 2,000,000	\$ 2,500,000	\$ 3,000,000	\$ 3,000,000	\$ 12,750,000
June Preview	563	5306 - Annual Hillside Deterioration Program	7	\$ -	\$ -	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000
Proposed 6/25	563	5306 - Annual Hillside Deterioration Program	474	\$ -	\$ -	\$ -	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 400,000
Police Department											
June Preview	110	02084004 - Vehicle and Body-Worn Camera Program	1	\$ -	\$ -	\$ -	\$ 350,000	\$ 350,000	\$ 350,000	\$ -	\$ 1,050,000
Proposed 6/25	110	7405 - Vehicle and Body-Worn Camera Project	470	\$ -	\$ -	\$ -	\$ 350,000	\$ 350,000	\$ 350,000	\$ -	\$ 1,050,000
Proposed 6/25	971	7406 - Vehicle and Body-Worn Camera Project	475	\$ -	\$ -	\$ 360,000	\$ -	\$ -	\$ -	\$ -	\$ 360,000
Proposed 6/25	266	7407 - Vehicle and Body-Worn Camera Project	473	\$ -	\$ -	\$ 340,000	\$ -	\$ -	\$ -	\$ -	\$ 340,000

The next slide is the Cash Reserve Debt Management cap. We did reduce this project from when it was originally presented on June 8th, \$50,000 was removed from this funding.

Same story below, Stormwater, Sewer Repairs, \$200,000 of funding and then annual Deterioration Program. We did remove the funding for 2021. The funding is an outyears.

Within the Police Department we are representing Grant funding and Capital Project funding that was represented in here. We took on a Capital Lease which allowed us to control our cash outflow which this kind of saved us some money.

2020 – 2025 CMIP CHANGES FROM JUNE PREVIEW Cash Financed Projects

	Fund	CMIP	Page #	2020 Original	2020 Amended	2021	2022	2023	2024	2025	FY20-25
Economic Development											
June											
Preview	223	9261 - Rock Island Bridge Development	5	\$ -	\$ 1,800,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,800,000
Proposed											
6/25	223	9261 - Rock Island Bridge Development	N/A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Stadium											
June											
Preview	566	9239 - Stadium Facility Improvements (Star Revenues)	8	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,800,000
Proposed											
6/25	566	9239 - Stadium Facility Improvements (Star Revenues)	474	\$ 300,000	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 300,000

The next slide is our Rock Island Bridge Development and it was originally built within the CMIP schedule. In the CMIP document, we did not have it in the CMIP schedule. I don't know if you want to touch on that or not.

Mr. Bach said sure. I just want to note this was built in. I think staff heard as we were talking about, but I told him the Commission has never taken any action on this to advance it, so it should not show up on the CMIP schedule as a project that's approved or pending to happen, so it was removed from it. If you all would like to do so in the future, funding would be over in that fund and you could move it to it, but it should not be showing up here, so it was taken out.

Mr. Lindsey said the next project here under stadium, one of the changes here is in outer years. Top line is \$300,000. It's not built into from 2021 to 2025. We built it in as a transfer.

2020 – 2025 CMIP ADJUSTMENTS TO PROPOSED BUDGET Cash Financed Projects

	Fund	CMIP	Page #	2020 Original	2020 Amended	2021	2022	2023	2024	2025	FY20-25
Public Works											
Proposed 6/25	110	1055 - PW Asset Mgmt Sys Integrations	N/A	\$ 50,000	\$ -	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ 100,000
Proposed 6/25	220	1055 - PW Asset Mgmt Sys Integrations	472	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Proposed Adjustment	110	1055 - PW Asset Mgmt Sys Integrations		\$ -	\$ -	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ 100,000
Proposed Adjustment	220	1055 - PW Asset Mgmt Sys Integrations		\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Police Department											
Proposed 6/25	266	02084004 - Vehicle and Body-Worn Camera Program	473	\$ -	\$ -	\$ 340,000	\$ -	\$ -	\$ -	\$ -	\$ 340,000
Proposed 6/25	971	02084004 - Vehicle and Body-Worn Camera Program	475	\$ -	\$ -	\$ 360,000	\$ -	\$ -	\$ -	\$ -	\$ 360,000
Proposed Adjustment	266	02084004 - Vehicle and Body-Worn Camera Program		\$ -	\$ 340,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 340,000
Proposed Adjustment	971	02084004 - Vehicle and Body-Worn Camera Program		\$ -	\$ 200,000	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ 400,000

Public Works Asset Management Integrations; basically, funding changed between the 2020 Original budget from City General Fund to Special City & Street Highway fund. Although it's not funded in the 2020 Amended Budget, we just wanted to make sure that we corrected that as far as what it was in the 2020 Original Budget.

The Police Department, this is kind of just touching on the body cameras again.

2020 – 2025 CMIP CHANGES FROM JUNE PREVIEW Debt Financed Projects

		CMIP - Debt	Page #	2020 Original	2020 Amended	2021	2022	2023	2024	2025	FY20-25
Facilities											
June Preview	7847	Hardscaping/Landscaping		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Proposed 6/25	7848	Hardscaping/Landscaping	489	\$ -	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ 100,000
June Preview	8513	Facilities/Parking Annual Maintenance & Repair	2	\$ -	\$ 700,000	\$ 700,000	\$ 700,000	\$ 700,000	\$ 700,000	\$ 700,000	\$ 4,200,000
Proposed 6/25	8514	Facilities/Parking Annual Maintenance & Repair	489	\$ -	\$ 700,000	\$ 900,000	\$ 700,000	\$ 700,000	\$ 700,000	\$ 700,000	\$ 4,400,000
Equipment & Technology											
June Preview	02078004	In-Car Network Infrastructure	3	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Proposed 6/25	02078004	In-Car Network Infrastructure		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
June Preview	7404	Bonded Equipment	3	\$ -	\$ 1,400,000	\$ 1,297,500	\$ -	\$ -	\$ -	\$ -	\$ 2,697,500
Proposed 6/25	7404	Bonded Equipment	489	\$ -	\$ 2,285,000	\$ 1,297,500	\$ -	\$ -	\$ -	\$ -	\$ 3,582,500

**Funded two Ambulances and an Ambulance Remount 875,000 for Fire Department Emergency Medical Services Division plus Police Department In-Car Network Structure 10,000 within the 2020 Amended Bonded Equipment line.*

This is actually a page that we were kind of showing where the funding was needed in 2020 Amended and not the 2021 Budget as we had it within the budget document. That's the change here. It's changed with the hardscaping and landscaping. This is one we discussed a little earlier, so we're making a page update for it.

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Down in Equipment & Technology, when we originally presented the Bond & Equipment, we did not have ambulance replacement built into this budget, so that is built in here now.

2020 – 2025 CMIP CHANGES FROM PROPOSED BUDGET Debt Financed Projects

	CMIP - Debt	Page #	2020 Original	2020 Amended	2021	2022	2023	2024	2025	FY20-25
Facilities										
Proposed	9232 - Maintenance Facility Kansas Avenue									
Adjustment	(Fund 971 Capital Project Funds)	N/A	\$ 900,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Proposed	9232 - Maintenance Facility Kansas Avenue									
Adjustment	(Fund 990)		\$ -	\$ 900,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 900,000
Proposed	8217 - Salt Dome Repairs	489	\$ -	\$ -	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ 60,000
Proposed	8217 - Salt Dome Repairs									
Adjustment			\$ -	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,000
Equipment & Technology										
Proposed	7404 - Bonded Equipment	489	\$ -	2,285,000	1,297,500	\$ -	\$ -	\$ -	\$ -	3,582,500
Proposed	7404 - Bonded Equipment									
Adjustment			\$ -	2,275,000	1,297,500	\$ -	\$ -	\$ -	\$ -	3,572,500
Proposed	7301 - Technology Projects	489	\$ -	421,000	486,000	\$ -	\$ -	\$ -	\$ -	907,000
Proposed	7301 - Technology Projects									
Adjustment			\$ -	431,000	486,000	\$ -	\$ -	\$ -	\$ -	917,000

*Police Department In-car Network Structure project, \$10,000, shifted from Bonded Equipment to Technology Projects in 2020 Amended.

We have Maintenance Facility on Kansas Avenue where we changed the funding mechanism on it. It's \$900,000 and then also Salt Dome Repairs. When we originally presented it, we had it in 2021 but it's definitely needed in the 2020 Amended, so we moved it up.

Equipment & Technology; this is related to adding \$10,000 to In-Car Network Structure project for the Police Department.

2020 – 2025 CMIP CHANGES FROM PROPOSED BUDGET Debt Financed Projects

	Debt Category	Page #	Original	Amended	2021	2022	2023	2024	2025	FY20-25
Proposed	Parks and Recreation	4425 - Wyandotte County Lake Waterline Study & Repair	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,300,000
Proposed	Public Building Commission	4425 - Wyandotte County Lake Waterline Study & Repair	\$ -	\$ 350,000	\$ 350,000	\$ 400,000	\$ 550,000	\$ -	\$ -	\$ -
Proposed	Parks and Recreation	4425 - Wyandotte County Lake Waterline Study & Repair	\$ -	\$ 350,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Proposed	Public Building Commission	4425 - Wyandotte County Lake Waterline Study & Repair	\$ -	\$ -	\$ 350,000	\$ 400,000	\$ 550,000	\$ -	\$ -	\$ 1,300,000

Basically, here with the Wyandotte County Lake Waterline Study & Repair, we broke the funding out for Parks & Rec, and we moved it, portions of it, to outer years from 2021 to 2023 to the Public Building Commission.

DEBT AUTHORIZATION REPORT CHANGES FROM JUNE PREVIEW

Adjustments to Proposed

Project	CMIP #	Change
Enterprise Resource Planning System	7304	Reduce authorization amount to be consistent with CMIP from \$6,745,000 to \$5,234,641
Hardscaping/Landscaping	7847	Combined Hardscaping & Landscaping into single project
Fairfax Entry and Informational Signage	9189	Updated statutory authority from Charter Ordinance CO-03-09 to KSA 12-17,140 <i>et seq.</i>

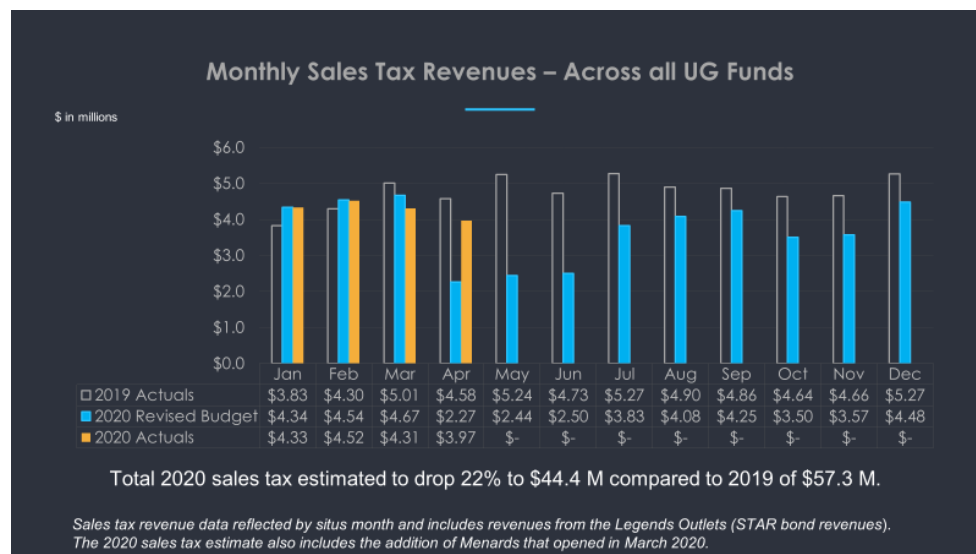
This is some changes with Debt Authorization Report Changes from when we originally presented everything on June 8th. We reduced the amount for the ERP System from \$6.7M to \$5.2M. Then it also touched on Hardscaping/Landscaping. They were two separate projects, but we combined them. With the Fairfax Entry and Informational Signage, we did update the data authority verbiage and that is the update on the changes for the CMIP. Any questions?

Revenue Performance

Mr. Bach said thank you Reggie. From this point we will move on to the Revenue Performance. I will say overall it's nice to see the initial months of COVID not come in as negative as we anticipated. We are looking at all different areas, so I thought it would be good for Kathleen to

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come in and walk through these tonight. So, I'll turn this over to Kathleen VonAchen, our Chief Financial Officer.



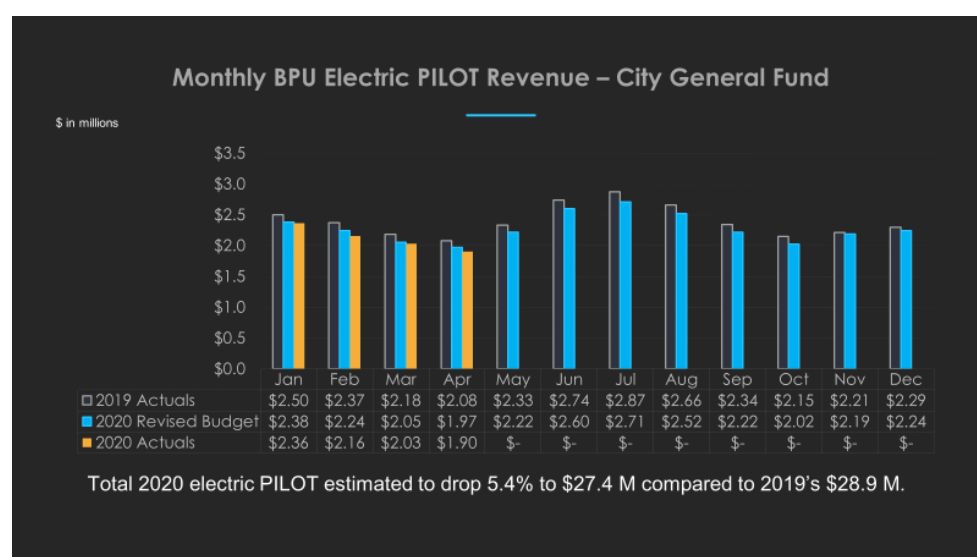
Kathleen VonAchen, Chief Financial Officer, said right off the bat what I wanted to do is kind of review all of the major sources of revenue. The first one, of course, is the sales tax, everyone's anxious to see how the sales tax has been performing. What I've provided here is a monthly chart of all the sales tax collected across most of the UG funds. This includes the City Sales Tax, County, the Special Dedicated for Neighborhood Infrastructure, Public Safety, and then also the EMS Sales Tax, so this is all sales tax. I have as a guide, I provided how much we collected by month in 2019. The blue columns are what we are expecting in terms of a revenue estimate from our revised budget and then what we've collected so far in this current fiscal year. As you can see here in January, the total dollars look pretty consistent with what we were expecting. Same with February, they're a little up from the prior year, but then March, you can see that those dollars started to dip a bit. There was a month where—or one week or two where businesses were closed, but then I think as we anticipated, there was quite a bit of folks stocking up for the quarantine period, so the revenues were diminished that much in March. Then in April, as you can see, we anticipated there would be a very significant drop in revenue collections in April, but what has occurred is that they've pretty much held very consistent with what was occurring in actuals for March although slightly lower.

Overall the revenue estimate throughout the future months anticipates diminished spending in the month of May and June with it building back up to near prior year levels beginning

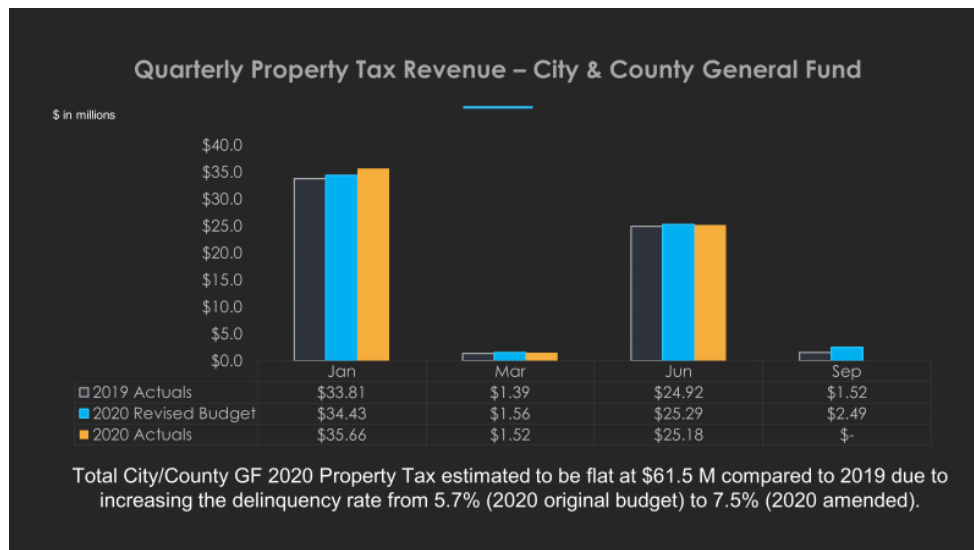
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in July, August, September through December, so the total sales tax estimate is estimated to be about a 22% drop right here compared with the 2019.

For the revised revenue estimate we're anticipating \$44M in sales tax. This is not Use Tax, just Sales Tax and compared with the '19 number which was \$57M and so that's roughly a \$13M difference that were not anticipating. Of course, we don't really know how the pandemic is going to play out in the future years—future months, so we're monitoring this and we're holding steady with what we think may be occurring. Of course, we will be providing information on this on an ongoing basis.



The second largest revenue source is the PILOT that we receive from the Board of Public Utilities and we are anticipating that revenue source will decline through the closure period which we are seeing that it did. Typically, the amounts that are collected in the summer months are higher as you can see and then drop off in the fall. We think perhaps there will be some diminished collection levels that are expected in April and May. It's hard to know because there is a delay in the billing cycle for the BPU, but there were a number of industrial/commercial properties that were closed. As a result, their consumption level was diminished, so we're standing by until we get the payment for May to see how that works, but for the most part, it appears that our revenue estimates are consistent with the actuals in March and April.



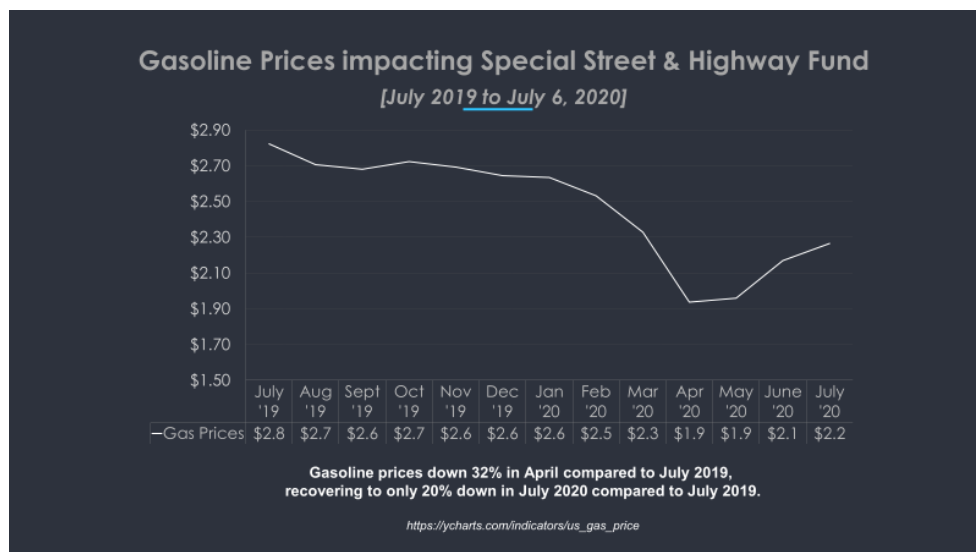
The next slide is the third category that's the largest source of revenue source for the General Fund and here we're providing a quarterly review of the property tax. Now, we didn't anticipate that property tax in 2020 would be greatly diminished by or impacted by the COVID pandemic except for the fact that we felt that perhaps in the latter half of the year or perhaps the last three quarters of the year the level of delinquency rate would increase. The original budget had it at 5.7% and in the revised budget we upped it to 7.5. The blue revised budget incorporates that higher delinquency rate. So, total sales tax we're anticipating it to be \$61.5M which is pretty much almost exactly what we collected in 2019 and part of that, although there were increases in the assessed value, the reason for the collection level being flat is because of the increased delinquency rate.

As you can see, this estimate has played out because we actually have collected the June amounts and typically there's not very much money coming in in September from this revenue source.

Mayor Alvey said we have a question from Commissioner Markley.

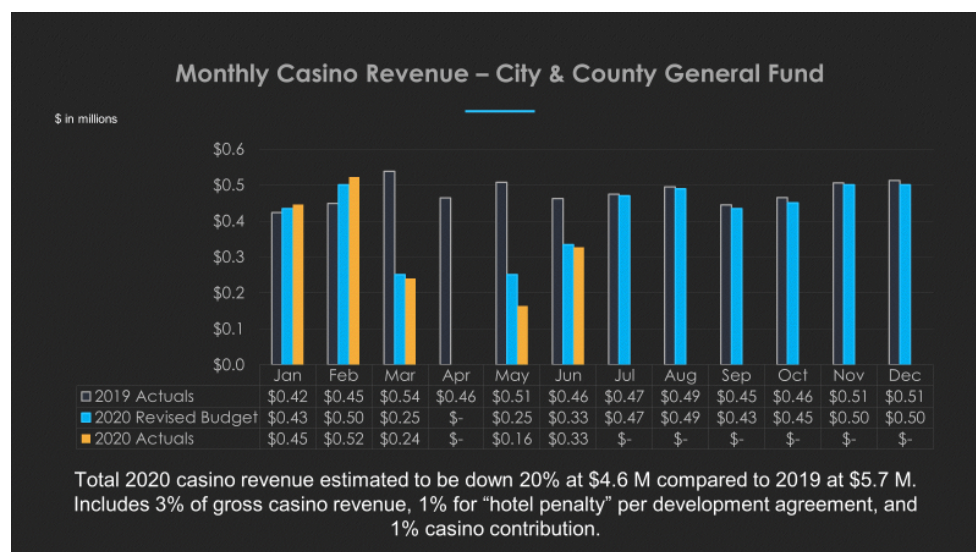
Commissioner Markley said, Kathleen, I was just curious, and you may not know this off the top of your head, it's not an immediate need, but when we were in the recession where was our collection or lack of collection percentage there? Is this 7.5 sort of comparable to that? I guess I'm just trying to kind of compare. **Ms. VonAchen** said I do know the answer to that. The great recession was very much driven by a bust in the housing market, so property values were greatly impacted during that economic crisis, much more so than in this situation, or at least as we can

anticipate now. During that time, it reached up into the 12% range. Actually, I think one of my PowerPoints that I presented at a previous budget workshop showed the 10-year average of those delinquency rates, but now I can get that to all of you. It's easy. I've got that.



Another area of funding is our Gasoline Tax or the Highway Users Tax. It's administered by the State of Kansas and it's deposited entirely in the Special Street & Highway fund. As you know, we were struggling to balance that fund because we anticipated that the drop in gasoline prices would greatly impact the amount of revenue that we were going to be collecting. Not only the drop in prices, but also the fact that people were quarantined at home and potentially we're not driving or not commuting and so there was perhaps a lower level of gasoline consumption, not only the price, but the consumption.

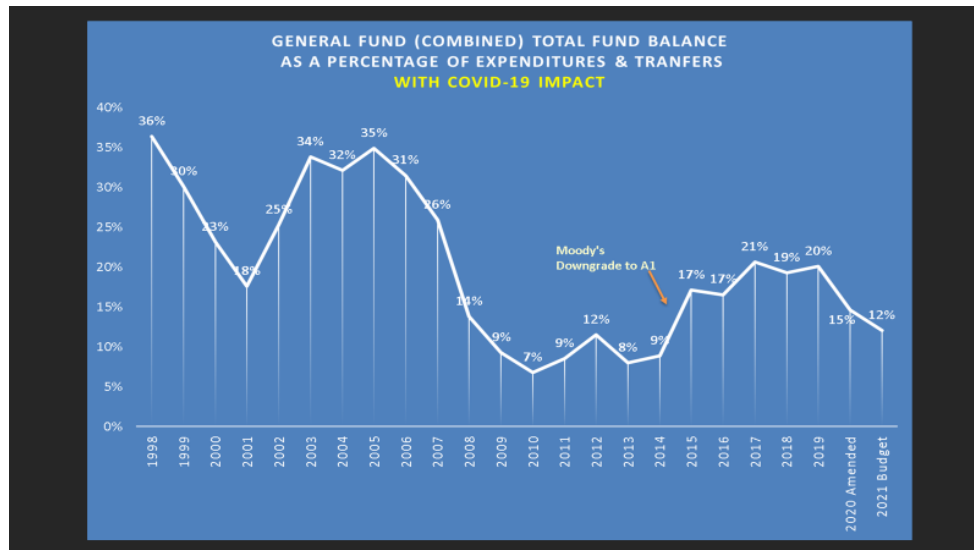
This is some gas price information from a website here and these are gas prices in the Kansas City area. As you can see, it dramatically dropped in the first quarter of the year, but we noticed that beginning in May it started to pick back up, so that's very promising. That's a promising statistic here, so we're monitoring this as well, but certainly in the first half it dropped 32% from July to April compared with July of '19, but then it's recovering. So overall, now it's only 20% lower than what it was in July of last year.



The last revenue source we thought we would share, and it isn't a tremendously large revenue source, but it is certainly one that we're monitoring very closely and it's the monthly Casino revenue which is deposited in both the City and the County General Fund. There are three components of this total number that we're looking at here. There's the 3% of gross casino revenues which are provided to us from Hollywood. By the way, this is just Hollywood Casino. That's an amount that is provided to us that we share between the City and the County. There's also a 1% of gross revenues that we're calling the hotel penalty per the development agreement because Hollywood hasn't built a hotel yet. Then lastly, there's 1% gross revenues that the casino contributes which is then later distributed to other governmentally agencies so that last 1% is not necessarily funding any of our operations. It's distributed to other agencies.

So overall, you know, things were looking pretty good in January and February. In fact, the actual exceeded our estimates. Then in March we definitely felt that there was going to be a drop given the casino we anticipated was going to be closing for some period and so that revenue estimate is consistent with the actual there. There were no revenues collected in April, so we lost out on about \$460,000 in that month and the May estimate, I was anticipating to bring in about \$250,000 that month, but we only brought in 1.6 and then we just got word that the revenue estimate—well, the June collection picked up pretty well. Although it's about \$130,000 less than what was collected last year, but beginning in July through December, we're anticipating that collections will be consistent with what was collected in the prior year. We'll just see how that goes. Overall, the revenue estimate is 20% lower than what was collected in '19 which equates to about a \$1.1M difference that we won't be collecting.

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Overall what we, you know, some of the revenue performance is a little mixed. You can see the actuals are consistent with the estimated except for sales tax which was a very pleasant surprise. I just wanted to note that the Proposed 2020 Amended Budget as well as the Proposed '21 Budget anticipate a drawdown of our General Fund Reserves. From the 20% level—that 20% of expenditures and transfers in 2019, that reflects roughly 2.5 months' worth of Operating expenses and we anticipate it dropping to 15% if the revenues are what we estimated and given the spending level that we're proposing. The budget is drawing down fund balance to the 15% level and then in 2021 the 12% level. This is certainly below our two months minimum target. The two-month minimum target equates to roughly 17% and so what we want to point out here is if we allow our fund balance to drop, you know, fairly low, that will cause our credit rating agencies to be on notice that we're struggling with this pandemic.

As you can see, in 2015 Moody's downgraded us from AA to A1 because of the prolonged drawdown of the fund balance around the teens and nine's here in between 2010 and 2014. What I want you all to understand is that the Proposed Amended Budget for 2020 anticipates utilizing \$11M in fund balance and if the revenues start performing better than what we estimated, I encourage the Commission to really understand that any kind of improvement in our revenue performance will diminish the amount of reserves that we're going to be drawing down from and will improve the 15% level and it will—that's all I'm going to say. I think that's the only slide I have. I'm not certain who goes next.

Mr. Bach said we have a question from Commissioner Bynum on your slides.

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Commissioner Bynum said I'm curious, Kathleen, with regard to the fact that probably most cities and counties are encountering financial difficulties due to COVID, what does Moody's have to say about that with regard to whether or not they would downgrade a city or a counties rating?

Ms. VonAchen said actually my concern is more with Standard & Poor's then Moody's. Actually Standard & Poor's still has us at the AA rating level. I'm anticipating that if we don't demonstrate to the credit rating agencies that we're making every effort to manage our budget and our finances in an approving manner by, you know, at least making cost reductions and not drawing on our fund balance too much, that they will be more—well, they will probably take all of that into consideration. The actual next step with a credit rating agency, not necessarily that they would downgrade us, they would just put us on a negative watch and a negative watch would probably last about one or two years. Certainly, all the other cities are also experiencing some concerns, but as you know, the fund balance is only there once and once you use it, you have to build it back up and it's difficult to save up. I think all of us in our own personal households know how hard it is to save money. Once that savings is gone, it's gone for good and then you—it takes a lot of discipline to replenish your rainy day fund.

Commissioner McKiernan said, Kathleen, this is a question that I know really has no answer, but I wonder if you have a feeling for it or if any of your colleagues have a feeling for this. Sales tax was stronger in April than we expected it to be. **Ms. VonAchen** said yes. **Commissioner McKiernan** said but as it appears now this pandemic is not going to be a short term, self-contained event like we might have hoped it was going to be early on. It looks like it's going to drag on much longer than expected. It looks like that could affect furloughing and paychecks and unemployment and whatnot for a much longer period of time. Any sense or guess as to how sales tax might play out over the remainder of the year? Could it remain stronger than we first anticipated, or do you expect that the prolonged pandemic may have an effect on it yet? **Ms. VonAchen** said as it turns out we have a few months behind us here in terms of the pandemic and what we're now seeing is that this pandemic may actually get worse before it gets better and it's not a one shot thing. I'm concerned about the increased level of infection that's going on in our community, so my thoughts are that, you know, many of our larger vendors are essential services type of retail activities and so the only kind of expendable or luxury kind of spending really kind of takes place at the Legends.

Folks, you know, I think the level of income may be diminished by a number of—because of our high unemployment rate and that’s certainly going to impact their spending habits for those folks. You know folks still need to go grocery shopping and so some of those basic essential spending areas will continue. It’s the spending on items that are not essential that I anticipate will decline over time, at least over the next 18 months is what I anticipate.

What is not showing up here, which I probably should have added a slide here for, compensating new sales tax which we are anticipating will increase over this period as people begin buying more things online and so online sales is typically reflected over in the Compensating Use category. So those increases are offsetting, in our estimate, are offsetting some of the declines we were anticipating on the sales tax side. But for the most part what I think is those folks that, you know, sadly have been impacted by the pandemic that have lost their jobs. That is going to place a tremendous burden on those families. They won’t have the ability or the disposable income to go spend, you know, buy a new purse or new shoes. They’re just going to concentrate on the essentials in the grocery shopping and such, and a large portion of our retail base are essential businesses, so that’s what I think.

Commissioner Burroughs said, Kathleen, could you go back a couple of slides. I would like to go back to the sales tax, and I appreciate Commissioner McKiernan bringing it forward, the impact on the sales tax and then to compensating use tax. I believe your numbers, while I don’t disagree with them all to the extent that I hope, I don’t find myself being argumentative, but I believe that the sales tax numbers, the percentages that were estimated to drop, I think that’s maybe a little high. I like to be somewhat conservative in my thinking that I believe the compensated use tax as well as the sales tax is not going to have the impact that we see here. In this morning’s presentation from the State, sales tax has not had the impact that we anticipated it would have. I don’t know if it was \$1,200 per family that went out from the federal government that assisted in that or if it was the \$600 additional per week unemployment that helped put that money into the economy.

I’m really wondering if we’re being ultra-conservative here in not trying to be mindful that we need a little flexibility. It goes right back to the property tax issue also. I believe people find their home to be essential, I believe that they will, if we continue to reach out and work with the citizens of this community through a letter and encourage them to contact us, we’ll have a better grip on the delinquency rate. I don’t know where that additional 2.5%, I believe it was, from

5% to 7.5%, where that number came from. So, I'm just trying to grasp all of this because we are talking about millions of dollars, but at the same time, I don't want to paint such a dire budget that we don't have the opportunity to keep from drawing down from our reserves and keep our reserves there for a reason. We haven't talked about the emergency reserves yet; we're just talking about our standard reserves if I'm to understand correctly. So, with that, I'll get off. Thank you for your patience with me.

Ms. VonAchen said no, I really appreciate your comments, absolutely. First off, about the sales tax on your comments. This chart shows the collections based on the date in which the transaction occurred, but we don't get the, for example, this April yellow number that this big yellow bar in April, we only learned about that last week, so we don't get that information until two months after the fact. I've reflected in here as the situs month or the month in which the transaction occurred because it makes sense to all of you. You can see that when the closure occurred that it's better and more understandable, but we only had that information about a week ago.

When we were developing the sales tax estimates, we have very little data from which to draw from and so that's why, you know, I don't disagree with you. It's just a difficult area to estimate when you have very little data to go from.

Secondly, I did want to mention that the reserves that I show in that chart, that's all the reserves, both the Standard Operating Reserve and the Emergency Reserve combined.

Commissioner Burroughs said thank you for that clarification. I didn't know it included our emergency reserves also. Might I suggest that when we talk about the reserves that we look at what our emergency reserve balances may be through this because this is what I would consider an emergency time and that's why those funds are set-aside. Personally, I think it behooves us to utilize those dollars first because we have a tendency to build those up over time so that we can keep our other reserves in place. Those reserves, I believe, some of those will be replenished through the CARES and COVID-19 refund process, but I would like to have a little bit of differentiation. I did not realize that your reserve included the emergency, so thank you for that clarification.

Ms. VonAchen said if Rocki or someone could go to the fund balance chart for me please, I can talk about that briefly. You're going to hear about this at the Commission meeting this evening,

but in 2019 the total was 20% of expenditures and transfers. Of that total amount which I think was around \$42M, \$7.2M of it is what you would categorize as emergency and then the rest is an operating reserve. When I speak to the fact that in 2020 we're going to be drawing down fund balance by \$11M, what that means is we're not only using the \$7.2M in emergency reserves, but we're also using another \$4M from the operating reserve and so that's why in 2020 the total percentage is 15% and not 17%. **Commissioner Burroughs** said thank you for that clarification.

Commissioner Johnson said, Kathleen, I've been listening to all of the comments and really kind of dovetailing on Commissioner Burroughs commentary. If in fact we see as we're going along that we're beating our conservative estimates, have we talked about any type of strategy and perhaps this would be the view end of—if we're beating the estimates, will there be some restoration in certain areas where we've made some reductions. I know we don't want to think about this too much because of the trends that we're witnessing, but in case we do find that we're beating the trends in the budget, have you all talked about what strategies we might look to, to maybe restore some of the areas where we've cut. Just a question that I have. **Mr. Bach** said I will jump in there Kathleen. I think, Commissioner, that's a great question and probably provides an excellent transition into the next section. I think Kathleen, and she already said it once, or her thought is, let it fall to the bottom lines and don't eat up the reserve money. I think, as you note, as the Commissioner just talked about, looking at the sales tax. It looks like we could come back and see, you know, May and June be ahead of where she was projecting, but you see after that point that Kathleen does have us rebounding back up there in sales tax. She just figured it may take a couple months longer than it may be doing; however, in other areas like the PILOT and Casino money we're down.

But let's assume that we do trend a little bit above where we're projecting through the course of the year, that's one reason I wanted to kind of come point out some of the service area cuts tonight because I think those are things that I will ask you to let us put a little bit more money back into some of those areas as we go along. I mean, it may be a priority to start our next recruit class a little bit earlier, it may be to fill some of our Street positions or those in Parks, so we have all the people run the snowplows this summer as we wanted to.

That's one reason I thought this may be a good intro to it to kind of throw out here are some of the areas that we are going to have to make adjustments to to account for the staffing

reduction and just kind of go over that. We've talked about the number of police officers that we are down. We're actually down about 77 in that department. When you look at the number of dispatchers and the police officers and cadets a part of them and then the overall civilian personnel. Sheriff's down 39. Public Works is down 44 positions, Parks is down 55 positions; some of them are part-time, but those are the number of bodies that we would typically have. I think these are areas that I would put out there as a priority for you all to think about if our revenues trend up over the next couple of months. We come back to you and say, hey, we look better, as we come into 2021 maybe we fund those positions and we're able to adjust our budget a little bit to account for that if that answers your question.

Ms. VonAchen said I wanted to just add also that potentially maybe we won't need to borrow from the Tourism Fund because that's a million dollars we would have to pay back, as an example.

Mr. Bach said it's a good point. Any borrowing just causes us additional debt issues that have to come back immediately. We're not able to pay that back over a long time. We need to get back into it pretty quick.

Mayor Alvey said Commissioner Townsend has her hand raised.

Commissioner Townsend said, Administrator, I was a little bit slow on the trigger and my questions can wait. They really are better answered and go back to Reggie's presentation about the location of some specific monies that might be, and they have to do with Parks & Rec, so I can certainly hold off until your presentation or later in this. **Mr. Bach** said whichever, Commissioner, if you want us to answer it now or we can move through this. **Commissioner Townsend** said okay. It might be somewhat of a segue in what you're about to get into. Even though we did not open our pool at Parkwood this year, I'm looking through the budget and I wanted to make sure that I understood. Will we next year be able to, if we can open again, does this budget contain room for the increase in the lifeguards that we were going to have go into effect this year?

Also, I wanted to know and to see if the budget accounts for anything that we might have to do in the way of maintenance because the pool was not open this year, for more of a maintenance type of thing. So, on page 360 of the budget I see numbers that deal with an aquatics pool manager. Of course, we did not fill that position, but I'm just as concerned, or not concerned, but curious

about what we have proposed to do for our lifeguards. So, will that rollover. There was also some maintenance that we expected to have done in the parking area and the ramp and will provision be made for next year's budget if we can open it to take care of those things? So, page 360 and also references made to the aquatics on page 355. I'm not sure I've seen where the maintenance for the pool is.

Mr. Bach asked, do we have funding for the pool manager and lifeguards in place for 2021 budget? **Mr. Lindsey** said yes we do. As far as the maintenance—**Mr. Bach** said I just want to clarify that would include the adjusted salary that we discussed earlier, Commissioner, that was making the change to it so that will be at the correct rate. **Commissioner Townsend** asked, where is that shown so I can mark it. **Mr. Lindsey** said the page you referenced, page 355, there's an aquatic pool manager and assistant manager positions, so that increase there, that \$16,000, that's what was needed to fund those additional positions and it's an FTE. **Commissioner Townsend** said okay, but it doesn't make reference to the lifeguards. I saw that position, which was new, but I was even more concerned about making sure we could maintain the anticipated increase for the lifeguards assuming you're one of—**Mr. Lindsey** said one of the things with adding those new positions, it was going to produce some savings also for the way the current operation was set up. That's how it's recognized is that we will have some savings there also, so we didn't have to add that much more money or put in for additional lifeguards that you're talking about. When I say put in for the additional lifeguards, we didn't need to show additional funding for those.

Commissioner Townsend said okay. I guess I'm just a little bit—I started to say hesitant, maybe a better word is, I would just like to see some notation made so that when I look back, or even somebody looks this year, we know that is intended because the way it's notated, it just looks like a new position which we didn't have.

Again, is there any particular maintenance that needs to be done because we did not operate the pool as planned? Where would that be accounted for? I don't know where that would be in one of these line items or somewhere in another maintenance area. **Mr. Bach** said, Commissioner, I do not believe we added any additional maintenance into the Parkwood Pool budget. The Parks Department has kind of an overall maintenance line. I don't know. I have both Angel Obert and Jack Webb on the line. If one of those two wants to speak to if we identify a specific maintenance issue in that area for funding that.

Angel Obert, Assistant Director of Parks & Recreation, said I've got Jack on the line as well with Parks & Rec. We do have our maintenance on the pool that is funded, like Doug said, it is in our regular schedule, so we do have that funding to perform the necessary maintenance. As far as the ramp updates and the parking lot that you are discussing, I know we had talked about that as well and that actually is being done by Public Works and it is still on their schedule. **Commissioner Townsend** said okay. If offline in an email, you could identify in the budget the line item or the page, that would be most helpful to me. We all go through a lot of things even after the budget, so it would be helpful to me to be able to point to that to know that those things are accounted for in here.

The other question I have went back to the CMIP. Actually, the project that was presented April 23, '20. It was just easy to see where it said large capital projects criteria rankings. Those that made it—or if I had any question about what may have dropped off, what would be the best place to look in the budget specifically for that? **Mr. Lindsey** said the best place to look for what would have dropped off would be with the slides that we went through tonight with the CMIP changes. **Commissioner Townsend** said they weren't quite identified in the same way, but I can get with you offline about that then to ask about something particular.

Commissioner Burroughs said, Doug, you had made a comment earlier about if we had additional dollars coming in, you would like to have the opportunity to put it back towards services such as our Cadet Program and other services, whatever they may be and Kathleen had made the comment, I believe, to postpone borrowing dollars from like the Tourism Fund. I believe that is very prudent, that if we don't have to borrow those dollars and take on any additional long-term debt through this crisis, that would behoove us to look at those items first.

As far as going forward and putting money back into services that have been identified by those departments to cutback, I don't know that—I would like to have those suggestions brought forward to the Commission so that we may look at those costs and the Commission assistance setting those priorities. I believe that it is prudent on our part to realize what services may be important to one another versus one or two, so I would hope that first and foremost, just what Kathleen stated, is that we wouldn't borrow those funds and that we continue to operate in a fiscally responsible manner. Too, if we go back to provide services such as the Cadet Program, that we collectively have an opportunity, as Commission members, to weigh-in on those prior to any action

being taken. That's just my comment, but I do appreciate the fact that those two issues were brought forward.

Mr. Bach said understood, Commissioner, and I will assure you that if additional revenues were to come in through the course of the year, I only can expend what we have in the budget and then so otherwise money will fall to the bottom line to build on the reserves. So that will be the default action unless we come back before the Commission and do some type of amendment to change that. That's why I offer that if we show you some of these tonight, it gives you an idea of some of the areas where we're down. It also gives you a feel for it as your constituents are calling you saying, hey, what's going on here, you'll understand what we're doing or that some of the changes we're doing it. Maybe those are impacts we were able to adjust, but we would come back and talk to you about those and just for clarity, the Cadet Program is not on my list. I just mentioned those are unfunded positions right now, but I've got a lot of stuff on there before I would go after that.

It looks like there are no more question, Mayor, so if you want, we'll go ahead and start walking through these service cuts and reductions.



Proposed Service Cuts & Reductions

I will recognize Jeff Fisher. He's going to start and go through Public Works.



Jeff Fisher, Executive Director of Public Works, said I know the community is already experiencing consequences of these cuts and reductions.



Public Works

- **Streets:**
 - Pavement Condition Index (PCI) of 56 expected to fall
 - Mowing will continue to be reduced
 - Signing and Striping will be reduced
 - Winter weather operations (snow plowing) will take longer with fewer drivers
 - New focus on alleyways will cease
- Stormwater infrastructure continues to deteriorate and is increasingly difficult to manage; this fund is becoming more insolvent and unable to fund even the most basic activities
- Daily maintenance of facilities and a potential decrease in Facility Condition Index (FCI)

As the County Administrator said, Public Works alone has got 44 vacancies and most of that's been for the last few months. We've got 19 in Streets alone, so that's usually going to result in pretty obvious drops and level service. So, I've said that, I quickly want to recognize the Public Works team. Over the last few months they have really stepped up and they've been very understanding, engaged and selfless in being part of the solution, so I'm very proud of them.

Streets; we've talked a lot about that over the last couple years. That PC average, Payment Condition Index, was 56 two years ago. We knew we were going to have to invest more and do and manage this program much differently. We are taking a much different approach in Street Preservation and Street Maintenance. I've been real satisfied with that and without the additional level of investment, that PCI will fall. Because Street Preservation and Street

Maintenance is the highest priority, we have other activities that will struggle like mowing and working in alleys. Signing and Striping is important, and we will continue to do that so we can. We 19 vacancies in Streets alone, that will just be a matter of managing resources and trying to stay on top of that.

I won't belabor stormwater infrastructure. I know we've talked a lot about that over the last year. I will only say that we continue to have the emergencies like we just had a couple weeks ago on 123rd Street with a large storm covert failing and we had to shut that road down and it was shut down for a few weeks. We had a few of those last year. It's becoming more common and that fund is increasingly becoming insolvent especially in 2021. We're going to need to do something or, hopefully, the General Fund is able to jump in and help when needed in the future or roads—we'll run into these emergencies and roads just be shut down for longer periods of time.

Facilities is much like streets. We have a lot of data now. We understand our needs much better. We can be more strategic; we can focus resources on those. We still have a lot of work on the schedule for the next couple of years, but levels of service will drop. So, the same challenges with the FCI decreasing if we don't stay on top of it because of these budget impacts.

Public Works

- Project communication to the public will be impacted resulting in less timely notices
- Fleet vehicle condition will deteriorate and longer response time to repair emergency vehicles
- Vacancies will result in no direct oversight of graffiti removal program and reduced staff to monitor Solid Waste/Recycling
- Capital projects are slowed or delayed a year or two, increasing the backlog
- All of this will make it challenging for leadership to maintain team morale and manage stress of the employees



Communications from Public Works; I believe over the last couple years we focused a lot on that, when we hired a Community Engagement Officer specifically for that. I think we've made a lot of headway. We still have a lot of work to do, but we've done a much better job and that person has been helping in a much bigger way with the UG, happy to do that of course, but that does mean Public Works will take a couple steps back for the foreseeable future.

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Fleet Management; delaying replacements of vehicles simply result in a backlog in replacements and higher maintenance costs and possibly slower repair times. Capital Projects will be similar. Anytime we're slowing or delaying Capital projects or big maintenance needs, we're just increasing the backlog and increasing the cost of those projects eventually and then increase maintenance and risk. Of course, you know Public Works, we got a lot of people trying to do great things and they're professionals and they chose to be here and this career and are excited about doing it, but when we hit these kinds of big hurdles and we can't do the things that we want to do or expect to do, the public gets frustrated, understandably, and then staff does as well. So, it's just a challenge to maintain team morale and challenge ourselves to get through this and learn from it and possibly get better from it, but we will struggle in a few areas unfortunately.



Mr. Bach said thank you Jeff. Now I'll recognize Angel Obert in Parks & Recreation and just for you to understand since our Director left, Angel has continued to supervise over the Recreation Program area and Jack Webb is over the Operation side, so they are doing an excellent job in a dual capacity to run the operations out there working well together. I believe Angel is going to present. She's also going to do as part of hers kind of a high level just notice, give you an impact feel for the number of positions that they are down and trying to do their services and Jeff has the same thing. As I noted, there down 44 positions, but Angel kind of built it in here and I think it's a good feel for you see.

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Parks and Recreation

- Services experiencing major interruption or delays
 - Scheduled rotations for mowing & trash pick up
 - Shelter and restroom cleaning for reservations
 - Building maintenance and cleaning for reservations
 - Flowerbeds are in poor conditions and not able to be maintained adequately
 - Recreation Centers have remained closed due to a reduced work schedule
 - 2 summer program sites, Spring & Summer sports, and other special events were unable to be offered in 2020

Angel Obert, Assistant Director of Parks & Recreation, said, Commissioners, thank you for your time this evening. I do want to go ahead and start off and say, kind of, as Jeff did, you know our staff has done a great job of managing our parks due to COVID. This has actually been a very busy time for us in Parks & Recreation. I've noticed a lot more people out using our parks which is great. I believe they are still social distancing, but Parks & Recreation has been a really important service now more than ever I believe, you know, people needing an outlet to kind of get out and clear their mind and get some fresh air.

As Doug mentioned, we're down nearly 55 positions and that number includes seasonal staff currently. He also mentioned, we're operating without a Director, so just like any other department we're missing key personnel in every facet of our departments operation.

The first slide is just a high level overview of some of the services that could experience major interruption or delays if the positions remain unfilled. Some of those services would be scheduled rotations for mowing and trash program, shelter and restroom cleaning for reservations, our building maintenance and cleaning of those facilities for reservations, also the flower bed and the beautification aspect that our horticulturalist maintain. Our recreation centers also remain closed during COVID, but also due to a reduced work schedule, they're closed currently on Thursday and Friday, so we've had some impact there.

Also, the services have been impacted that we provide the community such as our summer programs, our spring and summer sports and other special events that were unable to be offered.



Parks and Recreation

Parks Unfilled Positions (as of July 8, 2020)

- Parks and Recreation Director (1)
 - Essential leadership role vital to the success of the Parks and Recreation Department, without this position, the department lacks necessary Senior Level Management experience to enhance the overall success of the department
- Groundskeeper III (1)
 - Operate all mowing including high loaders and backhoes, assist with snow removal, without this position staying on track with mowing rotation and fulfilling daily operations becomes difficult
- Groundskeeper I (2)
 - Operate all mowing, weed eating, and athletic field maintenance, assist with snow removal, without this position staying on track with mowing rotation and fulfilling daily operations becomes difficult
- Horticulturist I (1)
 - Handles maintenance of flowerbeds in parks and medians (watering, planting, etc.), without this position, maintaining flower beds is impossible

Now I'll touch on some of our park unfilled positions and how they could affect daily operations if they go unfilled. As Doug mentioned, we are operating without a Director and this is a very important role to enhance the overall success of our department, so hopefully, we can get that position filled and get someone in to help us continue to do great things for the community.

Our groundskeeper positions, those positions are very important to the mowing and trash program and also the assistance that we provide with snow removal. If we're unable to fill these positions, mowing and trimming needs of the community kind of fall off just due to lack of staff. What you could see there are some parks and some vacant lots, they will not make the 7 to 9 day rotation. That being said, you're going to have taller grass in some areas, and you might have experienced that already in some areas of the city. Also, they maintain the trash throughout the city and it's apparent. We see a lot of that in our community. Trying to get through 54 parks is hard, so when we are short-staffed, the trash barrels start to overflow, some of that loose trash we're unable to pick up because our staff is trying to get to the next park and still maintain their daily workload.

We now also pick up the trash at the transit locations in the trash cans along Minnesota Avenue. So again, without adequate staff, these locations, it's challenging to get to them.



Parks and Recreation

Parks Unfilled Positions, Cont'd

- Horticulturist IV (1)
 - Constructs design of flower beds and performs purchases of inventory, Handles maintenance of flowerbeds in parks and medians (watering, planting, etc.), without this position, design and maintenance of flower beds would not exist
- Maintenance Tech I (1)
 - Responsible for repair and maintenance of all parks and recreation facilities and amenities, without this position, work orders become hard to fulfill in a timely manner, daily workload is strained
- Caretaker (1)
 - Responsible for janitorial duties in centers and halls, we have more buildings than caretakers at this time, without this position other caretakers have to take over responsibility of other centers/facilities, increasing daily workload, becoming inefficient

Our Horticulturist position that's important. I think it's important to know that we currently only have one horticulturalist to service the entire county. We should have four of these positions. As you can imagine, without these positions, maintaining all of the flower beds and the beautification throughout the city becomes extremely challenging. Some of the things you could notice with these positions unfilled is you'll begin to see the flower beds overgrown, weeds possibly looking unkept, unfortunately, small trees or any new plants may begin to die just due to lack of staffing and getting to those areas to tend to them.

Our maintenance techs and our caretaker positions are very important to the upkeep of our facilities and amenities. Currently we have six maintenance techs so servicing all of our parks and rec buildings, our amenities, which include the playgrounds, athletic fields, irrigation, plumbing and electrical becomes very challenging. I would like to note that even when we are fully staffed with maintenance techs, we still struggle to maintain the current infrastructure needs as it is. Just being short a maintenance tech does add to the difficulties of fulfilling the work orders that come in. Some of the things you might begin to notice would be restrooms being closed, plumbing and electrical problems. You may see some playgrounds that are closed because they're not up to compliance. We've got to wait until we have a maintenance tech available to get out there and service that piece.

Usually in the summers they're very busy tending to Parkwood Pool and our three spray parks which require the filters to be changed twice a day so, unfortunately, we were unable to open the pool and the three spray parks this summer, so we've got a little bit of free up there, but they're still busy doing lots of other things around the city. As you know, when COVID hit, they were

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responsible for going out and making sure that the playgrounds were shut down and that we are complying with social distancing in that manner.



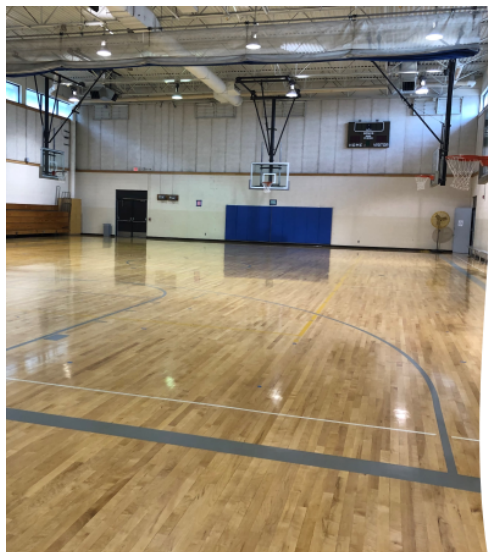
Parks and Recreation

Parks Unfilled Positions, Cont'd

- Supervisor Abatement Team (1)
 - Onsite supervisor for both Abatement Teams, without this position, there is no relief for the Superintendent, daily duties such as reports, communication, and direction is inefficient, affect the turnaround time of 14 day Abatements
- Seasonal Laborer (4)
 - From April-November these positions mow and maintain park grounds, without these positions, our 7-9-day mowing rotation for parks is impossible to attain
- Summer Labors (8)
 - From June 1st-August 1st these summer student positions mow and trim grass, and assist with trash, without these positions, maintaining our 7-9 day mowing rotations for parks is impossible to attain

A few other positions; the supervisor of the Abatement Team, which is an important position and this vacancy does result in no relief for our Superintendent and also it impacts the oversight of the Abatement Teams daily responsibilities and it does affect the overall turnaround time of the 14-day abatements that we try to push for.

Now we do have seasonal and summer laborers and these positions are especially important even though they are seasonal especially during our high time season. Right now, during the summer they provide extra support for the mowing and the trimming and the trash pickup around the city. Like I said, especially with COVID and people out using our parks more just to get out and get some exercise, we've seen a lot more trash just within the parks, so having that extra support, especially in the summer months, really helps us. Without these positions were really unable to stay on track with some of those items as far as moving and trimming and getting that trash picked up.



Parks and Recreation

Recreation Unfilled Positions (as of July 8, 2020)

- Part Time Program Aide (1)
 - Provides support at community centers, cannot provide full staffing coverage for programs/reservations at community centers without this position
- Recreational Instructor (3)
 - Summer program staff, cannot offer summer program without these positions
- Lifeguard (19)
 - Certified safety personnel required to open and operate Parkwood Pool, cannot open pool without these positions

Here I'm going to go adjust to recreation and go over some of the impacts and services that could experience an interruption if these positions become unfunded. Some of our rec staff positions include our Part-time Program Aides, our Recreational Instructors, Rec Leaders, Rec Specialist, you name it. Without these positions, I think it's pretty apparent that programming becomes almost non-existent. Without proper staffing to implement these activities, you know, it's hard for us to offer that service to the community.

So, without these positions, some things that you might expect to see would be youth and adult sport cancellations that could occur. We could put a pause on center reservations just because we wouldn't have sufficient coverage for those parties.

Without these positions we absolutely wouldn't be able to offer services to our community like summer programs and I think especially during COVID, you know, kids are really needing activities to do. Unfortunately, just due to safety precautions, we aren't able to offer those programs, but I think it speaks volumes for the services that Parks & Recreation offers to the community and how important they are.



Parks and Recreation

Recreation Unfilled Positions Cont'd

- Recreation Leader (3)
 - Provides support to summer program and pool operations, cannot meet summer program staffing numbers or fill pool positions without these positions
- Aquatics Assistant Manager (1)
 - Manages all daily operations of Parkwood Pool and works opposite schedule of that of the Aquatic Manager, requires more certifications than Lifeguard positions, can fill in as a lifeguard if necessary. Cannot open Parkwood Pool without this position
- Aquatic Manager (1)
 - Manages all daily operations of Parkwood Pool, requires more certifications than Lifeguard positions, can fill in as a lifeguard if necessary. Cannot open Parkwood Pool without this position

Then, lastly, I just want to talk about Parkwood Pool and the service to the community. Like I said, for safety reasons, we were unable to open this year just to protect our youth in the community. Without the positions you see here, the Aquatics Manager and the lifeguards, I mean, you absolutely can't open a pool without having those positions. Those are the key positions that supervise the patrons. You can't open a pool without lifeguards, and I know that this is a great service to the community. This pool is valued greatly in that area and Commissioner Townsend provides a lot of support. So, you know, being unable to open the pool this summer just due to the safety reasons from COVID really impacted some of the community members, but you know without these positions that would be a service we would not be able to offer.

Lastly, I just want to finish by saying we average roughly about 70 fulltime employees and the National Recreation and Parks Association recommends that a department our size has anywhere from 120 to 130. So, again, a big shout out to our staff for doing all the great things that they do with the resources that we have.

Mr. Bach said thank you Angel.

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Now we will go the Police Department. I've asked Chief York to come in and run through some of the impacts we're going to look at by lowering our overall base number of police officers which means when you start an academy, it comes in lower, it lowers the number from there so, Chief, I'll let you take it from here.

Chief Michael York, Police Department, said before I get started let me just give everybody a quick snapshot of how the PD functions day in and day out. We have four patrol stations, three shifts 24/7 operation, obviously, and I have a minimum manpower of five officers per shift. There's five districts in each patrol station and I have to man five officers per shift. So, what that means is you have at the minimum 20 officers out there at any given time during the three shifts. I have specialized units, I have community policing, I have SOU, I have narcotics, but I'm talking about just the patrol function. There's 20 officers that patrol the entire city of about 150,000, that's the minimum manpower.

Manpower Reduction Impact

- Current Authorized Strength 369
- Reduced to 345



So, if we cut the manpower, I'll be looking at either doing a couple different things. I could combine the West Patrol Division which would mean that I would do away with the West Patrol Station. It's the oldest station we have for the most part and I would combine those officers and put them at the Midtown Patrol Station.

Potential Patrol Division Reduction Impacts

- District Patrol
 - Reduction in relief factor
 - All Districts must be filled for each shift and the reduction in manpower will impact this requirement and compromise police service
- Revert Back to Former District Boundaries – Three Patrol Stations
 - Likely to close West Patrol Station
- Patrol Services Reduced
 - Crimes that do not require a crime scene being processed will be handled by Report Desk Officers (walk-in or phone-in)
 - Private Property Traffic Crashes (not required by the State) will handled exclusively by walk-in or phone-in – No PD Response
 - Private Property Accidents where all vehicles involved are drivable will be handled by Report Desk Officer (walk-in or phone-in)



So, we would have about 60 some officers in one station if we would go back to how we used to do it before the Midtown Patrol Division was created. If you remember correctly, the Midtown Patrol Division was created because of all the development and the housing additions coming up in the west end.

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So, if we do it that way, I'll just give you some thoughts. You're talking about a division the size of 47th Street to the east to K-7 to the west, the river to the south, the river basically to the north, so that is a monstrous division. Before we had Midtown, those were the boundaries. That would help me out when it comes to having relief factor for those districts.



Community Support Services Division Reduction Impact

- Wheel Unit will be reduced
 - Officers within the Unit will share duties to mitigate reduction
- Community Policing
 - Districts will be combined based on workload. One officer will cover two districts in several areas



I could also start taking from the Community Policing Unit and from the Traffic Unit. I will tell you the Community Policing Unit has already been somewhat—we've cutback over the years with the Community Policing Unit. We've combined districts, for example, 333 and 335 only have one Community Policing Officer. In the past they used to have two, so I would have to take the Community Policing officers and the Traffic officers and put them in the stations which that means the community would suffer when it comes to the community policing side of that and, obviously, the Traffic Unit which generates a lot of revenue for the UG and they reduce traffic fatalities when they're out there patrolling and doing traffic enforcement, I would take from that unit as well.

So, those are the two options. It would be to do away with the patrol station and make one West Patrol and/or take away from the specialized units with Community Policing and Traffic, so before I'm done here, let me give you some information when it comes to violent crime.

We are up 180% in homicides. This time last year we had 10 homicides. We have 28 so far. We are up 70% when it comes to aggravated assaults. We are up 50% when it comes to shooting into occupied automobiles so violent crime is way up. Burglary is way up. It's up by 26%, so when it comes to total violent crime, we are up 12% compared to this time last year. So, I'll leave you with that. That's all I have.

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Mr. Bach said I think as the Chief closes there, it's just my emphasis that I recognize as we go through the importance, if we can see some increased revenue, I'm very much supportive of trying to see money fall to our bottom line, but this is a no frills budget and I think commissioners are all aware of it. I wanted to come back and kind of hit some of these things as my departments have had some time to let this sink in over the last really 45 days since we've been making them prepare their budgets to come to it that they have to make some fairly drastic adjustments in order to get through this year and then into next and recognizing if it's going to be—it's one thing to adjust for a few months to another thing to adjust and say it's going to be this way through '21 and then looking at maybe adjustments in '22, so this area in police to me is a high priority trying to get officers back on the streets.

This is not a time to be adding any—we're not looking at any kind of specialized units any kind of new duties coming in here. We're trying to perform the basic services that this community deserves and that's what you see what's happened in Public Works, Parks and then also in Police. So, we're not trying to layer on anything there. We're just trying to get our staffing levels back up so we can do some basic work in the community. A few hundred thousand dollars goes a long way, so maybe there's some different considerations we have as we watch the budget over the next couple of months and we can make some adjustments.

Mayor Alvey said, Mr. Bach, we thank all the presenters, to Jeff, Angel and Chief York and this is not even a no frills budget. This is a cut in basic services budget. These are when we speak about and we want to talk to our residents, our constituents about the basic quality of life in our community and in all ways we are reducing services and not providing simple things like picking up trash in the parks, doing the simple repairs and maintenance in a park. You know, maintaining the pools and the spray parks which I understand because of COVID, it might not have happened anyway. We are talking about not providing people who can run the Rec programs, working with our young people during the summertime. We're talking about not doing traffic enforcement and if a good robust process of traffic enforcement does have an effect on other types of crime and as we continue to reduce these basic services because of lack of funds, what is happening is the community will continue to feel desperate. It will feel that things are getting worse because they are and we're going to be receiving calls from our constituents. I'm already receiving calls about why is the Motor Vehicle not up and running, well, because of furloughs. We don't have the funds.

Why is the right-a-way not being mowed, well because of funds. Why are we not able to do all the things that people expect us to do and need us to do and it's simply because we don't have the funds and we're never flush with cash, at least in my experience.

All I've seen at the UG since I've come on is at all levels, our employees going above and beyond to do what they can with what they have and there is simply a lack of resources to be able to do all the things they would like to be able to do and we have just gotten much worse. I'm saying this just because this is where we are. We have to be aware of it. We have to be able to take this message to our constituents and we have to say that in every way we are going to—everybody already is taking a very close look at how money is being expended. Everything has to be a basic service priority.

We have to fund those Capital projects that we have to have in order to continue to maintain the infrastructure and at the same time we must not fund those things which are duplicative. If we don't need it, we cannot fund it.

Commissioner Johnson said thank you Chief for your presentation. These are some really daunting figures that we're getting. I just had a question as you were giving your presentation. What is the number of officers that we have in Community Policing and the other division, I think it was Traffic? How many officers do we have in those relative areas? **Chief York** said we have 17 officers in the Community Policing Unit which we also have three Sergeants to supervise those officers and we have one Captain assigned to manage the unit. In Traffic I have 12 officers. They have two shifts. They have a day shift and an afternoon shift. They are flexible so they work different hours, but primarily work the days in the afternoon shifts and I have two Sergeants supervising them. **Commissioner Johnson** said great, thank you. That's all I had at this time.

Commissioner Townsend said I wanted to go back to a point on one of your screens. It was entitled Potential Patrol Division Reduction Impacts where it says patrol services reduced. Crimes that do not require a crime scene being processed will be handled by the Report Desk Officers. Let me just ask some barebones questions so, you know, my constituents and others and I will understand that. I call in, I've had a break-in, will an officer come? **Chief York** said yes, because that's going to require him to process the crime scene with fingerprints, neighborhood canvas,

things like that. He'll have to be there to do those things. So, a burglary, yes, you will get an officer to respond, but for an example, an auto theft, you'll probably have to phone that in.

Commissioner Townsend said okay, someone breaks in my car, they take something, that's a phone-in. **Chief York** said it's going to be a phone-in. Actually, Commissioner, real quick. I mean, why I don't really like that is because we had an initiative in place for the last several years where the officers would go out, make the reports on felony crimes and, you know, even sometimes misdemeanor crimes and they were tasked with going back to talk to the victim and follow up with them. It was a great community piece that we had going, and it gave the victims and the citizens that were impacted by this crime, you know, a sense of that the police care. They come out there the next day to talk with them and it gives them a sense of safety. So, I just wanted to follow up with what we used to do when it came to making reports. **Commissioner Townsend** said I appreciate that. Having received some services, not because I was a commissioner, but because I just had the unfortunate happenstance of, you know, a break-in. So, I just wanted to make it clear for constituents who may be listening or others who will hear this later what they can expect or not expect under these circumstances.

Private Property Accidents where all vehicles involved or drivable, but if there are personal injuries at the scene, an officer or officers will come, right? **Chief York** said yes. **Commissioner Townsend** said that will not change.

Just again so I'm clear, the manpower reduction impacts, I thought we were not talking about reducing manpower, but your presentation does contemplate that. **Chief York** said currently we have 369 but we only have—we're still 25 down. We have 344 officers today. **Commissioner Townsend** said okay, so that's not a reduction. It's just we're below what we're authorized. **Chief York** said correct, yes we are below.

Mr. Bach said this budget does not fund 24 positions in that 369, so by the funding the Chief is now only down one, so that means he's down 25 from what he would normally be operating at. He was ready to fill the academy. We were going to move forward with it and we froze it and I did not fill those positions, so this budget does reduce him by that 24 so now when he gets down another 10 positions, then we will start our next academy, so he'll move from 345 down to 335 or such, then move them through the academy and start to work them back. That's why they have to start taking some changes because you've got to look at what your baseline number of officers is.

There not down just for a short period of time. **Commissioner Townsend** said I think it was just the way it was worded here. We did not send 24 home per se. **Mr. Bach** said no. **Commissioner Townsend** said okay. That's what was throwing me off here. Thank you very much Chief.

I would also like to thank the people who do work very hard and diligently with a lot less resources that they wanted in Parks & Rec and Public Works. The changes we're talking about or some, as the Mayor said, that we will see every day. That's what is so hurtful but thank you to all those people with the UG who are still working with less.

Commissioner Kane said the survey that we did for the community says that Public Safety is one of our biggest concerns and I would hate to see any reduction anywhere in the Unified Government, especially with the Public Safety folks. You know, if we close the West Patrol, and I've said this a thousand times, we're already underserved so we won't even be served much. I would think that would be an extremely bad idea and, Chief, I would want you to do everything you can to make sure we keep as many people as possible. **Chief York** said understood.

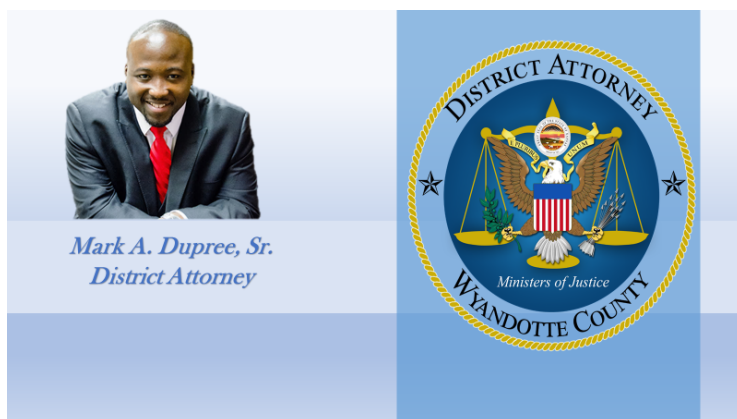
Commissioner McKiernan said, Chief, I am really appreciative of all the effort that you and your entire employee base put in. I agree that I do not want to see any reduction in service. I'm sitting here looking at the LexisNexis community crime map. I'm looking at my district, we need service. We need continued service. You know, we actually need more service. The question, not necessarily for you, but for all of us is in this time of significantly reduced revenues, how are we going to pay for all of these things and certainly tough decisions are going to need to be made if we want to move forward and be as safe as possible but be as fiscally responsible as possible. So, that's all I'll say, but Chief, thank you for your work. I certainly am appreciative of all the effort that you and your officers put in, especially in my district. Thank you.

Mr. Bach said, Commissioners, thank you for the comments and the questions to that. This is some pretty deep cuts coming into these areas, so certainly we're looking for ways to maintain our operations the best we can. Certainly not a time when we want to expand, but we're, you know, we'd like to come back to in some other areas but that's going to be years down the road. To jump in and go in areas such as parks, we we're looking at doing expansions and such, but now we're just trying to get back to doing our base service providing.

Thank you to the department heads who presented today and just noting, there are several others too, but I just brought these because I know they were ones that always rank high on the priority list.

Elected Officials

Mr. Bach said with that, Mayor, we will transition. We had a request by District Attorney Mark Dupree to come tonight. He would like to present in front of the governing body, so with that, I'll turn the floor over to him to offer his presentation. **Mayor Alvey** said welcome Mr. Dupree.



Mark Dupree, District Attorney, said I will not be before you long at all. I know you guys have had quite the night and there's more to go and so please feel free to ask me whatever questions you have after this presentation. If I don't get them all tonight, please reach out. You can contact me here at the office and that's both for commissioners as well as those who are watching.

Community Integrity Unit

The Community Integrity Unit's goals are to ensure community safety, enhance community police relations, and provide an independent review process for minor to misdemeanor complaints involving individual officers of Wyandotte County Law Enforcement Agencies.

Tonight, I want to talk to you about the Community Integrity Unit. The Community Integrity Unit's goals are to ensure community safety, enhance community police relations, and provide an independent review process for minor to misdemeanor complaints involving individual officers of Wyandotte County Law Enforcement Agencies.

Let me stop right here for a second and kind of just give a real quick understanding of where we are. I think it's important to note that where we are in our county and in our country concerning the criminal justice system and community members relationship. It's important that we take a pause and realize that many people have opened up their eyes and realize that there is a lack of transparency, there's a lack of trust. There's a lot of concern concerning the individuals who are in our community and the community folks that we serve.

Then those who are in uniform and those who are in the Criminal Justice System. One of the biggest issues that we all know about is the George Floyd situation that occurred in Minnesota, which ultimately opened many communities up to a reality that some folks in the community new, others did not, but now all of us our eyes wide open.

Here in Wyandotte County we are in a place where we're saying what must we do, what can we do to make sure that every person in our community feels as though they are being served adequately, fairly and equally by public safety. I think that is important to really point out that equity and equality concerning our justice system is not something that is simply a service that we can set down, but it is something as stated earlier, that every person should have and deserve.

So, with that in mind, what are some of the things that we can do to make sure that all individuals in our community feel as though the criminal justice system is working adequately and

fairly and that the policing agencies in our county are working fairly for everyone. So, with that, we have had multiple individuals who have come to my office throughout the last few years who said look, I have complaints about officers. I have complaints about this person and that person, but the process that we have set up for all of the agencies in Wyandotte County from the KCKPD, Wyandotte County Sheriff, Bonner Springs, Edwardsville, KU PD, and District 500, all of them if you have a complaint against a law enforcement officer, that complaint goes directly back to the agency that you have the complaint with and then that agency then does their own investigation.

Benefit of Expansion to Community Integrity Unit

Expanded Focus

- Focus on wrongful conviction
- Focus on investigation of complaints/injustice
- Support law enforcement in rebuilding police-community relationships
- Increase public confidence regardless of conclusion through outside agency investigation
- Hotline for community members to report any instances of credible accusations of excessive force or misconduct

Meets 3 of the 7 Commission Goals

- Increase Safety and Perception of Safety
- Improve Customer Service and Communication
- Increase Community Cohesiveness

This Community Integrity Unit will expand our Conviction Integrity Unit into a unit that will not only focus on wrongful convictions, but we will focus on investigations of complaints concerning those officers. It would also support law enforcement in rebuilding police community relationships. It will increase public confidence regardless of conclusions through outside agencies. Hence, meaning, one of the things that we have found is that not only will this give the community an opportunity to see that it's an independent agency thus the DA's office who investigate complaints when they are viable complaints against officers. But it also gives credence to the outcome of those investigations and thus showing the community that there are those officers who have not done anything wrong at all and thus the investigation has shown that, and it has given credence to that outcome.

This Community Integrity Unit will house a hotline where individuals within the community will be able to contact the office via a number. It will be in both English and Spanish

as well as an email that individuals can email their complaints to at which point my office then would take care of those complaints.

The goals that we found that ties right into what the Commission continues to try to push which is the increase in safety and perception of safety, improve customer service, and increase the community cohesiveness. One of the biggest things that I want to kind of talk about for a second is when we're talking about community cohesiveness. The best practices from the 21st century policing from the Obama administration clearly shows that if you want to build trust with the community to have an independent agency to do investigations of complaints and/or of cases concerning officers, it is in the best interest and that will build community trust. I think that it's extremely important that talking about cohesive community, not just some folks in the community feeling protected and feeling best served equally and fairly. If we're talking about the entire community, that means we also have to talk about those folks who don't have that trust with law enforcement, who doesn't have that trust with the criminal justice system and then we have to do our part to make sure that everyone feels safe and feels protected and feels served.

Over the last few weeks I have met with the Sheriff as well as all of the policing agencies and their Chiefs of Police and talking about how to make this process viable and how it can work.

Community Integrity Unit Personnel

Current STAFF

- 1 Full Time Senior Attorney
- 1 Part Time Administrative Asst
- 1 Part Time Investigator

Future STAFF

- 1 Full Time Senior Attorney
- 1 Part Time Administrative Asst
- 3 Full Time Investigator

With that, what we were asking for right now, we have in our Conviction Integrity Unit is three staff. We have currently staffed, one fulltime Senior Attorney, one part-time Administrative Assistant, and one part-time Investigator who is a certified law enforcement officer. We have

worked and done our part in concern of dealing with all of our cases and investigating the cases that we deal with, which are majority of the old cases to expand to a Community Integrity Unit.

We are requesting that the part-time Administrative Assistant will stay part-time, but my part-time Investigator will become a fulltime certified law enforcement officer as well as two additional certified law enforcement officers who would handle the investigations of all incoming complaints from the community as discussed with the heads of the agencies and we are still working on Memorandums of Understandings. Once the office receives that complaint or that call at which point then it is put in writing and each agency then is brought on board and then that investigation takes place with my certified law enforcement officer. At the conclusion of that investigation our job will ultimately be to tell the agency whether or not, yes, it is a substantiated complaint or no, it is not.

Likewise, for community information and transparency purposes we will inform the community of the data which means that, let's say, specifically agency one for this quarter received 30 complaints, all 30 of those complaints were investigated by our office and maybe 29 of those were found to be unsubstantiated and one was. It was then turned over to the head of that agency, hence, the only person or agency that will know the details of that information will be that agency, so that agency and whomever their boss is can appropriately deal with that substantiation. They will retain all administrative powers rather than firing, suspending, any of that to the extent that a case rises to a level of a crime. My office will in fact, as it does now, go ahead and pursue the charges on any officer where a crime has been committed.

If it is a felony level crime, we would expect for the agencies to do as they already do which is bring in either the Kansas Bureau of Investigations or that outside agency to do those investigations. For the purposes of this Community Integrity Unit our focus is transparency, our focus is fairness and equality and making sure that we get rid of the appearance of impropriety. Many of you know my brother is a judge and one of the things that occurred when I became the DA is just looked, or appear to be fair, if I was able to present a case in front of brother because of the appearance of impropriety, not that he would do anything wrong. But, nonetheless, it doesn't seem kosher. I think it's the same thought process when we're dealing with asking community members to go and complain to the same agency that you have the complaint about and then trust that the outcome is going to be fair and just although it may appear that it is a home cooking.

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So, the focus is to get in line with many others around the country and specifically to deal with what we're dealing with right now, which is that lack of trust and to get rid of the appearance of impropriety so that our community can have that independent agency to come and present that information to imbibe.

So, in short, that is what I have, and I don't want to belabor the point.

Community Integrity Unit

Why Now?

- Build Community Confidence
- Perception of injustice
- Lack of transparency and accountability

I will tell you the next slide, simply because I have it, is Why Now. Because it builds community confidence, the perception of injustice, the lack of transparency and accountability.

Community Integrity Unit

What will the CIU accomplish

- Conversation to Conduct
- Build trust with the community
- Integrity in the system
- Independent investigation of complaints
- Unify the community and law enforcement

In the end here what will the CI Unit accomplish. Conversation to conduct will move from talking. There's a lot of talking going on. Everyone's talking about this problem. How it's, you know, desperately impacting demographically in certain ethnic groups. We know this is an issue, we know there's a lack of trust specifically concerning people of color in our community. Let's move past the conversation and actually do something and here's the reality we know that we stopped talking and actually do something, it's going to cost some money. So, I know that that's going to be a reality.

If we're serious about everyone feeling safe and fair under public safety, then I think we have to do whatever we have to do to cover all of our constituent base. It also will build trust in the community and integrity in the system. The independent investigation, it's clear experts all across the country, has said that this is the best route to go and it unifies the community and love because it says to the community on behalf of the law enforcement, look, we don't have anything to hide. If we've got a person out here that's in uniform that's doing something wrong, they don't want them on the force and that's what each of these Chiefs of Police have said to me. They don't want the bad characters on the force and so they will be able to get rid of them and not have a problem. But it also will give them the ability to showcase that they have good ones out there and we can celebrate those good ones and it gives the safeguards around those officers rather than just a lot of complaints and then nothing being done because it looks like (inaudible).

Community Integrity Unit Funding Request

There is a lack of capacity with the current staffing level to perform the necessary tasks.

2020

- Beginning August 2020
- Current PT to FT
- 2 Additional FT Investigators
- \$92,000

2021

- Continuation of staffing levels
- \$260,000

That's all that I have, but just the money piece to make sure that you all know exactly what I'm talking about. I think this is my last slide. In 2020 we're asking for \$92,000 is what we're asking

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for. That would cover the two additional certified law enforcement officers and then in 2021 the total would be \$260,000. I will remind everyone that when I came back in 2017, 2018 for the Community Integrity Unit, was asked for \$300,000 and ultimately it was cut in half to about \$150,000, \$155,000 and for the last couple years we've really just kind of operated with a shoestring budget, yes, the part-time everything because that's our job to try to do our part to make sure we're serving the community surely and inevitably.

I think it's important to note that because we've been operating on a shoestring budget here is another need and here's another necessity that we have to get done, but in order for that to get done, I want to be just quite candid, if I may, there's no possible way we can do this without funds. I've already pressed to the limit with the part-time certified law enforcement officer that I have. We need more funding so that we can meet the need for everyone moving forward concerning what's on the table.

So, that's all I have. Thanks so much. Thanks for the opportunity and, Mayor, I'll stand for any questions if you would have any or if not, I would bid you all farewell.

Mayor Alvey said thank you. Are there any questions or comments?

Commissioner Bynum said I have a question Mr. DA. Correct me, but in the budget that we're working on now, have we included funds for continuing your digitization work? **Mr. Dupree** said yes ma'am. **Commissioner Bynum** said is it possible that given all that you've heard so far tonight that that or another project underway in your division could take a backseat and shift that funding to the Community Integrity Unit? Just a question. **Mr. Dupree** said of course you all can do as you will, but I will tell you that I wouldn't consider that specifically. Just to kind of bring everyone up to par, when we came into the office we found about 60 years' worth of files that were sitting in the jail with corrosion and feces and a lot of other things that are up there. So, with that in mind, my concern is that the situation is not good. I think we, in fact, need to move those cases faster than what we are right now as many of those cases continuously come up on appeal. In the situation that they are in right now, it leaves us in a very bad place at the deterioration of those files. I think that is something that we can look at, but I would not say at this time that would be something I would say we should put on the table.

Commissioner Bynum said I understand just looking at your budget overall. Again, you've heard to many other departments expressed tonight things that they're not going to do and just encouraging you to comb through your budget, is there something, anything that you could hold so that this could come to fruition and that's really all I have. **Mr. Dupree** said well, Commissioner, I'll tell you I have combed through my budget and I've talked to some folks as well as looked and see what we can kind of cut here and cut there. I don't think that I have anything that is substantial enough to cover one big slice. I'll tell you that my budget is—it is not in Public Safety. It is in the Judicial I believe. When it comes down to trying to make it work, we're already on the low end of the stick here. So, I think there are some areas where I may be able to cut \$10 to 20 or \$30,000 here and there, but I don't get a substantial amount in any area as it's kind of notate with the Conviction Integrity Unit and only getting half of the necessary need there. So, I'm definitely willing to still have the conversation and see where we can penny pinch some more. **Commissioner Bynum** said okay, I appreciate that. Thank you.

Commissioner Townsend said, Mr. DA, I just wanted to thank you for your forward thinking proposal. As I said before, I wish my name was Rumpelstiltskin tonight for a lot of reasons for some you've heard already, and you know this one as well as some others to come. I guess my immediate question has to do with the slide where you show your current staff and the future staff and a bottom line it's an increase of it looks like two heads. What would it do to your program if you only increased it by one more person with the fulltime investigator? Your proposal where it says future staff asked for three fulltime investigators, what would you foresee it do to the effectiveness of your proposed program to have one more person added instead of two? **Mr. Dupree** said I want to be clear. I'm asking for, I guess, 2.5 which is to make my part-time investigator fulltime and then an additional two. I'll tell you where I got those numbers from and that's looking across the country as well as here in our county and specifically in the Internal Affairs Unit. Most of them have three to four detectives or certified law enforcement officers, so I came up with that number from what I've seen across the state and across the country.

I think, Commissioner, if I was given an additional 1.5, so rather than a four—three having two fulltime, I think that's something that we—it would give us the ability to start—going back to Commissioner Bynum, I think that would give us a starting room to begin to move forward with this. Then maybe a year or so down the road we can talk more. But I want to be clear, I think

we would have to have at least 1.5. I would have to make my part-time investigator fulltime and then an additional investigator and I think that would give us enough to work both ends of this thing when we're dealing with the complaints from the community as well as potential wrongful convictions and process violations of all cases. I think that's something that I could potentially work around at least for a year or so.

Commissioner Townsend said so looking at this, the chart again where you have current staff and future staff, you're right, I missed that. So, the total there is 2.5 persons, right, okay, and you're asking for five, so an increase of 2.5, but you're saying you could do an effective program with instead of 2.5, 1.5, is that what you're saying or one more person? **Mr. Dupree** said 1.5 more persons. I don't want to leave that half off because I don't want you to think I'm saying keep my part-time guy part-time because I've stressed him for two years at part-time. He's already been stretched and so there's nothing else I could do with him unless I make him fulltime and then to add on an additional person. I think that's something that we can work with. I think it's also important to note that I didn't request that my Assistant Administrator be made fulltime, that would still be part-time. I came in with that in mind, saying okay, I know we're increasing in the investigator area and it's going to cause for more administrative work, but I can have the investigators kind of so some of their own administrative work. So, I came in trying to cut where I could in that regard.

Commissioner Townsend said okay, well, as we're talking now it would help me to better understand if on the page that's entitled Community Integrity Unit Funding Request 2020-2021 I could see what those numbers look like with the 2.5 people you're asking compared to the five people you're asking for, if that makes sense. **Mr. Dupree** said so going from the request of 2.5 down to 1.5 is what you're saying. **Commissioner Townsend** said right.

The other question I had, I know you said you looked at other municipalities and their programs, were those municipalities about the size of KCK, Wyandotte County? **Mr. Dupree** said yes. I looked at specifically here in KCK and our organizations, KCKPD, the Wyandotte County Sheriff as well as across the country, but yes, most of them were our size and all of them had anywhere ranging from three to five detectives in their Internal Affairs. There were some that were some smaller that got down to about two and so my thought process was three would kind of cover us and seeing that, again, our complaints that we're dealing with would be dealing with a

believe about seven agencies here in Wyandotte County. We're not just talking about one agency. **Commissioner Townsend** said thank you for bringing this forward.

Commissioner Johnson said thank you for bringing this before us tonight. The \$260,000 and I'm probably asking some of the same questions that have already been asked or answered, but I was busy taking notes. The \$260,000 will be for the entirety of the Integrity Unit for 2021. **Mr. Dupree** said no sir. That would be for the additional part of the Community Integrity Unit. So, what we're asking for is the \$260,000 which would be in addition to what we've already been funded for the Conviction Integrity Unit already.

Commissioner Johnson said and personnel, what would that include in terms of the \$260,000. What would that—how would that play out in terms of personnel? **Mr. Dupree** said that \$260,000 would cover all of the additional so the additional investigators, so two additional investigators as well as making the part-time investigator full-time, that's what that would cover. **Commissioner Johnson** said that would be a cost per year, it would go on from that point on, so we would be looking at that year after year going forward. Right? **Mr. Dupree** said yes sir.

Commissioner Johnson said I think I'll just make a statement and some questions. I think more statements, really you know, given the tenor of our nation right now as relates to our justice system and I know that you and others are ready to start making moves because the suggestion is that we've talked long enough. What we understand is that our in terms of a macro conversation our justice system as a whole needs to be rethought and so I think I understand the direction that you're going. Within those conversations that I watch they always then point to the local prosecuting agencies as the area where there needs to be some improvement and I think that might be where you're going. Now it's interesting to me that we're talking about this right now because typically I preface my statements would be, you know, we're in the process of trying to eliminate. We are eliminating people and trying to figure out how we could ever make something extra fit into this budget, but then, you know, a few weeks ago we had an interesting conversation about how we could fund two fire stations. It seems to me that there were at least some considerations as to how that could be done and this kind of changed by thinking because you're talking about \$92,000 for this year and \$260,000 for next year. It would seem to me that if we could use some ingenuity in terms of how to fund something that's critical as our Fire Department which we, which I'm all for that, we could also look at ways that we might figure out how to fund

this request. At some point I think that this is going to come before us one way or another. To my commissioners, this issue will probably come to us one way or another because this is something that we're hearing across the nation as a means of creating the transparencies and the appearance of impropriety so I would ask that somehow we give that some consideration. To staff, how we do that. I don't know. I guess if I were so inclined, I'd be willing to call a task force like we did before and try to figure out where we could scrape and get together some other, maybe not all, but at least some of those funds. So, I will put that out there and with that I will give the floor back.

Mayor Alvey said, Mr. Dupree, I know you will be coming to the task force next week and I believe you'll be presenting on multiple issues, but one of them, I assume, will be regarding this Community Integrity Unit. If I'm right in those assumptions, I think it would be very helpful if, you know, the research that you have done with other departments, the experiences, how this has worked other places. I think that could be extremely helpful to all just to help us to receive the ideas, understand how these work, what's the necessity of this is and I think you made a case tonight. I think that there is more that we can look at and it would be very helpful I think pursuant to your goals here for you to bring that forward and to share with us any research, you know, articles, studies that you found elsewhere; I think that would be very helpful.

Mr. Dupree said, Mayor, that's absolutely fine and I will tell you that most other—in fact, the gold standard is San Francisco, other DA offices that have this independent investigative arm. They do quite a bit more. In fact, most of them handle officer involved shootings. They handle felony cases and so on and so forth. That is not what this office is requesting. I can bring that information, but I want to be clear, that this is not new, but in fact, they go way beyond and that's also what the (inaudible) Obama administration really was just for and what we're hearing across the country is this. You know, look, I mean you can't have the appearance of impropriety. I mean this is not a big misnomer. We have to—this isn't saying that anyone is doing anything wrong, but it's saying that we need to make sure that everybody feels as safe as they possibly can.

They had a past situation where a young lady called anonymously to a different precinct about an officer sexually assaulting them and then hung up the phone and then ultimately it was chased down and found out what agency it went to and asked the young lady why didn't you come back before us when it happened. It was because of this very same reason. They didn't want to go to the same precinct where she had dealt with the assault with that officer because she may have

ran into him when she went to make this complaint. This is something that I think we have to just kind of grasp and say, you know what, our community—if one person in our community says they need this, then all of us in our community too needs this. So, Mayor, I'll bring whatever information I have, and I look forward to next week. **Mayor Alvey** said thank you. **Mr. Dupree** said if there are no more questions, thank you so much and I bid you all farewell and blessings to all of you.

Mayor Alvey said there is one more question from Commissioner Townsend.

Commissioner Townsend said when you talk about San Francisco or any of these other municipalities where you've looked at their program, did the program similar of what you're talking about run separately in the DA Department while there was still an Investigative Unit in the Police Department? **Mr. Dupree** said yes. Each of these units, the offices have their own investigate arm to handle the cases that I've said and beyond. The agencies still have their own process and even with this unit the reason why the policing agencies are being brought on board is because they hold the administrative powers and so regardless of what we find, we don't have the power to fire anyone. That's going to be on the Sheriff or the Chief and so on and so forth which is, quite frankly, where I want to keep it unless there is a crime that's committed because I think, again, when we're talking about transparency, it's also leading into accountability and you can't hold people accountable if you don't about the actions that they're doing. So, we want to make sure that those actions are dealt with and give it to the administration and then the people can hold the Chief or whomever accountable for what or whatever they do, not do, with the action of their employees.

Commissioner Townsend said I guess what was in my mind is if there's still an Investigative Unit within the Police Department where there's circumstances where the outside entity and the internal agency came up with different outcomes, looking at the same investigative material, what I was considering is would there be a need for an Internal Investigative Unit and thereby saving head count or money. Your plan contemplates your unit and still the existence of an internal unit in the Police Department. **Mr. Dupree** said yes, and I think you have to weight, and I think that you know when you get to talking into the minutia right when you get into your contracts and getting into what you know different folks, union contracts entail there. They have

to have someone there. They have to have their own process in place and so some of the contracts that I think that the city has already kind of been involved in won't allow for my office to replace any of the units and we're not trying to do that because they have, again, that authority and that power. So, it'll be both doing our thing. They will be on board seeing what we're doing and ultimately when we complete our investigation, they'll choose to do whatever they want to do with it and if there is a crime, then we will prosecute. **Commissioner Townsend** said okay, thank you. You know when money is low we're trying to think outside the box and provide as many services for our constituents as possible. So, again, thank you for bring this forward. **Mr. Dupree** said thank you, Commissioner, and thank you all for hearing me out tonight.

Mayor Alvey said, Mr. Bach, we've got about 20 minutes left before we have to shift over.



Fire Company Follow-Up

Mr. Bach said, Mayor, as you noted to me, you wanted me to come back and do some follow up on the fire company discussion.

New Fire Company Cost Overview

Overtime costs from July 15, 2020 – June 1, 2021

(assumes November approval of new sales tax)

- Overtime for those positions for 10.5 months (while hiring and training the new personnel)

Captains x3	\$504,536
Drivers x3	\$474,236
Firefighters x6	\$567,000
TOTAL OT COSTS	\$1,545,773

- These costs are exclusive of the purchase of a new pumper for Station 12, \$650,000



There are a few things that are coming into that about costs. So, I'll first go to the new fire company costs. This was identified as we went through this and we were—I think the commissioners were talking about potential of a new sales tax, so I just wanted to make sure I was putting apples to apples. If we went after assuming a November sales tax where the Commission push for a new tax to go out to pay for operations for this, I would need to—I wouldn't have available and of this funding until June of next year and just reason for that you approve it November when you submit it to the state. They started the quarter after the quarter before that you submitted in so that means we'd start to draw that money in April and then I had access to it two months later in June. So, factor in how this comes through and we did this without the cost of the new pumper, that's excluded.

New Fire Company Cost Overview

Concurrent Costs for Firefighter Recruits for 6 months in Training

Firefighters x 17	\$318,655.14
TOTAL BUDGET IMPACT PRIOR TO RECEIPT OF NEW SALES TAXES	\$1,864,428.00



The next slide shows that when you do that and you run the class concurrently with the recruits that we'd be bringing into, I need \$1.8M to get to this time. That's assuming we approved a new sales tax and took care of the ongoing operations after that point.

New Fire Company Cost Overview

Subcommittee Option

- Special Asset Fund
 - Purpose: Redevelopment of Downtown and Urban Areas
 - \$530k pledged to offset MERC Grocery Store shortfalls
 - Remaining \$900k no longer available for urban redevelopment projects or to balance budget shortfalls while new market tax credit comes in
- Transient Guest Tax
 - Purpose: Promote Tourism and Related Development in Kansas City, KS
 - Funds used for a different purpose must be repaid in a timely fashion
 - Should not remove dollars from fund if there is a development or tourism need



Alright, so one thing I did want to do is look at a couple of recommendations made by the subcommittee from that option. If identify, so the Special Asset Fund as we noted is that is a redevelopment for downtown and urban areas. That's how it was identified set by Commission, identified for that purpose, so it's in control from that perspective. We do have \$530,000 of that money pledged in '21 toward the MERC Grocery Store potential shortfalls and I should have potential up there. But it is important that you all recognize that I have to have that money available

for that purpose. I'm hoping we don't need a dime of it, but we set it out that way. So, from a cash basis law perspective, I need to keep \$530,000 of that account in hand available for that in the event that we did get called to make those payments. We would have to have it available. We couldn't spend it all this year and then look at '21 and go, look, it's gone. So that would lower us to \$900,000. That does cause a few other problems for us because we were planning that money to kind of be there in case we had—as new market tax credit monies come in they may have been slow, or we don't get it all in one bucket and they use that as example that one should be good, but there could be others as they come through that they're not all timely we would drawdown this account, but if it was not available, we would have to take that from somewhere else.

The Transient Guest Tax fund is, as you know, that is for the promotion of tourism and related development in Kansas City, Kansas. Any funds used from this for different purposes must be repaid in a timely fashion. I think that was brought up earlier. Let's borrow less because we know that makes us have to repay that. This is one of those funds we have to repay. I will just offer; you should not remove dollars from this fund if you're considering it as a comparison against a development type project. That's the only time you would get into an issue on it. If you were somewhere to make a statement that were comparing doing a new development project vs. funding an operational need, someone would have standing to come back and complain or suit against us for a misappropriation. Borrowing it on a temporary basis with the intent to pay back soon would be a first move.

As Kathleen said, that would be one where it would be good to go to if we had more revenue, not even borrow that money, so I just wanted to make those points clear.

New Fire Company Cost Overview

- Transition of existing company to new Station 12 is being proposed without impact to timing of first responding unit
- Change is being made following commission direction to provide services more efficiently and with existing resources
- Analysis of service delivery is supported by outside consultant and internal GIS studies
- Fire service for Fairfax area will continue to be as good or better than other industrial areas



We took a look at the analysis of the different areas that are going on in this area transition to the company. I will say the direction here was how we can do the transition to the new Station 12 is being proposed without an impact to the timing of the first responding units throughout the community. This changes being made following Commission direction to provide services more efficiently and with the existing resources. The analysis of the service delivery is supported by an outside consultant who came in, when that look was done and then our internal GIS studies. I also then took this and said, okay, where's all this excitement needed in the Fairfax area and looked at that and I found that our fire service in the Fairfax area will continue to be as good or better than any other industrial area. By that, I went and took a look at a couple of different areas. I looked here locally; we saw that Claycomo is a good one. That's a good comparison. It's a massive facility just like General Motors for square footage. There's about a three minute response time to get down there, so we're proposing one, I think we show about three minutes and 35 seconds is what the few times that 5s, when we came in the first responder down to the General Motors plant during the past few years, so that didn't.

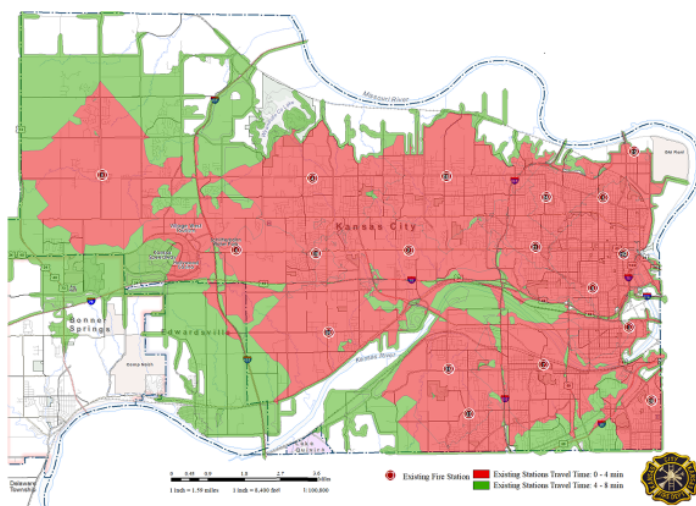
There's definitely not a facility setting right beside that one. I looked at the new Edgerton Intermodal facility. So, when you look at places that are growing, Johnson County or Edgerton did not build a new fire station. The fire districts were there, they were about three miles away from there. The Google number on that is almost seven minutes. I'm sure it's less than that, but it's certainly not right there in the Intermodal facility.

So, with that, a step back and said, okay, well what is the rest of the excitement coming to this, what are we looking at from an industrial perspective. I called the NorthPoint. I asked

them, they're building all over the United States and various facilities. One, I asked them about concern on this facility or question was, you're still within a four minute response time. I said yes. I said not at all, not a concern. That's not—it wouldn't be something that we would as long as you have a decent response there.

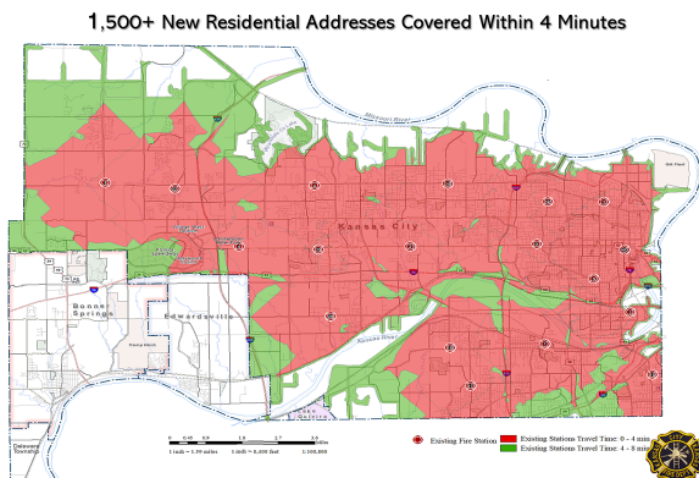
Then tried to target what are the major competitors we have outside of the Kansas City metro area because there doesn't seem to be anybody worried about having a fire station right in the middle of the industrial districts here. We looked at Ft. Worth, Hutchins and Wilmer, Texas. I looked at Bolingbrook, Illinois and Joliet, Illinois which are some of those that were just noted as being ones that come up when we're competing in this area. They ran from five to eight minutes in the response time. So, I believe that last statement is strong. Our fire service for Fairfax area will continue to be as good or better than other industrial areas. It is within the four minute response time as what we're proposing. So, we're not looking to make a degradation of service by coming to this. With that, pulled back out the maps that we originally proposed when we came back to the Commission in February or March, I guess it was, and sort of talked about this.

Current 4 and 8 Minute Response



This is our current four and eight minute response time across the community and you see that big section of green space out by 435, that was our intent to come in and fill.

Response Matrix Coverage with the New Station 12



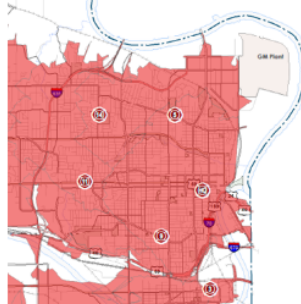
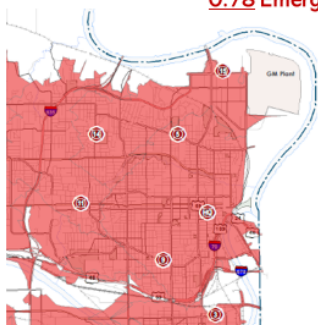
This shows a new station coming in play and it fills in this area. We provide, and we are ready to provide today, because the facility we've invested in is ready for us to move into. 1,500 new residents, we covered by this and you see we continue to cover all the way up into the northeast end as we do today. So, by making this change, we get our four minute response time to more than 1,500 additional residents without losing any.

Fairfax Industrial Area Coverage – 286 Responses

4 minute coverage with Station 15

4 minute coverage without Station 15

0.78 Emergency Responses Per Day



Then as we isolate it and take a look at 15s area today, this slide on the left shows how we cover that area today and then on the slide on the right after we moved 15, it shows how we cover that area with that four minute response time and, again, reminding you all at 15s, response is at .78 emergency responses per day which is their response service district area. So, it's a very low used

or not taking away the services in the recommendation. That was a charge we were given to come forward with.

Service is still being provided down into this area. It's consistent with what would be or providing better service across the entire community. I'm anxious. I want to open up the new station today. It is ready to go. So, I know the Chief, every time I call him or talk to him, he's telling me how he's just come back from there and I guess they may be probably quitting going out there because he's probably getting tired and doesn't want to start dusting it before anybody comes in, but that station is ready to go. We're ready to open it up and provide better coverage to our citizens.

The proposal we put out here is not taking away that first responder service and just to take that additional notch, I looked at it to see, there's nothing we're doing here that's inconsistent with other areas in how they provide industrial so that was a look back at that. I know the Commission has a desire to look at this and spend more tax dollars down here, but I just, I believe we put forward a proposal that's consistent with what the direction was, and I'll leave it at that.

Commissioner Kane said first of all, I want to remind the Commission that it is our budget, not staffs. If you drove by the fire station last week it had weeds in the front yard already, so I complain they put sod out there. Just down the street at Hutton & Leavenworth Road, there's a \$7.5M project that they want to redo the intersection. Why can't we take some of that money, put it towards holding over till next year when we can apply for a SAFER Grant. Plus, there's other grants out there to pay for equipment and then we were working on a solid waste thing which is \$80M and we're in the planning process of that. So, we're setting money aside for that. Why wouldn't we divert that money from either one of those things I just talked about and fund that station for a year because you know you're going to go after the SAFER Grant.

You know this is the right thing to do. Doug, I challenge your numbers. I believe the Fairfax industry challenges your numbers that they are not as quick as you say they are. I think if staff would—I've never seen something where the Commission says—all 10 of us listed a concern about what was going on. All 10 of us said, boy, I don't know if I want you know, wow, and then instead of staff working with the Commission and we formed a committee, which I think is great. There is no reason why we can't not do that intersection, maybe not as nice and get by with it for a year, but \$80M on another project that we haven't started. There's your money.

As an example, as I talked about the park earlier, that was on the list of things to do and it's not done. Staff really not ever wanted to be involved with the Station 12, no station, in the history of the United States has ever taken 3 years and 10 months to build. My concern 35 years down in Fairfax all the injuries that I saw, all the things that happened down there recently, and then we say that it's safe and yet there's more petroleum going up there at the airport from that area than anywhere else and is the most volatile area in all of Wyandotte County and we want to expose it.

What I'm saying, let's go back to what I said before, \$7.5M to Donahoo or for the Leavenworth Road & Hutton, we don't have to do that right away, that \$80M for solid waste. There's your money and I think we need to take a look at that along with the other things that we're talking about and then perhaps maybe we ought to call the Governor's office and say, is there any way we can use some of this virus money to help out. Those are my thoughts right now.

Commissioner Townsend said I want to thank Commissioner Kane for his efforts to try to look for ways to preserve this. I guess the only thing I'll say, we're trying to look at the long-term view, so I wanted to talk to him trying to get my thoughts together. I'm sure after this is over, I'll be in touch with him to see what it is he really just suggested because I'm looking at the long-term here and you know not just a patch work to see what could work.

Again, I said it some months ago, the Administrator was working under what we told him to do when things looked a lot better for us. The other thing that I just want to make sure those persons, those citizens, who are currently served by 5's, won't be strained in any way if 5 would have to take over Fairfax so that's just another thing to look at again.

I did propose another option that did involve raising taxes and I have said it before, I don't have the stomach to ask our citizens to suffer a tax hike to try to do this. This was really about efficiency and the people out west do deserve services as well so, that's all I want to say right now.

Commissioner Burroughs said I know we've had much discussion in reference to this funding that I did want to bring to the attention what Commissioner Kane had brought forward in reference to the Bio Solids project as well as the CARES money that we are looking at for reimbursement and I was—I know one of the studies, one of the aspects that came out of our task force in reference

to trying to identify a funding source for the fire station was the additional dollars that the CARES dollars under COVID being utilized to not supplant budget shortfall that to be utilized for something that wasn't in last years' budget. It may be that while we're talking about public safety, we did hear from our Police Chief in reference to their needs.

Also, while I don't want to get lost in the public safety aspect, I think when you talk about fire protection and emergency response to an industrial part of our community that has some of the most volatile, most critical needs in our community when it comes to public safety response, timely response, professional response, adequate response. It's not lost on me also that the general public in and of itself, it just pains me to know that we had police recruits. That was one of the most diverse classes we've been able to bring together and we couldn't fund those.

So, I guess, Mayor, I would like to see us look at those projects that Mr. Kane presented tonight and look what we can pull out of those funds to fund both of those projects—both of those opportunities. I truly believe that these are very challenging times with COVID which we're seeing. We heard from the Chief the rise in crime in our community. We need to address it not later; we need to address it now and it would be the same thing with an emergency response. We don't need to address it later; we need to address them now.

That's my comment Mayor. I believe there are some funds available. It's about priorities and I do appreciate Mr. Kane bringing up that it's the Commission's priorities and it's important that we be mindful that when our constituents ask us to take action and we choose to take action and then we're told we can't, that just doesn't ring well with those of us that are elected by our constituency. So, Mayor, thank you. Commission, thank you for the opportunity to express my views this evening.

Commissioner Bynum said thanks to Mr. Bach for doing the research to put the information together for us here on this topic tonight. I'm grateful that we can have the discussion because that was the plan as we brought forward our comments about this last time was a hope for Commission conversation about the will of this elected body and what we choose to do.

I do have a question, when you go back a couple of slides to the cost for the new Piper staffing. I think it was \$1.8M total and I think that half of that would be \$900,000 which is about where we were last time we presented this that we would need \$900,000 to get through the end of

the year. We had identified those two specific funds that you spoke of as potential ways to get us through to the end of the year.

In addition, you've had Commissioner Kane make a couple of additional suggestions on where we might locate funding to keep Fairfax open and open Piper. So, a couple of quick comments and then I'll yield, but if we've known for some time that we didn't need the Fairfax station and that it was in fact ill situated, it does make me now begin to wonder why we didn't take the steps two years ago, three years ago, five years ago, 10 years ago to close it if it's actually not efficient to have it and if it's actually not even needed to have it.

So, I do have that as just a rhetorical question almost and then, just a reminder to the Commission and the public that the assumption that a sales tax would be placed on the ballot and passed doesn't change the numbers that Mr. Bach put forward. I don't think those numbers change whether a sales tax is put forward or not and a sales tax is certainly something that I would hope we'd have quite a bit more conversation about before we move forward with something like that because it was brought forward as a suggestion. A suggestion for future and continued Commission conversation as to whether we had a comfort level bringing something forward like that to a ballot in November. With that, I'll yield.

Commissioner Kane said I would think that we would go back and revisit at least the two items that I talked about and Commissioner Bynum's correct about the possibility of a sales tax. But, now we have two other option—possible options, that I think staff should go back and crunch some numbers on that so we can have a further discussion because, as always, it seems we're butting up to the next meeting. We don't always get an event or say exactly what we want to because we're going to have to quit here in a minute.

So, I respectfully request, as the Commissioner of the Fifth District, and where Station 12 is that, that we look at those two items and come back and see what you guys can do, what staff can do.

Mayor Alvey said I have an opinion that the process that we go through on these last month budget changes is really constraining. I just don't think it works well. I will say this, before we close this meeting and begin our full commission that I think it's a valid question. If, as Commissioner Burroughs, was asking—mentioning that the need in Fairfax is so great, I would say the data

doesn't suggest that. We have .78 emergency responses per day which raises the question, as Commissioner Bynum stated, why was it not closed earlier. I think we don't—I don't know the answer to that. I'm not sure. I think it's fairly political as we know that this whole discussion has been very political on all sides and that's really what the debate we're having I think.

So, having said that, I'm going to close this meeting. If staff would like to bring back some options, that there's money in the budget, if we cut something, we could lay people off. Clearly, we can furlough, we can always find the money. The question is, what other services do we continue to cut it and if we find the money, is this the right place to put it. I would suggest, even before COVID, even before the COVID budget, this would have been a good move. So, having said that, I will this meeting, and we will reconvene in 10 minutes.

MAYOR ALVEY ADJOURNED
THE MEETING AT 6:56 p.m.

Bridgette D. Cobbins
Unified Government Clerk

dt



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Unified Government Clerk's Office

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Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: July 9, 2020

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb/cg

Attachment

1. BPU REPORT:

2019 Comprehensive Annual Financial Report for the Board of Public Utilities of KCK.

Action: Received and filed.

2. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding warrant cancellation:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for void (dropdown)</u>
874606	Yes	3/6/2020	\$ 11.00	790 2111	Calvary MB CH Of Jesus Christ #8403P	Stale dated

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED JUNE 30, 2020:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Timothy A Gulley	Sheriff/Detention	6/25/20 0	Deputy
Tarrence T Stokes	Sheriff/Detention	6/25/20 0	Deputy

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Aaron Z. Gage	Sheriff/Detention	6/25/20 0	Aux. Officer	Deputy
Robert E Jansen	Sheriff/Detention	6/25/20 0	Aux. Officer	Deputy
Kevin R Soc- Leiva	Sheriff/Detention	6/25/20 0	Aux. Officer	Deputy
Jacob T Young	Sheriff/Detention	6/25/20 0	Aux. Officer	Deputy
Tomas Zamora	Sheriff/Admin	6/11/20 0	Deputy	Sheriff Investigator

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Therese M Abernathy	Finance/Treasur y	6/15/20 0	Fiscal Supt Asst

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
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Cindy J Jimenez	Finance/Treasur y	7/9/2 0	Fiscal Supt Specialist
Joy A Overton	NRC/Code Enf	7/9/2 0	Inspector I

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED JULY 7, 2020:

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Meagan M Geyer	Police/Comm	5/31/20	Public Safety Dispatcher

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Troy Bennett	Police	ACD code change effective 7/2/20
Steven Kopp	Police	ACD code change effective 7/2/20

Action: Received and filed.

5. PERSONNEL ACTION COMMUNICATION, DATED JULY 9, 2020:

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Nathan Cho	Legal	6/26/20	Legal Intern
Pamela K Smith	Parks and Rec	6/11/20	Recreation Specialist
Kirk O Suther	PW/Solid Waste	7/22/20	Program Coordinator
Cynthia M. Cavlovic	Legislative Auditor's Office	6/24/20	Performance Auditor/Sr Mgr
Ramona G. Vaca	Buildings and Logistics	5/5/20	Caretaker

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Leave/Pay
Dainel Flores Gaytan	Fire/Suppression	6/18/20	091

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Jacob B Harris	PW/WPC	8/6/20	Construction Worker I General Maint
Ian A Hayes	PW/WPC	8/20/20	Worker General Maint
Steven Hernandez	PW/WPC	7/9/20	Worker

Action: Received and filed.

6. CLAIM FOR DAMAGES:

A. John Mikos, 9508 W. 161st St., Overland Park, KS, alleging damage to vehicle due to potholes near I-70 and Turner Diagonal Interchange.

Action: Referred to Legal.

7. REQUEST FOR LEGAL REPRESENTATION PURSUANT TO K.S.A. 75-6108:

Michael Simmons, Sheriff's Office, regarding Regina Breitenbach, et.al v Michael Simmons, Case No. 2020-CV-000335.

Action: Referred to Legal.

8. APPLICATION FOR CMB LICENSE (PKG):

The Snackle Box, LLC/Amanda Green DBA The Snackle Box, LLC, 4208 West Drive

Action: Referred to License.

9. APPLICATION FOR CMB LICENSE (OP):

The Snackle Box, LLC/Amanda Green DBA The Snackle Box, LLC, 4208 West Drive

Action: Referred to License.



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: July 16, 2020

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

1. COMMUNICATION:

Stephanie Moore, Management Analyst, Economic Development, submitting a letter to the Board of County Commissioners and a notice of public hearing for July 30, 2020, for the proposed issuance of Industrial Revenue Bonds, to the SPKS Mission Hills, LLC Project.

Action: Received and filed.

2. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Avenue, held a public auto auction on July 7, 2020 at 10:00 a.m.

Action: Received and filed.

3. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding warrant cancellation:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for void (dropdown)</u>
877760	No	6/5/2020	\$ 1,148.21	790 2118	Adams Street Properties #8447P	Issued in error

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED JULY 14, 2020:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Marcos D Jaramillo	Health	7/9/20	Public Health Nurse
Shannon B Murphy	Parks/Rec	7/9/20	Groundskeeper I
Wayne P Taylor	Sheriff/Court Security	7/9/20	Court Security Officer

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Jordan D Cox	Police	7/1/20	Auxiliary Officer
Wesley A Ford	PW/Street	6/11/20	Operations Supervisor
Christopher A Galloway	Police	7/1/20	Auxiliary Officer
Steven M Kopp	Police	7/15/20	Sr Master Patrolman
Marvin L Main	Police/Asset	7/1/20	Unarmed Security Officer
James C Sampel	Sheriff/Detention	7/22/20	Deputy
Cyler J Wilhelm	Sheriff/Detention	7/1/20	Deputy

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
MacKenzie D Hattesoil	Fire Training	4/29/20	5/21/20	unpaid

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Jennifer Allen-Caudle	Health Dept	ACD code change effective 7/1/20
Ryan Bowles	Health Dept	ACD code change effective 7/1/20
Vanessa Carrillo	Health Dept	ACD code change effective 7/1/20
Betty Criss	Health Dept	ACD code change effective 7/1/20
Cristi Desimone	Health Dept	ACD code change effective 7/1/20
Anjelicka Dorsey	Health Dept	ACD code change effective 7/1/20
Bianca Garcia	Health Dept	ACD code change effective 7/1/20
Gia Garrett	Health Dept	ACD code change effective 7/1/20
Blake Hensley	Health Dept	ACD code change effective 7/1/20
Lindsey Hensley	Health Dept	ACD code change effective 7/1/20
Richa Jackson	Health Dept	ACD code change effective 7/1/20
Olliea Jarrett	Health Dept	ACD code change effective 7/1/20
Julie Jun	Health Dept	ACD code change effective 7/1/20
Veronica Kariuki	Health Dept	ACD code change effective 7/1/20
BobbieY Lane	Aging	ACD code change effective 7/9/20
Lori Lanter	Health Dept	ACD code change effective 7/1/20
Travis Lanter	Health Dept	ACD code change effective 7/1/20
Marilyn Maier	Health Dept	ACD code change effective 7/1/20
Andrea Manlove	Health Dept	ACD code change effective 7/1/20
Andrea Mora	Health Dept	ACD code change effective 7/1/20
Margarita Reyes	Health Dept	ACD code change effective 7/1/20
Angelina Sanchez-Vinson	Health Dept	ACD code change effective 7/1/20
Michelle Smith	Health Dept	ACD code change effective 7/1/20
Ron Starbuck	Health Dept	ACD code change effective 7/1/20
Charlotte Square	Health Dept	ACD code change effective 7/1/20
Rik Van Dyke	Aging	ACD code change effective 7/9/20
Jacqueline Watts	Aging	ACD code change effective 7/9/20
Adilene Yanez-Lozano	Aging	ACD code change effective 7/9/20
Vacant- PIN 6410	Health Dept	ACD code change effective 7/1/20
Vacant- PIN 6391	Health Dept	ACD code change effective 7/1/20
Vacant- PIN 6417	Health Dept	ACD code change effective

Vacant-PIN 6403

Health Dept

7/1/20

ACD code change effective

7/1/20

Vacant- PIN 6406

Health Dept

ACD code change effective

7/1/20

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Chris Dumbauld, 1920 S. 32nd St., KCK, alleging damage to fence due to a tree falling on fence which the property is the cities/county.

Jerry S. Jackson, 718 Maple Lane, Lansing KS, alleging damage to vehicle due to police car backing into vehicle.

Action: Referred to Legal.

6. SUMMONS:

Enterprise Bank & Trust vs. Vicente Maldonado, Ramona Moreno and Board of County Commissioners of Wyandotte County, Kansas, Case No. 2020-CV-000399.

Action: Referred to Legal.

7. TRAVEL REQUESTS:

Brandon Nemec, Angel Silvestre and Dennis Vallejo, KCKPD/Narcotics, travel to Johnston, IA, July 26 – July 31, 2020, to attend the Physical Surveillance for Counternarcotic Missions Training, Travel.

Nikolay Pleshka, KCKPD FBI Task Force, travel to Johnston, IA, July 26 – 31, 2020, to attend the Surveillance for Counternarcotic Missions Training, Travel.

Action: Approved by Administrator's Office and received and filed.

8. CERTIFICATES OF INSURANCE:

Daniels Security Service, Inc.

Estrella Azul, LLC (2)

Garda World Security Corporation/Garda USA Inc.

Garda World Security Corporation/Whelan Security Co.

Lisandro Clara Fernandez DBA Affordable Tree Care

Action: Referred to License.

9. BUSINESS BONDS:

Electrical Bonds

Serve Electric, LLC

UnReal Servers, LLC

Action: Referred to License.

10. CANCELLATION NOTICE:

Electrical Contractor's Bond

DME Electric, LLC

Action: Referred to License.

11. RESCIND CANCELLATION NOTICE:

Electrical Contractor's Bond

Caedmon Construction & Electrical Co., LLC

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 20289

Full Commission Meeting Date: 7/30/20

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
7/24/2020	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:

Conduct a public hearing regarding the adoption of a redevelopment project plan for the Downtown Campus.

The Planning Commission found the project plan to be in conformance with the Downtown Master Plan.

Action Requested:

Hold public hearing; approve ordinance

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ordinance Adopting TIF Plan (Downtown Campus), Reardon Development Downtown Campus TIF Project Plan

(Published in *The Wyandotte Echo* on August 6, 2020)

ORDINANCE NO. O- ____-20

AN ORDINANCE OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ADOPTING A REDEVELOPMENT PROJECT PLAN PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO, FOR THE PROJECT AREA WITHIN THE DOWNTOWN CAMPUS REDEVELOPMENT DISTRICT.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) is authorized to adopt redevelopment project plans within established redevelopment districts, as said terms are defined in the Act, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the Unified Government or special obligation tax increment bonds of the Unified Government payable from such described revenues; and

WHEREAS, the Board of Commissioners of the Unified Government (the “Governing Body”) on March 26, 2020, passed Ordinance No. O-16-20, which created the Downtown Campus Redevelopment District within Kansas City, Kansas, the boundaries of which were defined in said Ordinance (the “Redevelopment District”) and containing one redevelopment project area the (“Project Area”); and

WHEREAS, a Redevelopment Project Plan for the Redevelopment District dated April 6, 2020 (the “Redevelopment Project Plan”) was filed with the Unified Government Clerk; and

WHEREAS, on June 22, 2020 the Planning Commission of the Unified Government made a finding that the Redevelopment Project Plan was consistent with the intent of the Unified Government’s comprehensive plan for the development; and

WHEREAS, a copy of the Redevelopment Project Plan was delivered by the Unified Government to the Board of Education of Unified School District No. 500; and

WHEREAS, the Governing Body adopted Resolution No. R-36-20 on June 25, 2020 calling for a public hearing considering the adoption of the Redevelopment Project Plan to be held by the Governing Body on July 30, 2020; and

WHEREAS, notice of the public hearing was given as required by the Act, and the public hearing was held and closed on July 30, 2020.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. Approval of Redevelopment Project Plan. The Governing Body finds and determines that all required notice of the public hearing and the Redevelopment Project Plan were properly given in accordance with the Act. The Governing Body hereby adopts the Redevelopment Project Plan pursuant to the Act for the Project Area, which is depicted on **Exhibit A** and legally described on

Exhibit B attached hereto.

Section 2. Relocation Assistance Plan. The Governing Body finds and determines that the Redevelopment Project Plan does not require a relocation assistance plan under the Act.

Section 3. Transmittal of Redevelopment Project Plan. Copies of the Redevelopment Project Plan and this Ordinance shall be filed with the Clerk and also transmitted by the Clerk to the County Appraiser, County Treasurer, and the governing boards of the County and the school district in which the Redevelopment District is located.

Section 4. Further Action. The Mayor/CEO, County Manager, Unified Government Clerk and other officials and employees of the Unified Government, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 5. Effective Date. This ordinance shall be in full force and take effect from and after its passage by 2/3 vote of the Governing Body and publication once in *The Wyandotte Echo*.

[Balance of page intentionally left blank]

**PASSED BY NO LESS THAN TWO-THIRDS OF THE COMMISSION OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 30TH
DAY OF JULY, 2020.**

[SEAL]

Mayor/CEO

Attest:

Unified Government Clerk

MAP OF REDEVELOPMENT DISTRICT AND PROJECT AREA



EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT AND PROJECT AREA

All that part of Parcels 3 and 8 and all of Parcel 9, Center City, a subdivision in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, together with the West $\frac{1}{2}$ of North 6th Street from the South right-of-way line of State Avenue to the South right-of-way line of Nebraska Avenue, as both streets are now established, and together with the South $\frac{1}{2}$ of Nebraska Avenue from the center line of North 6th Street, West 422.00 feet more or less to the East wall line of a building to the South and together with the East $\frac{1}{2}$ of said North 6th Street from the North right-of-way line of State Avenue, as now established to the South right-of-way line of said State Avenue and together with the South $\frac{1}{2}$ of said State Avenue from the East right-of-way line of said North 6th Street to the center line of North 5th Street, and together with the West $\frac{1}{2}$ of North 5th Street from the South right-of-way line of said State Avenue to the center line of Minnesota Avenue, as both streets are now established, together with the North $\frac{1}{2}$ of Minnesota Avenue from the West right-of-way line of Minnesota Avenue, West 260.00 feet, more or less, to the East wall line of a building to the North, described as follows:

BEGINNING at the intersection of the center line of said North 5th Street and the center line of said Minnesota Avenue;

thence South 87 degrees 48 minutes 09 seconds West, on the center line of said Minnesota Avenue, a distance of 260.24 feet, to a point being on the Southerly prolongation of the East wall line of an existing building;

thence North 02 degrees 11 minutes 51 seconds West, on said prolongation and the East wall of said existing building, a distance of 117.37 feet, to a point;

thence South 87 degrees 48 minutes 09 seconds West, on the North face of said existing building, a distance of 8.58 feet, to a point;

thence North 02 degrees 11 minutes 51 seconds West, on the East face of said existing building, a distance of 12.99 feet, to a point;

thence South 87 degrees 48 minutes 09 seconds West, on the North face of said existing building, a distance of 49.69 feet, to a point;

thence North 02 degrees 11 minutes 51 seconds West, departing the North face of said existing building, a distance of 184.14 feet, to a point on the South right-of-way line of said State Avenue, as now established;

thence South 87 degrees 47 minutes 14 seconds West, on said South right-of-way line, a distance of 476.74 feet, to a point being the intersection of said South right-of-way line and the West right-of-way line of said North 6th Street, as now established;

thence North 02 degrees 11 minutes 51 seconds West, departing said South right-of-way line and on said West right-of-way line, a distance of 100.00 feet, to a point being the intersection of said West right-of-way line and the North right-of-way line of said State Avenue, as now established;

thence South 87 degrees 47 minutes 14 seconds West, on said North right-of-way line, a distance of 150.04 feet, to the Southwest corner of said Parcel 9 and the Southeast corner of Lot 50, Block 109, Wyandotte City, a subdivision in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof;

thence North 02 degrees 11 minutes 27 seconds West, departing said North right-of-way line and on the West line of said Parcel 9 and the East line of said Lot 50, a distance of 122.88 feet, to the Northeast corner of said Lot 50 and the South line of a vacated alley 18.00 feet in width as shown on the plat of said Wyandotte City;

thence South 87 degrees 47 minutes 34 seconds West, on the South line of said Alley and the North line of Lots 50, 49, 48, 47, 46, 45, 44, 43 and 42, a distance of 225.09 feet, to the Northwest corner of said Lot 42;

thence North 02 degrees 11 minutes 27 seconds West, departing said South line, a distance of 190.88 feet, to a point on the center line of said Nebraska Avenue;

thence North 87 degrees 47 minutes 59 seconds East, on the center line of said Nebraska Avenue, a distance of 415.11 feet, to a point being the intersection of the center line of said Nebraska Avenue and the center line of said North 6th Street;

thence South 02 degrees 11 minutes 43 seconds East, departing the center line of said Nebraska Avenue and on the center line of said North 6th Street, a distance of 313.69 feet, to a point being on the Westerly prolongation of the North right-of-way line of said State Avenue, as now established;

thence North 87 degrees 47 minutes 14 seconds East, departing the center line of said North 6th Street, a distance of 40.00 feet, to a point being the intersection of said North right-of-way line and the East right-of-way line of said North 6th Street, as now established;

thence South 02 degrees 11 minutes 43 seconds East, departing said North right-of-way line, a distance of 40.00 feet, to a point being on the center line of said State Avenue;

thence North 87 degrees 47 minutes 14 seconds East, on the center line of said State Avenue, a distance of 715.37 feet, to a point being the intersection of the center line of said State Avenue and the center line of said North 5th Street;

thence South 02 degrees 10 minutes 50 seconds East, departing the center line of said State Avenue and on the center line of said North 5th Street, a distance of 364.59 feet, to the POINT OF BEGINNING, containing 5.70 acres, more or less.

REDEVELOPMENT PROJECT PLAN
DOWNTOWN CAMPUS REDEVELOPMENT DISTRICT

SUBMITTED PURSUANT TO

K.S.A. 12-1770 *et seq.*, as amended

SUBMITTED BY THE UNIFIED GOVERNMENT OF WYANDOTTE

COUNTY/KANSAS CITY, KANSAS AND DEVELOPER —

LANIER UNITED, LLC

Submitted: April 6, 2020

This Redevelopment Project Plan is submitted to the Unified Government of Wyandotte County/Kansas City, Kansas for the required consultation and to elicit a determination by the Planning Commission thereof as to whether the Redevelopment Plan is consistent with the intent of the Unified Government's Comprehensive Plan.

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I. INTRODUCTION

A) Redevelopment District

Pursuant to the Kansas Tax Increment Financing Act, K.S.A. 12-1770 *et. seq.*, as amended (“**TIF Act**”), Kansas municipalities are authorized to establish a redevelopment district and Tax Increment Financing (“**TIF**”) redevelopment project plans for property within their jurisdiction. Redevelopment districts may be created based upon certain findings by the municipality, including that property is located within a designated enterprise zone (as defined by the TIF Act).

On March 26, 2020, the Unified Government of Wyandotte County/Kansas City, Kansas (the “**UG**”), after conducting a duly noticed public hearing, found that certain real property generally shown on the map attached hereto as Exhibit B and legally described on Exhibit C, is located within an enterprise zone. Based in part upon such finding, the UG established a redevelopment district called the Downtown Campus Redevelopment District (the “**District**”) that encompasses the Property. The District consists of one (1) redevelopment project area (the “**Project Area**”).

B) Redevelopment Project

Lanier United, LLC (the “**Developer**”) is pleased to present this Tax Increment Financing Redevelopment Project Plan (this “**Redevelopment Plan**”) to the UG for its consideration and approval. The term of the Redevelopment Plan shall not exceed twenty (20) years and shall commence upon the UG’s approval of the same (the “**TIF Collection Period**”).

This Redevelopment Plan contemplates the redevelopment of the District, including but not limited to (1) an area located at (a) 510 and 520 Minnesota Avenue in Wyandotte County, Kansas City, Kansas (the “**Reardon Center Site**”) and (b) 645 Nebraska Avenue and 600 State Avenue in Wyandotte County, Kansas City, Kansas (the “**Athletic Field Site**”, and collectively with the Reardon Center Site, the “**Property**”), and (2) site work, infrastructure, and parking facilities, and other improvements in support of the Reardon Center Site and the Athletic Field Site.

It is anticipated that the Reardon Center Site will consist of approximately 90,000 to 110,000 square feet of residential housing, commercial and service-based amenities, and upgraded conference facilities consisting of the following improvements: (i) approximately 10,000 square feet of commercial space located on the first-floor within a four (4) to five (5) story mixed-use retail and residential building (the “**Retail Space**”); (ii) approximately 6,000 square foot fitness center featuring free and universal weights, group fitness classes and personal training (the “**Fitness Center**”); (iii) 70 to 85 apartment units above the Retail Space with associated amenities (the “**Multi-Family Space**”); (iv) approximately 10,600 square feet of first-class multi-purpose banquet/meeting space with capacity to seat 350 people for community events and programs, including youth education and healthy living programs, and Science, Technology, Engineering and Math (“**STEM**”) awareness classes (the “**Reardon Center**”). The Athletic Field Site is anticipated to include approximately 38,000 square feet of recreational athletic fields space with new turf, high-quality perimeter fencing, concessions, and a collection of bleachers to accommodate approximately fifty (50) spectators for a variety of sports events (the “**Athletic Field**”). Additional

development will include associated site work and infrastructure, which may include utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities (including parking garages), and other associated and appurtenant improvements allowed under the TIF Act. All redevelopment efforts described in this paragraph are referred to collectively as the “**Project**”. A site plan depicting the general development concept of the Project is attached hereto as **Exhibit A**.

It is important to note, however, that this description of uses, and the buildings the Developer plans to construct for such uses, is not intended to be inflexible. This Redevelopment Plan contemplates reasonable variations from the descriptions above, subject to the terms and conditions of the Downtown Campus Development Agreement dated March 26, 2020 between Developer and the UG (the “**Development Agreement**”), but generally allowing for retail uses, restaurant uses, residential, and any other commercial structure or use (including but not limited to office, non-profit, governmental or community use).

The Developer’s intent is to rehabilitate the Reardon Center and surrounding areas that have numerous capital repair and maintenance needs, and to create a rehabilitated development that will draw additional consumers from both inside and outside the UG. This Redevelopment Plan is premised on the need for a combination of public and private financing to reach the mutual goals of the UG and the Developer in developing the Project.

As shown herein, the Redevelopment Plan proposes to finance Reimbursable Project Costs (as defined in Section III.D.2 below) by capturing through TIF 100% of the allowable ad valorem tax increment¹ (“**Property Tax TIF Proceeds**”), subject to certain adjustments described in Section III.D.4 hereof. Any ad valorem taxes not captured by the TIF will be distributed to all taxing jurisdictions in accordance with their respective mill levies.

In addition, the Redevelopment Plan proposes to finance Reimbursable Project Costs by capturing certain sales taxes described in Section III.D.5 hereof (the “**Sales Tax TIF Proceeds**”) during the entire TIF Collection Period.

Based on projections of real property values and sales within the District over the TIF Collection Period, it is estimated that the TIF will generate gross revenues of approximately \$3,007,258 from the Project Area (collectively, “**TIF Revenues**”). As permitted by the TIF Act, such TIF Revenues generated by the Project Area may be utilized to pay for Reimbursable Project Costs incurred in connection with the same as set forth in **Exhibit H** of the Development Agreement. Among other conditions to reimbursement of Developer from TIF Revenues listed in the Development Agreement, the UG must first be reimbursed in full for its Public Infrastructure Costs (as defined in the Development Agreement). The amount of reimbursement to Developer from Property Tax TIF Proceeds and Sales Tax TIF Proceeds is capped at \$3,054,758, in total (subject to an upward adjustment described in Section 3.1(a) of the Development Agreement of up to, but not in excess of, \$225,000).

¹ The Developer and UG acknowledge that, under Kansas law, the following mills may not be captured by TIF financing: (a) the State of Kansas’s 1.5 mills, (b) the school district’s base 20 mills, and (c) the school district’s capital outlay levy, which may not exceed 8 mills.

Pursuant to K.S.A. 12-1693 *et seq.* and Charter Ordinance No. CO-01-18 of the UG (the “**TGT Ordinance**”) transient guest tax revenues not to exceed \$1,000,000² (the “**TGT Grant**”) and an additional \$1,000,000 contribution from the UG (the “**UG Contribution**”) are proposed to be used to reimburse the Developer for costs related to demolition, site improvement and hard construction costs for the Reardon Center portion of the Project. Any reimbursement to the Developer from the TGT Grant or the UG Contribution will be in addition to the TIF and CID (as defined below) revenues available to finance the Project.

A Community Improvement District (“**CID**”) was created pursuant to K.S.A. 12-6a26 *et seq.* (the “**CID Act**”), and Ordinance No. O-37-13, passed by the governing body of the UG on June 13, 2013 (the “**CID Ordinance**”). The CID imposes a two percent (2.0%) CID sales tax on all eligible sales within the CID for a maximum 22-year term that commenced on October 1, 2013. All revenues generated by the CID sales tax, including the approximately \$560,000 currently held in the CID fund and the \$2,003,690 estimated future CID revenues expected to be generated during the remaining term of the CID, will be available to reimburse the Developer (subject to the CID Cap, as defined in the Development Agreement) for certain project costs that are eligible under the CID Act and the CID Ordinance and set forth in the budget attached as Exhibit H to the Development Agreement. Any reimbursement of CID revenues will be in addition to the TIF, TGT Grant and UG Contribution available for reimbursement of Reimbursable Project Costs, subject to any cap(s), conditions and other limitations set forth in the Development Agreement. Among other conditions to reimbursement of Developer from CID revenues listed in the Development Agreement, the UG must first be reimbursed in full for its Public Infrastructure Costs.

The TGT Grant, UG Contribution, and the CID sales tax are assumed as revenue sources in the feasibility study discussed in Section III.D below.

II. PROJECT DEVELOPMENT TEAM

- The Unified Government of Wyandotte County/Kansas City, Kansas
- Lanier United, LLC
- Bryan Cave Leighton Paisner LLP
- Architect
- Contractor

III. REDEVELOPMENT PROJECT PLAN

A) The Property

The UG owns the real property that comprises the Project Area. A map generally depicting the Project Area is attached hereto as Exhibit B, and the legal description of the Project Area is

² As set forth in Article 3 of the Development Agreement, this \$1,000,000 cap on the TGT Grant and/or the \$3,054,758 TIF cap may be increased in an aggregate amount not to exceed \$225,000 to reimburse the Developer for certain financing costs.

attached hereto as **Exhibit C**.

Upon satisfaction of certain conditions set forth in the Development Agreement, (a) the portion of the Reardon Center Site needed for construction of the Multi-Family Space, Fitness Center, and Retail Space will be conveyed to the Developer, and (b) the Developer and the UG will execute and deliver ground leases for (i) the portion of the Reardon Center Site which is needed for construction of the Reardon Center and (ii) the Athletic Field Site which is needed for construction and operation of the Athletic Field.

B) Established Redevelopment District

The Property is within an established District approved by the UG on March 26, 2020 pursuant to Ordinance No. O-16-20 (see copy attached hereto as **Exhibit D**). The proposed Redevelopment Plan is consistent with the stated purpose and intent of the approved District.

C) Description of the Proposed Project

The Redevelopment Plan provides for the construction of approximately 90,000 to 110,000 square feet of residential housing, recreational facilities, commercial and service-based amenities, upgraded conference facilities, and associated infrastructure and other improvements, all as set forth in Section I.B.

D) Feasibility Study

As required by the TIF Act, a study has been prepared to determine whether the Project's estimated benefits and tax increment revenues are expected to exceed or be sufficient to pay for the Project's estimated costs. This effort involved utilization of consultants with experience and expertise in the actual design, development, financing, management, and leasing of projects of similar scope and nature. Further, outside resources were consulted to compare and verify cost and revenue projections including outside industry sources and actual taxing jurisdiction data where available. The results of this study are as follows:

1. Project Costs

The total estimated cost to complete the Project, including land acquisition, site development, building construction, soft costs, and all fees, is approximately \$22,746,810. A breakdown of the estimated costs by category and the amount and basis for determination is set forth below on Table 1 (see **Exhibit E** for a detailed budget).

TABLE 1 – Estimated Project Costs

Description	Total Costs
Property Acquisition	\$25,010
Site Costs	\$3,346,800
Building Construction Costs	\$17,115,000
Parking Construction Costs	\$1,400,000
Professional Services and Soft Costs	\$860,000
TOTAL ESTIMATED PROJECT COSTS	\$22,746,810

2. Eligible Costs

Pursuant to the TIF Act, only certain costs are eligible for TIF financing and reimbursement (“**Reimbursable Project Costs**”). This Redevelopment Plan contemplates that, to the full extent permissible under the TIF Act, available TIF proceeds will be available to reimburse Reimbursable Project Costs, subject always to the terms, conditions and limitations of the Development Agreement. As shown herein, it is estimated that only \$4,749,010 of the Project costs are eligible Reimbursable Project Costs. Importantly, any amount of available CID proceeds will be in addition to any such TIF proceeds, except as otherwise set forth in the Development Agreement. These Reimbursable Project Costs are set forth by category and amount in Table 2 below (see also **Exhibit E** for a more detailed itemization):

TABLE 2 – TIF Eligible Costs

Description	Total Costs
Property Acquisition	\$25,010
Site Costs	\$2,664,000
Building Construction Costs	\$0
Parking Construction Costs	\$1,400,000
Professional Services and Soft Costs	\$660,000
TOTAL ESTIMATED REIMBURSABLE PROJECT COSTS	\$4,749,010

It is anticipated that the Developer will be reimbursed under this Redevelopment Plan on a “pay-as-you-go” method. There will be no bonds or other obligations issued by the UG in order to reimburse the Developer for any Reimbursable Project Costs. The UG and the Developer have agreed that the UG will be reimbursed in full for the Public Infrastructure Costs before TIF proceeds will be made available to the Developer, and Developer’s reimbursement from TIF proceeds will be capped at Three Million Fifty-Four Thousand Seven Hundred Fifty-Eight Dollars (\$3,054,758)³.

3. Project Revenues

The TIF Revenues generated over the TIF Collection Period are estimated to be \$3,007,258 for the Project Area. TIF Revenue projections are set forth in **Exhibit F**, attached hereto. Pursuant to the TIF Act, TIF Revenues will be generated from two sources:

- a) *Ad Valorem Tax Increment Revenues*. Ad valorem taxes generated by the then-current assessed valuation of real property within the District during the TIF Collection Period, less the ad valorem taxes produced from the assessed valuation as of the date the District was established (excluding ad valorem taxes not allowed to be captured pursuant to the TIF Act).

³ As set forth in Article 3 of the Development Agreement, this \$3,054,758 cap and/or the \$1,000,000 TGT Grant may be increased in an aggregate amount not to exceed \$225,000 to reimburse the Developer for certain financing costs.

- b) *Local Sales Tax Revenues.* The local sales and use taxes generated within the Project Area. The TIF will only capture a portion of the local sales and use tax revenues, as set forth below.

4. **Ad Valorem Property Tax Increment Captured**

According to the Wyandotte County Appraiser's Office, the 2020 assessed value for the District is \$0. This serves as the base value against which future assessed values of the District will be compared in order to determine the amount of Property Tax TIF Proceeds that will be generated.

This Redevelopment Plan proposes to finance Reimbursable Project Costs by capturing 100% of the allowable ad valorem tax increment during the TIF Collection Period. However, the present intent of the UG is to capture 100% of for the first twelve (12) years of the TIF Collection Period, and thereafter reduce the capture in each subsequent year by 10% of the previous year's captured amount through year twenty (20), as shown in the chart below. Any uncaptured ad valorem taxes will be distributed to all taxing jurisdictions in accordance with their respective mill levies.

Year(s)	Increment Captured
0-12	100%
13	90%
14	80%
15	70%
16	60%
17	50%
18	40%
19	30%
20	20%

Assuming ad valorem tax increment is captured in accordance with the percentages shown in the table above, the Project is expected to produce \$2,848,367 of Property Tax TIF Proceeds during the TIF Collection Period. (See TIF Revenue projections attached hereto as **Exhibit F.**)

In the event the Developer incurs certain additional financing costs described in Section 3.1(a) of the Development Agreement, and **notwithstanding the foregoing table, the UG reserves the right to collect up to 100% of the allowable ad valorem property tax increment in each year of the TIF Collection Period to reimburse Developer for such financing (including interest) costs in an amount not to exceed \$225,000 – in this circumstance, the UG may unilaterally administer the TIF to capture only a percentage of the incremental ad valorem property tax revenues, either as set forth in the chart above or otherwise, in the UG's sole discretion.**

5. **Sales Tax Revenues**

Currently, there are no retail sales generated within the District. It is anticipated that upon completion of the Project, the Project will produce annual retail sales of approximately \$589,030. (See TIF Revenue projections attached hereto as **Exhibit F.**)

The UG's total local sales tax rate is 2.625% (excluding the State's 6.5%), consisting of:

- 1.000% Wyandotte County general sales tax (the "**County Sales Tax**")
- 1.000% City of Kansas City general sales tax (the "**City Sales Tax**")
- 0.250% emergency medical services sales tax (the "**EMS Sales Tax**")
- 0.375% public safety/infrastructure sales tax (the "**Public Safety/Infrastructure Sales Tax**").

The City Sales Tax and the UG's portion of the County Sales Tax will be captured by the TIF. The EMS Sales Tax and the Public Safety/Infrastructure Sales Tax will not be captured by the TIF.

6. **Tax Increment Revenues**

Based on the Project's captured annual Sales Tax TIF Proceeds and the captured annual Property Tax TIF Proceeds, each as heretofore described, it is estimated that the TIF would generate approximately \$3,007,258 of TIF Revenues over the 20-year life of this Redevelopment Plan; however, Developer's reimbursement from the TIF Revenues would be subject to the TIF Cap, which may be modified to satisfy Section 3.1(a) of the Development Agreement (as defined in the Development Agreement).

7. **Significant Contribution to Economic Development of the City**

The development contemplated in this Redevelopment Plan will provide significant economic development for the UG by, among other things, providing increased tax revenues to the UG, rehabilitating the Reardon Center and surrounding areas that have numerous capital repair and maintenance needs, creating a rehabilitated development that will draw additional consumers from both inside and outside the UG, and increasing employment opportunities and general commerce for area residents. The feasibility study demonstrates that the benefits and tax increment revenue and other available revenues derived from the development contemplated in this Redevelopment Plan will exceed the costs and be sufficient to pay the costs of the Project.

8. **Sufficiency of Tax Increment Revenues Compared to Projects Costs**

The total of the Reimbursable Project Costs that can be financed under the TIF Act are limited by the amount of TIF Revenues generated within the Project Area. Thus by operation, the TIF Revenues will always equal or exceed the amount of the Reimbursable Project Costs. Based on the Redevelopment Plan's (1) Reimbursable Project Costs and (2) TIF Revenues, the revenues are expected to pay for the Reimbursable Project Costs as contemplated under the TIF Act when supplemented by certain other revenues described in the Development Agreement.

Est. Project Costs	\$22,746,810
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<u>Sources of Funds</u>	<u>Amount</u>
TIF Revenue	\$3,007,258
CID Revenue	\$2,003,690
TGT Grant	\$1,000,000
UG Contribution	\$1,000,000
Private debt/equity	\$10,735,862
<u>Section 108 Loan⁴</u>	<u>\$5,000,000</u>
TOTAL	\$22,746,810

There is no anticipated effect on special obligation bonds payable from revenues described in K.S.A. 12-1774(a)(1)(D) because no such special obligation bonds are outstanding or planned to be issued to finance the Project.

E) Relocation Assistance Plan

The UG and Developer have determined pursuant to K.S.A. 12-1777 that no relocation assistance plan is required for the Project.

IV. CONCLUSION

Based on the foregoing, this Redevelopment Plan proposes to utilize portions of the ad valorem tax increment, certain sales tax revenue, the CID proceeds, the TGT Grant, the UG Contribution, and certain other funds described herein to finance the costs of the Project. The UG and Developer hereby submit this Redevelopment Plan for public hearing and due consideration.

V. EXHIBITS

[Exhibits Follow]

⁴ If, and to the extent, the Section 108 Loan is not obtained, the amount of private debt/equity shall increase by an amount of up to \$5,000,000 and the aggregate amount of TIF Revenue and TGT Grant shall increase by an amount up to, but not in excess of, \$225,000.

Exhibit A

Proposed Site Plan



Exhibit B

Map of Redevelopment District/Project Area



Exhibit C

Legal Description of Redevelopment District/Project Area

All that part of Parcels 3 and 8 and all of Parcel 9, Center City, a subdivision in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, together with the West ½ of North 6th Street from the South right-of-way line of State Avenue to the South right-of-way line of Nebraska Avenue, as both streets are now established, and together with the South ½ of Nebraska Avenue from the center line of North 6th Street, West 422.00 feet more or less to the East wall line of a building to the South and together with the East ½ of said North 6th Street from the North right-of-way line of State Avenue, as now established to the South right-of-way line of said State Avenue and together with the South ½ of said State Avenue from the East right-of-way line of said North 6th Street to the center line of North 5th Street, and together with the West ½ of North 5th Street from the South right-of-way line of said State Avenue to the center line of Minnesota Avenue, as both streets are now established, together with the North ½ of Minnesota Avenue from the West right-of-way line of Minnesota Avenue, West 260.00 feet, more or less, to the East wall line of a building to the North, described as follows:

BEGINNING at the intersection of the center line of said North 5th Street and the center line of said Minnesota Avenue;

thence South 87 degrees 48 minutes 09 seconds West, on the center line of said Minnesota Avenue, a distance of 260.24 feet, to a point being on the Southerly prolongation of the East wall line of an existing building;

thence North 02 degrees 11 minutes 51 seconds West, on said prolongation and the East wall of said existing building, a distance of 117.37 feet, to a point;

thence South 87 degrees 48 minutes 09 seconds West, on the North face of said existing building, a distance of 8.58 feet, to a point;

thence North 02 degrees 11 minutes 51 seconds West, on the East face of said existing building, a distance of 12.99 feet, to a point;

thence South 87 degrees 48 minutes 09 seconds West, on the North face of said existing building, a distance of 49.69 feet, to a point;

thence North 02 degrees 11 minutes 51 seconds West, departing the North face of said existing building, a distance of 184.14 feet, to a point on the South right-of-way line of said State Avenue, as now established;

thence South 87 degrees 47 minutes 14 seconds West, on said South right-of-way line, a distance of 476.74 feet, to a point being the intersection of said South right-of-way line and the West right-of-way line of said North 6th Street, as now established;

thence North 02 degrees 11 minutes 51 seconds West, departing said South right-of-way line and on said West right-of-way line, a distance of 100.00 feet, to a point being the intersection of said West right-of-way line and the North right-of-way line of said State Avenue, as now established;

thence South 87 degrees 47 minutes 14 seconds West, on said North right-of-way line, a distance of 150.04 feet, to the Southwest corner of said Parcel 9 and the Southeast corner of Lot 50, Block 109, Wyandotte City, a subdivision in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof;

thence North 02 degrees 11 minutes 27 seconds West, departing said North right-of-way line and on the West line of said Parcel 9 and the East line of said Lot 50, a distance of 122.88 feet, to the Northeast corner of said Lot 50 and the South line of a vacated alley 18.00 feet in width as shown on the plat of said Wyandotte City;

thence South 87 degrees 47 minutes 34 seconds West, on the South line of said Alley and the North line of Lots 50, 49, 48, 47, 46, 45, 44, 43 and 42, a distance of 225.09 feet, to the Northwest corner of said Lot 42;

thence North 02 degrees 11 minutes 27 seconds West, departing said South line, a distance of 190.88 feet, to a point on the center line of said Nebraska Avenue;

thence North 87 degrees 47 minutes 59 seconds East, on the center line of said Nebraska Avenue, a distance of 415.11 feet, to a point being the intersection of the center line of said Nebraska Avenue and the center line of said North 6th Street;

thence South 02 degrees 11 minutes 43 seconds East, departing the center line of said Nebraska Avenue and on the center line of said North 6th Street, a distance of 313.69 feet, to a point being on the Westerly prolongation of the North right-of-way line of said State Avenue, as now established;

thence North 87 degrees 47 minutes 14 seconds East, departing the center line of said North 6th Street, a distance of 40.00 feet, to a point being the intersection of said North right-of-way line and the East right-of-way line of said North 6th Street, as now established;

thence South 02 degrees 11 minutes 43 seconds East, departing said North right-of-way line, a distance of 40.00 feet, to a point being on the center line of said State Avenue;

thence North 87 degrees 47 minutes 14 seconds East, on the center line of said State Avenue, a distance of 715.37 feet, to a point being the intersection of the center line of said State Avenue and the center line of said North 5th Street;

thence South 02 degrees 10 minutes 50 seconds East, departing the center line of said State Avenue and on the center line of said North 5th Street, a distance of 364.59 feet, to the POINT OF BEGINNING, containing 5.70 acres, more or less.

Exhibit D

Redevelopment District Ordinance No. O-16-20

(Published in *The Wyandotte Echo* on April 2, 2020)

ORDINANCE NO. O-16-20

AN ORDINANCE MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the "Act"), the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is authorized to establish redevelopment districts within a defined area of the Unified Government which is an area within the Unified Government that was designated as an enterprise zone prior to July 1, 1992, and is therefore an "eligible area" as said term is defined in the Act; and

WHEREAS, the Board of Commissioners of the Unified Government (the "Governing Body") adopted Resolution No. R-5-20 on February 13, 2020, calling for a public hearing considering the establishment of a redevelopment district to be held by the Governing Body on March 26, 2020; and

WHEREAS, notice of the public hearing was given as required by the Act; and

WHEREAS, the public hearing was held on March 26, 2020 and closed on the same day.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

SECTION 1. The Governing Body hereby finds that the real property described in **Exhibits A and B** (the "Redevelopment District") attached hereto is an eligible area for being designated as a redevelopment district pursuant to the Act because the real property is an area within the Unified Government that was designated as an enterprise zone prior to July 1, 1992.

SECTION 2. The Governing Body hereby finds that the real property described in **Exhibits A and B** includes only areas designated in the notice of public hearing given as required by the Act and Resolution No. R-5-20, and that all required notices under the Act were properly and timely given.

SECTION 3. The Governing Body hereby finds that the conservation, development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the Unified Government.

SECTION 4. The Governing Body hereby establishes the Redevelopment District, which shall consist of a single project area depicted on the map attached hereto as **Exhibit A**. The district plan is hereby approved, and consists of buildings and facilities to be constructed within the Redevelopment District generally described as follows, without limitation:

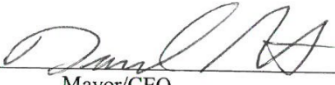
Commercial uses, mixed use commercial retail, multifamily residential uses, recreational uses, a multi-purpose banquet/meeting space, and any other commercial structure or use (including but not limited to, office, non-profit, governmental, or community use), and including such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities (including parking garages), other associated and appurtenant structures and facilities, and any other items allowable under the Act.

CORE/0501343.0168/158395993.1

SECTION 5. The Mayor/CEO, County Administrator, and other officers, agents and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Ordinance.

SECTION 6. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

**PASSED BY THE UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS THIS 26TH DAY OF MARCH, 2020.**



Mayor/CEO

(SEAL)



Unified Government Clerk

TIF District Ordinance (Downtown Campus)

CORE/0501343.0168/158395993.1

MAP OF PROPOSED REDEVELOPMENT DISTRICT AND PROPOSED PROJECT AREA



EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT

All that part of Parcels 3 and 8 and all of Parcel 9, Center City, a subdivision in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, together with the West ½ of North 6th Street from the South right-of-way line of State Avenue to the South right-of-way line of Nebraska Avenue, as both streets are now established, and together with the South ½ of Nebraska Avenue from the center line of North 6th Street, West 422.00 feet more or less to the East wall line of a building to the South and together with the East ½ of said North 6th Street from the North right-of-way line of State Avenue, as now established to the South right-of-way line of said State Avenue and together with the South ½ of said State Avenue from the East right-of-way line of said North 6th Street to the center line of North 5th Street, and together with the West ½ of North 5th Street from the South right-of-way line of said State Avenue to the center line of Minnesota Avenue, as both streets are now established, together with the North ½ of Minnesota Avenue from the West right-of-way line of Minnesota Avenue, West 260.00 feet, more or less, to the East wall line of a building to the North, described as follows:

BEGINNING at the intersection of the center line of said North 5th Street and the center line of said Minnesota Avenue;

thence South 87 degrees 48 minutes 09 seconds West, on the center line of said Minnesota Avenue, a distance of 260.24 feet, to a point being on the Southerly prolongation of the East wall line of an existing building;

thence North 02 degrees 11 minutes 51 seconds West, on said prolongation and the East wall of said existing building, a distance of 117.37 feet, to a point;

thence South 87 degrees 48 minutes 09 seconds West, on the North face of said existing building, a distance of 8.58 feet, to a point;

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thence North 02 degrees 11 minutes 51 seconds West, departing the North face of said existing building, a distance of 184.14 feet, to a point on the South right-of-way line of said State Avenue, as now established;

thence South 87 degrees 47 minutes 14 seconds West, on said South right-of-way line, a distance of 476.74 feet, to a point being the intersection of said South right-of-way line and the West right-of-way line of said North 6th Street, as now established;

thence North 02 degrees 11 minutes 51 seconds West, departing said South right-of-way line and on said West right-of-way line, a distance of 100.00 feet, to a point being the intersection of said West right-of-way line and the North right-of-way line of said State Avenue, as now established;

thence South 87 degrees 47 minutes 14 seconds West, on said North right-of-way line, a distance of 150.04 feet, to the Southwest corner of said Parcel 9 and the Southeast corner of Lot 50, Block 109, Wyandotte City, a subdivision in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof;

thence North 02 degrees 11 minutes 27 seconds West, departing said North right-of-way line and on the West line of said Parcel 9 and the East line of said Lot 50, a distance of 122.88 feet, to the Northeast corner of said Lot 50 and the South line of a vacated alley 18.00 feet in width as shown on the plat of said Wyandotte City;

thence South 87 degrees 47 minutes 34 seconds West, on the South line of said Alley and the North line of Lots 50, 49, 48, 47, 46, 45, 44, 43 and 42, a distance of 225.09 feet, to the Northwest corner of said Lot 42;

thence North 02 degrees 11 minutes 27 seconds West, departing said South line, a distance of 190.88 feet, to a point on the center line of said Nebraska Avenue;

thence North 87 degrees 47 minutes 59 seconds East, on the center line of said Nebraska Avenue, a distance of 415.11 feet, to a point being the intersection of the center line of said Nebraska Avenue and the center line of said North 6th Street;

thence South 02 degrees 11 minutes 43 seconds East, departing the center line of said Nebraska Avenue and on the center line of said North 6th Street, a distance of 313.69 feet, to a point being on the Westerly prolongation of the North right-of-way line of said State Avenue, as now established;

thence North 87 degrees 47 minutes 14 seconds East, departing the center line of said North 6th Street, a distance of 40.00 feet, to a point being the intersection of said North right-of-way line and the East right-of-way line of said North 6th Street, as now established;

thence South 02 degrees 11 minutes 43 seconds East, departing said North right-of-way line, a distance of 40.00 feet, to a point being on the center line of said State Avenue;

thence North 87 degrees 47 minutes 14 seconds East, on the center line of said State Avenue, a distance of 715.37 feet, to a point being the intersection of the center line of said State Avenue and the center line of said North 5th Street;

thence South 02 degrees 10 minutes 50 seconds East, departing the center line of said State Avenue and on the center line of said North 5th Street, a distance of 364.59 feet, to the POINT OF BEGINNING, containing 5.70 acres, more or less.

Exhibit E

Budget / Reimbursable Project Costs

**Lanier United KCK Development
Downtown Campus**
As of: 1/29/2020

Estimated Project Costs

Description	Total Costs	TIF Eligible	CID Eligible	Sales Tax Redirection
PROPERTY ACQUISITION				
Acquisition/ Relocation/Lease Buyout	\$10	\$10	\$10	\$10
Title issues, right of way easement, traffic signalization easement	\$25,000	\$25,000	\$25,000	\$25,000
	\$25,010	\$25,010	\$25,010	\$25,010
SITE COSTS				
Clearing & Grubbing	\$250,000	\$250,000	\$250,000	\$250,000
Excavation and Demo	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Embankment	\$0	\$0	\$0	\$0
Fine Grading	\$100,000	\$100,000	\$100,000	\$100,000
Regular Duty Pavement	\$50,000	\$50,000	\$50,000	\$50,000
Heavy Duty Asphalt Pavement	\$0	\$0	\$0	\$0
Heavy Duty Concrete	\$50,000	\$50,000	\$50,000	\$50,000
Curb & Gutter	\$50,000	\$50,000	\$50,000	\$50,000
Storm Sewer	\$150,000	\$150,000	\$150,000	\$150,000
Inlets / Junction Boxes	\$0	\$0	\$0	\$0
Water Main	\$250,000	\$250,000	\$250,000	\$250,000
Fire Hydrants	\$10,000	\$10,000	\$10,000	\$10,000
Sanitary Sewer	\$120,000	\$120,000	\$120,000	\$120,000
Sanitary Sewer Manholes	\$24,000	\$24,000	\$24,000	\$24,000
Site Lighting	\$50,000	\$50,000	\$50,000	\$50,000
Landscaping	\$250,000	\$250,000	\$250,000	\$250,000
Athletic Field	\$250,000	\$250,000	\$250,000	\$250,000
Utility Easement Relocation	\$50,000	\$50,000	\$50,000	\$50,000
Erosion Control	\$5,000	\$5,000	\$5,000	\$5,000
Irrigation	\$5,000	\$5,000	\$5,000	\$5,000
Site Survey	\$15,000		\$15,000	
Site Engineering	\$50,000		\$50,000	
Geotechnical Engineering	\$20,000		\$20,000	
Site Construction Testing	\$40,000		\$40,000	
Contingency	\$557,800		\$557,800	
Total On-Site Costs	\$3,346,800	\$2,664,000	\$3,346,800	\$2,664,000
BUILDING AND PARKING CONSTRUCTION COSTS				
Apartment	\$11,200,000		\$11,200,000	
Reardon Center	\$3,000,000		\$3,000,000	
Structured Parking (60 spaces for Apts.)	\$1,400,000	\$1,400,000	\$1,400,000	\$1,400,000
FF&E	\$500,000		\$500,000	
Contingency	\$2,415,000		\$2,415,000	
Total Building Construction Costs	\$18,515,000	\$1,400,000	\$18,515,000	\$1,400,000
PROFESSIONAL SERVICES AND SOFT COSTS				
Architectural Services & Design Costs	\$600,000	\$400,000	\$400,000	\$600,000
Legal Services	\$150,000	\$150,000	\$150,000	\$150,000
Permits	\$50,000	\$50,000	\$50,000	\$50,000
Engineering Services	\$60,000	\$60,000	\$60,000	\$60,000
Total Professional and Soft Costs	\$860,000	\$660,000	\$660,000	\$860,000
TOTAL ESTIMATED PROJECT COSTS*	\$22,746,810	\$4,749,010	\$22,546,810	\$4,949,010
	Caps**	\$3,054,758	\$3,020,515	\$1,000,000
CID and TIF percentage Cap	35.50%			
TIF AND CID REIMBURSABLE PERCENTAGE OF TOTAL COSTS	31.10%	13.43%	13.28%	4.40%

* The foregoing does not include any Costs of Financing, Interest, City Expenses or any Cost of Additional Required Improvements, all of which shall be reimbursable to the Developer in accordance with the TIF Plan.

** Pursuant to the Development Agreement, the UG will submit an application for a HUD Section 108 Loan in the amount of \$5,000,000 for the purpose of financing or refinancing non-construction work related to the Project. If the UG is unable to secure a HUD Section 108 Loan, then the UG will provide additional public financing to the Project in an amount not to exceed \$225,000 through either redirection of additional TIF Proceeds or by increasing the redirected amount of TGT.

Exhibit F

TIF Revenue Projections

Lanier United KCK Development
Incentive Projection - (RF) Cost Approach
As of 1/30/2020

Project Incentive Revenue - Total									
TIF Year	Based Assessed Value	Projected Assessed Value	Real Estate Tax TIF*	Sales Tax TIF*	Total TIF Revenue	TGT Redirection for Reardon Center	Annual Reardon Center Maintenance Fund	CID Revenue*	Total Incentive Revenue
1	\$0	\$0	\$0	\$0	\$0	\$100,000	\$100,000	\$115,118	\$315,118
2	\$0	\$1,964,000	\$171,560	\$7,635	\$179,195	\$100,000	\$100,000	\$126,348	\$505,542
3	\$0	\$1,983,640	\$173,275	\$7,711	\$180,987	\$100,000	\$100,000	\$127,611	\$508,598
4	\$0	\$2,003,476	\$175,008	\$7,788	\$182,796	\$100,000	\$100,000	\$128,887	\$511,684
5	\$0	\$2,023,511	\$176,758	\$7,866	\$184,624	\$100,000	\$100,000	\$130,176	\$514,801
6	\$0	\$2,043,746	\$178,526	\$7,945	\$186,471	\$100,000	\$100,000	\$131,478	\$517,949
7	\$0	\$2,064,184	\$180,311	\$8,024	\$188,335	\$100,000	\$100,000	\$132,793	\$521,128
8	\$0	\$2,084,826	\$182,114	\$8,105	\$190,219	\$100,000	\$100,000	\$134,121	\$524,339
9	\$0	\$2,105,674	\$183,935	\$8,186	\$192,121	\$100,000	\$100,000	\$135,462	\$527,583
10	\$0	\$2,126,731	\$185,774	\$8,268	\$194,042	\$100,000	\$100,000	\$136,816	\$530,859
11	\$0	\$2,147,998	\$187,632	\$8,350	\$195,983	\$0	\$0	\$138,185	\$334,167
12	\$0	\$2,169,478	\$189,509	\$8,434	\$197,942	\$0	\$0	\$139,566	\$337,509
13	\$0	\$2,191,173	\$191,408	\$8,518	\$199,926	\$0	\$0	\$140,962	\$340,888
14	\$0	\$2,213,084	\$193,325	\$8,603	\$201,928	\$0	\$0	\$142,372	\$344,300
15	\$0	\$2,235,215	\$195,256	\$8,689	\$203,945	\$0	\$0	\$143,795	\$347,740
16	\$0	\$2,257,567	\$197,200	\$8,776	\$205,976	\$0	\$0	\$145,230	\$351,206
17	\$0	\$2,280,143	\$199,158	\$8,864	\$208,022	\$0	\$0	\$146,676	\$354,698
18	\$0	\$2,302,944	\$201,129	\$8,953	\$209,082	\$0	\$0	\$148,134	\$358,216
19	\$0	\$2,325,974	\$203,114	\$9,042	\$210,156	\$0	\$0	\$149,603	\$361,759
20	\$0	\$2,349,234	\$205,114	\$9,133	\$211,247	\$0	\$0	\$151,083	\$365,330
21	\$0	\$2,372,726	\$207,129	\$9,224	\$212,353	\$0	\$0	\$152,574	\$368,927
22	\$0	\$2,396,453	\$209,159	\$9,316	\$213,475	\$0	\$0	\$154,076	\$372,551
Totals			\$2,848,367	\$158,891	\$3,007,258	\$1,000,000	\$1,000,000	\$2,003,690	\$7,010,949
NPV			\$1,620,828	\$82,751	\$1,703,579	\$718,883	\$718,883	\$1,238,378	\$4,379,723

Notes:

- 1) Total 2019 ad valorem tax rate is 166.6997, total mills captured by TIF is: 137.7239
- 2) Beginning in year 13, the taxing jurisdictions will be rebated the following percent of captured mills over the prior year: 10%
- 3) The total local sales tax rate is 2.625%, the amount captured by TIF for regular sales is: 1.94%
- 4) For hotel room transactions the total local sales tax rate is 10.465%, the amount captured equals: 9.78%
- 5) Percent of captured sales taxes rebated to UG equals: 25.00%
- 6) CID sales tax rate equals: 2.00%
- 7) Base assessed value from Wyandotte County records for 2019: 0
- 8) The projected appraised value is assumed to increase by the following percent every two years: 1.00%
- 9) Sales are projected to increase by the following percent annually: 1.00%
- 10) Interest rate/NPV rate for TIF: 6.50%
- 11) Interest rate/NPV rate for CID: 6.50%
- 12) Existing CID funds will be used to fund offsite traffic improvements: \$560,000
- 13) To the extent the CID cannot be restarted, the final six years of estimated taxes will be redirected to the Developer: \$1,047,646
- 14) Total TIF (Sales Tax and Real Estate) will be capped at: **\$3,054,758***
- 15) Total CID will be capped at: **\$3,020,515**
- 16) Annual Average Sales Projections: \$589,030

*As set forth in the Development Agreement, this \$3,054,758 TIF cap and/or the \$1,000,000 TGT redirection may be increased in an aggregate amount not to exceed \$225,000 to reimburse the Developer for certain financing costs in the event the UG is unable to secure a HUD Section 108 loan.

UG Total Project Revenue								
TIF Year	Sales - City EMS	Sales - City Pub Inf*	UG County Sales Taxes Retained by UG	UG TGT Retention	UG 1% CID Admin Fee	UG 1% TIF Admin Fee	UG Incremental Prop Taxes	Total UG Project Revenue
1	\$0	\$0	\$0	\$355,822	\$1,163	\$0	\$0	\$356,985
2	\$1,273	\$1,909	\$2,545	\$360,380	\$1,276	\$1,809	\$0	\$369,192
3	\$1,285	\$1,928	\$2,570	\$364,984	\$1,289	\$1,827	\$0	\$373,884
4	\$1,298	\$1,947	\$2,596	\$369,634	\$1,302	\$1,846	\$0	\$378,623
5	\$1,311	\$1,967	\$2,622	\$374,330	\$1,315	\$1,864	\$0	\$383,409
6	\$1,324	\$1,986	\$2,648	\$379,073	\$1,328	\$1,883	\$0	\$388,243
7	\$1,337	\$2,006	\$2,675	\$383,864	\$1,341	\$1,902	\$0	\$393,125
8	\$1,351	\$2,026	\$2,702	\$388,703	\$1,355	\$1,921	\$0	\$398,057
9	\$1,364	\$2,046	\$2,729	\$393,590	\$1,368	\$1,940	\$0	\$403,037
10	\$1,378	\$2,067	\$2,756	\$398,526	\$1,382	\$1,959	\$0	\$408,068
11	\$1,392	\$2,088	\$2,783	\$403,511	\$1,396	\$1,979	\$0	\$413,148
12	\$1,406	\$2,108	\$2,811	\$408,546	\$1,410	\$1,999	\$0	\$418,280
13	\$1,420	\$2,130	\$2,839	\$413,632	\$1,424	\$1,825	\$19,334	\$542,603
14	\$1,434	\$2,151	\$2,868	\$418,768	\$1,438	\$1,648	\$39,054	\$567,361
15	\$1,448	\$2,172	\$2,896	\$423,956	\$1,452	\$1,467	\$59,167	\$592,559
16	\$1,463	\$2,194	\$2,925	\$429,195	\$0	\$1,283	\$79,678	\$616,738
17	\$1,477	\$2,216	\$2,955	\$434,487	\$0	\$1,095	\$100,594	\$642,823
18	\$1,492	\$2,238	\$2,984	\$439,832	\$0	\$902	\$121,919	\$669,368
19	\$1,507	\$2,261	\$3,014	\$445,230	\$0	\$706	\$143,662	\$696,380
20	\$1,522	\$2,283	\$3,044	\$450,683	\$0	\$506	\$165,827	\$723,865
21	\$1,537	\$2,306	\$3,074	\$456,189	\$0	\$309	\$188,356	\$751,888
22	\$1,554	\$2,376	\$3,071	\$461,751	\$0	\$0	\$211,450	\$789,832
Totals	\$26,482	\$39,723	\$52,964	\$9,036,746	\$20,239	\$30,360	\$729,235	\$9,935,748
NPV	\$13,792	\$20,688	\$27,584	\$4,698,882	\$12,509	\$17,200	\$241,006	\$5,031,659



Staff Request for Commission Action

Tracking No. 20231

Full Commission Meeting Date: 7/30/20

Committee: Economic Development & Finance

Date of Standing Committee Action: 7/6/20

(If none, please explain):

Publication Required: Yes

<u>Date:</u> 7/24/2020	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

The Marek at Mission Cliffs Apartment Development is requesting the use of Industrial Revenue Bonds.

Action Requested:

Approval

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

6-24-20 Executive Summary - The Marek at Mission Cliffs Development Agreement, Resolution of Intent (SPKS Mission Hills, LLC), Development Agreement for the Marek at Mission Cliffs

6/24/20 EXECUTIVE SUMMARY
THE MAREK AT MISSION CLIFFS DEVELOPMENT AGREEMENT

1. **Parties.** The UG and SPKS Mission Hills, LLC, a Kansas limited liability company ("Developer"). Developer is a single-purpose entity formed by Saxon Partners, LLC of Hingham, Massachusetts. Steve Allison from Perry Holdings Development LLC is the Development Director for the project, and has been working on this matter since 2018.
2. **Project Site.** Developer is the owner property located west of the intersection of West Lake Avenue and South Thompson Street in KCK with a property address of 2913 and 2906 West 39th Avenue and 3741 South Thompson Circle (the "Owned Property"). Pursuant to an Option Contract for Real Estate Purchase Agreement dated as of February 19, 2019 between the UG and Developer, Developer has an option to purchase additional property adjacent to the Owned Property (the "Option Property"). Together, the Owned Property and the Option Property constitute the "Project Site" that is to be developed pursuant to this Agreement.
3. **The Project/Timing.** The Project is to be a newly-constructed first-class, market-rate apartment complex with two 4-story, connected high-end apartment buildings consisting of 162 total units (comprised of approximately 80 studio apartments and approximately 82 one-bedroom apartments), including site amenities and related infrastructure. The site amenities will include an outdoor, landscaped park along South Thompson Avenue, including a scenic wind sculpture garden which is designed to be a design feature of the neighborhood, and other large, natural buffer zones between the Project and neighboring single-family homes. Pursuant to Section 6.9 of the Agreement, Developer agrees to substantially complete all of these improvements by December 31, 2022.
4. **Budget/IRB Financing.** The overall project budget is approximately \$26,291,506. The UG will provide IRB financing for the project, including a sales tax exemption on construction materials and the parties an agreed-upon 10-year payment-in-lieu-of-tax ("PILOT") pursuant to the specific schedule attached to the Agreement as **Exhibit D**. The PILOT was determined based on a projected per unit value of \$162,293.25 with a minimum of 162 units. If the ultimate number of units in the Project is greater than 162, then the amount of the PILOT shall increase based on the per unit value of \$162,293.25. Additionally, the amount of the PILOT for years 2 through 10 of the IRB term may be increased annually by the amounts shown on **Exhibit D** if Developer fails to meet its LBE/MBE/WBE Employment Opportunity Goals for the construction of the Improvements.
5. **Construction Provisions.** Developer's construction contracts will provide for a guaranteed maximum price and payment and performance bonds for the Project.
6. **Use and Operation.** During the Term, Developer agrees to operate the Project in a dignified and high quality manner and Developer also generally agrees to the UG's standard terms and conditions regarding maintenance of the Project, compliance with law and timely payment of taxes or PILOTs. Developer also agrees to provide insurance and indemnify the UG.
7. **Assignment and Transfer.** Generally, Developer must have the UG's approval to assign, convey or transfer the project to others prior to Substantial Completion of the Project. However, the parties agree that Developer can and will make leases to its tenants in the ordinary course of business without the UG's consent. Additionally, Developer may assign or transfer to affiliate (a company with the same controlling people or entities), or Developer may terminate the Agreement (and the IRB financing provided hereunder) and freely transfer thereafter.
8. **MBE/WBE/LBE.** Developer has agreed to the following participation goals for construction of the Public Infrastructure Improvements: LBE – 12%; MBE – 6% and (iii) WBE – 4%. As discussed above, failure to meet these goals will result in an increase in the PILOTs as set forth in **Exhibit D**.

RESOLUTION NO. R __-20

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE AMOUNT OF NOT TO EXCEED \$26,300,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING A COMMERCIAL MULTIFAMILY PROJECT FOR THE BENEFIT OF SPKS MISSION HILLS, LLC, AND ITS SUCCESSORS AND ASSIGNS (THE MAREK AT MISSION CLIFFS)

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, SPKS Mission Hills, LLC, a Delaware limited liability company (the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, constructing and equipping an approximately 162-unit commercial multifamily project located generally west of the intersection of S. Thompson Street and W. Lake Avenue, as more fully described in the Application (collectively, the “Project”) through the issuance of its industrial revenue bonds in one or more series in the amount of not to exceed \$26,300,000 (the “Bonds”), and to lease the Project to the Company, or its successors and assigns, in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act in a principal amount of not to exceed \$26,300,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project shall be generally located west of the intersection of S. Thompson Street and W. Lake Avenue, in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project

out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed \$26,300,000, to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the Unified Government; (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds and ad valorem tax abatement; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 5. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be acceptable to the Unified Government.

Section 6. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Bond Indenture. The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Bond Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Required Disclosure. Any disclosure document prepared in connection with the placement or offering of the Bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE UNIFIED GOVERNMENT CONTAINED UNDER THE CAPTIONS "THE UNIFIED GOVERNMENT" AND "LITIGATION - THE UNIFIED GOVERNMENT" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE UNIFIED GOVERNMENT, AND THE UNIFIED GOVERNMENT MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

Section 8. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such

funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 9. Ad Valorem Tax Abatement. In consideration of the Company's decision to acquire, construct and equip the Project, the Issuer hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and taxes that may not be abated by the Issuer under Kansas law) for all property (including real property, building improvements, machinery and equipment) financed with the proceeds of the Bonds.

In consideration of the Issuer's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax as set forth on **Exhibit A** hereto, and such amounts shall be set forth in the performance-based tax agreement to be agreed upon and executed by the Issuer and the Company. The Project shall be entitled to a 10-year tax abatement, with the first year of the abatement beginning on the January 1 following the year the bonds are issued. The payments in lieu of tax are subject to adjustment in accordance with the performance-based tax abatement agreement for the Project to be entered into by the Issuer and the Company.

Section 10. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be issued or that the Project will be approved.

Section 11. Termination of Resolution. This Resolution shall automatically terminate eighteen (18) months from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit has been issued by the Unified Government for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 12. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 13. Development Agreement. The Unified Government hereby approves the Development Agreement for The Marek at Mission Cliffs dated as of the date stated therein between the Unified Government and the Company (the "Development Agreement") in substantially the form presented to and reviewed by the governing body of the Unified Government (a copy of which document, upon execution thereof, shall be filed in the office of the Unified Government Clerk), with such changes therein as shall be approved by the officers of the Unified Government executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof. The Mayor/CEO and the Clerk are hereby authorized to execute and deliver the Development Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 14. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the bonds and other actions contemplated hereunder.

Section 15. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

[Remainder of page intentionally blank.]

**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON JULY 30, 2020.**

By: _____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Unified Government Clerk

EXHIBIT A

PAYMENT IN LIEU OF TAX SCHEDULE

Payments in lieu of tax (“PILOTs”) shall be determined on a per-apartment-unit basis as further set forth in that certain Development Agreement for The Marek at Mission Cliffs between the Company and the Unified Government (the “Development Agreement”).

Below is an approximate PILOT schedule based on 162 apartment units. This PILOT schedule may be adjusted as set forth in the Development Agreement.

Value/Unit	# Units	Projected Value	2020 Mill Rate	PILOT	Per Door Taxes
\$162,293.25	162	\$13,673,400	181.771	\$297,000	\$1,833.33

	With L/M/W		Without L/M/W	
Year*	Per Unit	Annual PILOT Payment	Per Unit	Annual PILOT Payment
1	\$900	\$297,000	\$945.00	\$311,850.00
2	\$918	\$302,940	\$963.90	\$318,087.00
3	\$936	\$308,999	\$982.80	\$324,448.95
4	\$955	\$315,179	\$1,002.75	\$330,937.95
5	\$974	\$321,482	\$1,022.70	\$337,556.10
6	\$994	\$327,912	\$1,043.70	\$344,307.60
7	\$1,014	\$334,470	\$1,064.70	\$351,193.50
8	\$1,034	\$341,160	\$1,085.70	\$358,218.00
9	\$1,054	\$347,983	\$1,106.70	\$365,382.15
10	\$1,076	\$354,942	\$1,129.80	\$372,689.10
Total:		\$3,252,067		\$3,414,670.35

* Year 1 refers to the first calendar year following issuance of the bonds.

**DEVELOPMENT AGREEMENT
FOR
THE MAREK AT MISSION CLIFFS**

between the

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

and

SPKS MISSION HILLS, LLC

DATED AS OF _____, 2020

DEVELOPMENT AGREEMENT (The Marek at Mission Cliffs)

THIS DEVELOPMENT AGREEMENT FOR THE MAREK AT MISSION CLIFFS (the "Agreement") is made as of the ____ day of _____, 2020 (the "Effective Date") between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"), and SPKS Mission Hills, LLC, a Delaware limited liability company ("Developer").

RECITALS:

A. Developer is the owner of certain real property generally located west of the intersection of West Lake Avenue and South Thompson Street in Kansas City, Kansas with a property address of 2913 and 2906 West 39th Avenue and 3741 South Thompson Circle, Kansas City, Kansas, as legally described on **Exhibit A-1** attached hereto (the "Owned Property"). Pursuant to that certain Option Contract for Real Estate Purchase Agreement dated as of February 19, 2019, as amended by that certain First Amendment dated as of February 18, 2020 (as amended, the "Option Contract") between the UG and Developer, Developer has an option to purchase certain real property adjacent to the Owned Property, as legally described on **Exhibit A-2** attached hereto (the "Option Property"), which is currently owned by the UG. The Owned Property and the Option Property are collectively referred to herein as the "Project Site", which Project Site is generally depicted on **Exhibit A-3** attached hereto.

B. Developer wishes to design, develop, and construct a first-class, market-rate apartment complex and related amenities (the "Project", as further defined in Section 2.2 below) on the Project Site.

C. The UG recognizes that Wyandotte County's consumer demand for first-class, market rate rental living units is currently underserved by the existing inventory, particularly in the vicinity of the University of Kansas Medical Center ("KU Med"). The lack of sufficient living units causes many people who work at or near KU Med to live outside Wyandotte County, which limits the County's ability to capitalize on the opportunity to attract residents to the County from other parts of the Kansas City metropolitan area. The UG further recognizes the demand for apartments that are in close proximity to KU Med that would be convenient to the medical staff at KU Med, including without limitation: nurses, medical technicians, post-graduate medical residents, post-graduate fellows, medical researchers, administrative staff employees, and physicians.

D. Development of the Project should attract new residents to the community, stimulate the economy of Wyandotte County through additional real property taxes, sales taxes, and other indirect spending at other nearby businesses when residents visit the surrounding businesses; and provide a work force for KU Med and other Wyandotte County employers, all of which would promote the public good, health, and welfare within Wyandotte County.

E. The parties agree that the Project is not financially feasible without the public-private partnership as set forth in this Agreement, and therefore the parties wish to enter into this Agreement to provide the necessary financing for the Project.

AGREEMENT

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the UG and Developer hereby agree as follows:

ARTICLE 1 DEFINITIONS AND INTERPRETATION

1.1 Interpretation. In this Agreement, unless a clear contrary intention appears:

- (a) the singular number includes the plural number and vice versa;
- (b) reference to any Person includes such Person's successors and assigns but, if applicable, only if such successors and assigns are permitted by this Agreement, and reference to a Person in a particular capacity excludes such Person in any other capacity or individually;
- (c) reference to any gender includes each other gender;
- (d) reference to any agreement, document or instrument means such agreement, document or instrument as amended or modified and in effect from time to time in accordance with the terms thereof;
- (e) reference in this Agreement to any article, section, appendix, annex, schedule or exhibit means such article or section thereof or appendix, annex, schedule or exhibit thereto;
- (f) each of the items or agreements identified on the attached Index of Exhibits are deemed part of this Agreement to the same extent as if set forth herein;
- (g) "hereunder", "hereof", "hereto" and words of similar import shall be deemed references to this Agreement as a whole and not to any particular article, section or other provision thereof;
- (h) "including" (and with correlative meaning "include") means including without limiting the generality of any description preceding such term; and
- (i) relative to the determination of any period of time, "from" means "from and including" and "to" means "to but excluding."

1.2 Accounting Terms. Unless expressly otherwise provided, accounting terms shall be construed and interpreted, and accounting determination and computations shall be made, in accordance with GAAP.

1.3 Legal Representation of the Parties. This Agreement was negotiated by the parties hereto with the benefit of legal representation and any rules of construction or interpretation otherwise requiring this Agreement to be construed or interpreted against any party shall not apply to any construction or interpretation hereof or thereof.

1.4 Definitions. All capitalized terms used in this Agreement shall have the meanings ascribed to them in Annex 1, attached hereto and made a part hereof, or as otherwise provided herein.

ARTICLE 2 THE PROJECT

2.1 Undertaking of Developer. Developer hereby agrees, subject to the terms and conditions hereinafter provided, to develop, construct, complete, and operate the Project. The performance of all

activities by Developer hereunder shall not be as an agent of the UG, except as otherwise specifically provided herein.

2.2 Development of the Project Site. The UG and Developer hereby agree that the Project shall be as described below. Developer hereby contemplates that all buildings, parking structures and other improvements constituting the Project, as specifically described in this Section 2.2 (the "Improvements"), shall be developed, constructed, completed, and operated on the Project Site in substantial accordance and compliance with the terms and conditions of this Section 2.2, the Project Site Plan attached hereto as Exhibit B, and the final site plan approval from the UG's Board of Commissioners (the "Development Plan"). On and subject to the terms and provisions set forth in this Agreement, Developer shall have the sole right to, and shall be responsible for, design, construction, equipment and completion of the Improvements, and shall operate and use the Improvements in the manner described herein, all in accordance with the terms of this Section 2.2 and all other Applicable Laws and Requirements. The parties further agree as follows:

(a) The Project shall be designed, developed and constructed as a first-class, market-rate apartment complex which shall, at minimum, include the following Improvements: two 4-story, connected high-end apartment buildings, renting for a blended rate of approximately \$1.85 per square foot, and consisting of 162 total units (comprised of approximately 80 studio apartments and approximately 82 one-bedroom apartments), including site amenities and related infrastructure. Project amenities shall include (i) a centrally located, single-story clubhouse between the two apartment buildings with health and fitness facilities, expansive living/communal areas, work-study spaces, a catering kitchen area and an outdoor bocce court, barbeque and fire pit and common area patio space; (ii) in-unit washer/dryer, refrigerator, oven/range, dishwasher and microwave; (iii) underground parking and enclosed bicycle storage rooms; (iv) elevator-serviced buildings with secure access and conditioned interior corridors; and (v) an outdoor, landscaped park along South Thompson Avenue, including a scenic wind sculpture garden which is designed to be a design feature of the neighborhood, and other large, natural buffer zones between the Project and neighboring single-family homes.

(b) Developer recognizes, stipulates and agrees that its signage shall be subject to all Applicable Laws and Requirements, and any special use permits granted by the UG's Board of Commissioners. The UG hereby agrees that it will, to the extent possible, expedite the consideration of Developer's proposed signage and cooperate with Developer to reasonably accommodate Developer's signage requirements.

(c) The Project shall include underground and surface parking improvements, including a number of carports on the surface parking (the "Parking Improvements"), which Parking Improvements shall contain the number of spaces required by the Applicable Laws and Requirements.

(d) Developer's plans for landscaping on the Project Site shall be considered in accordance with all Applicable Laws and Requirements and approval thereof by the UG will not be unreasonably withheld.

(e) Developer's design, development and construction of the Improvements shall, in all respects, comply with the Plans and Specifications (as defined in Section 6.2).

(f) The Project described in this Section 2.2 shall not be amended or modified without (i) the prior written consent of the UG, which consent shall not be unreasonably withheld, and (ii) full compliance with all Applicable Laws and Requirements.

2.3 General Agreements. Developer agrees to promptly and completely perform each and all of its duties and obligations under this Agreement and the other Transaction Documents. The UG agrees to promptly and completely perform each and all of its duties and obligations under this Agreement and the other Transaction Documents.

ARTICLE 3 CONDITIONS

3.1 Conditions. The issuance and delivery to Developer of any public financing contemplated under the terms of this Agreement shall be subject to the following conditions precedent (the "Public Financing Conditions"):

- (a) Developer shall close on its acquisition of the Option Property pursuant to the Option Contract;
- (b) Developer shall have obtained preliminary site plan and final plan approval for the Development Plan and any other required approvals for the Project as required by all Applicable Laws and Requirements; and
- (c) The governing body of the UG shall have approved a Resolution of Intent for the IRB Financing described in Section 4.1 below.

3.2 Termination. In the event that Developer fails to meet the Public Financing Conditions set forth in Section 3.1 above, on or prior to September 1, 2021, then either party hereto shall have the right to terminate this Agreement, but any failure to meet any such conditions shall not be an event of default hereunder. Upon any such termination of this Agreement, (i) this Agreement shall terminate, and (ii) except as specifically set forth herein, the parties hereto shall have no further duty, obligation, or liability each to the other hereunder, and without limiting the generality of the foregoing, Developer shall be solely liable and responsible for all costs and expenses incurred by it with respect to this Agreement and the transactions contemplated hereby, and except for the fees and expenses of the UG to be paid for by Developer pursuant to the provisions of this Agreement and that certain Funding Agreement dated as of May 7, 2020, the UG shall be solely liable and responsible for all costs and expenses incurred by it with respect to this Agreement and the transactions contemplated hereby.

3.3 Satisfaction of Conditions. Upon satisfaction of the Public Financing Conditions set forth in Section 3.1 above, the UG shall, at the request of Developer, issue a certificate or a letter confirming and agreeing that the Public Financing Conditions have been fully satisfied for purposes of this Agreement, and the parties agree that such Public Financing Conditions shall be deemed to be fully satisfied for all purposes of this Agreement thereafter.

ARTICLE 4 FINANCING — SOURCE OF FUNDS

4.1 Public Financing; Source of Funds. Reference is hereby made to the Total Project Costs and the Total Project Budget attached hereto as Exhibit C, and by this reference made a part hereof. The Total Project Costs shall be paid in accordance with the procedures and requirements set forth herein.

- (a) Industrial Revenue Bonds. Developer has requested industrial revenue bond ("IRB") financing in order to pay certain project costs pursuant to K.S.A. 12-1741 *et seq.* Subject to all Applicable Laws and Requirements and subject further to compliance by Developer with all of the UG's requirements for the issuance of IRBs, the parties hereby agree that Developer may use

IRB financing to obtain an exemption on sales taxes for construction materials for the Project. However, the parties hereby understand and agree that IRB financing shall not be used for abatement of ad valorem property taxes for the Project or the Project Site, subject to the terms set forth in Section 4.1(b) below.

(b) The parties hereby understand and agree that the IRBs shall be issued on or after the date of Substantial Completion of the Improvements (but in no event later than January 1, 2023) and shall mature and be redeemed ten (10) years after such issuance, and that during the term of the IRBs, Developer shall pay a 100% payment-in-lieu-of-tax ("PILOT") pursuant to the schedule attached hereto as Exhibit D. The parties acknowledge that the PILOT was determined based on a projected per-unit value of \$162,293.25, with a minimum of 162 units. If the ultimate number of units in the Project shall be greater than 162, then the amount of the PILOT payment shall necessarily increase based on the per unit value of \$162,293.25. Additionally, the parties hereby understand and agree that the amount of the PILOT for years 2 through 10 of the IRB term may be increased in accordance with Exhibit D based on whether or not the Developer fully complies with the terms and conditions of Section 8.2 (LBE/MBE/WBE Employment Opportunity Goals) hereof, with respect to the Improvements.

ARTICLE 5

Reserved.

ARTICLE 6

CONSTRUCTION OF IMPROVEMENTS AND INFRASTRUCTURE IMPROVEMENTS

6.1 Architect. Developer shall select such architects, engineers and other design professionals and consultants as are necessary to provide construction documents and construction oversight services for the Improvements. All agreements respecting architectural and engineering services shall be between Developer and such Persons, and a copy of each such agreement shall be timely provided to the UG upon a request for the same.

6.2 Design and Plans and Specifications. Developer shall, as soon as practicable, provide the UG with plans and specifications for the Improvements (the "Plans and Specifications"), which Plans and Specifications shall include cost estimates for the Improvements, the design of which is compatible with the Development Plan and all Applicable Laws and Requirements. Developer recognizes, stipulates and agrees that the Plans and Specifications will be presented to and subject to approval by the appropriate Government Authorities. Without the prior written approval of the appropriate Government Authorities, there shall be no Material Changes to the Plans and Specifications subsequent to the initial approval.

6.3 General Contractor and Construction Documents. Developer shall select a general contractor (the "General Contractor") for the Improvements. Developer represents that its construction documents relative to the Improvements (the "Construction Documents") will require and provide for: (a) the design, development, construction, equipping and completion of the Improvements in accordance with the Development Plan, the Plans and Specifications, and all Applicable Laws and Requirements; (b) a guaranteed maximum price; (c) guaranteed Substantial Completion not later than the Completion Date set forth in Section 6.9 (with liquidated damages for failure); and (d) surety of performance and labor and material payment bonds in the full amount of the Construction Documents. Developer shall, as soon as practicable, provide the UG with a copy of the Construction Documents.

6.4 Changes or Amendments. Developer shall promptly deliver to the UG copies of all change orders or other changes or amendments to the Construction Documents. Developer agrees with the UG that

(a) it will perform its duties and obligations under the Construction Documents and (b) enforce the obligations of all other parties thereunder.

6.5 Responsibility for Design and Construction. Developer shall, subject to the terms of this Agreement and the Development Plan, have the sole right, and the responsibility, to design, manage, operate and construct the Project. Developer shall receive no separate fee from the UG for acting as construction manager or developer of the Project.

6.6 Payment and Performance Bonds. The General Contractor shall be required under the Construction Documents to furnish and maintain in full force and effect performance and labor and material payment bonds in the full amount of the Total Project Costs, as set forth in the Construction Documents. Said bonds shall be in form and substance and issued by a corporate surety satisfactory to Developer and the UG.

6.7 Permits and Reviews. Developer hereby recognizes, stipulates and agrees (a) that in the design, construction, completion, use or operation of the Improvements, Developer or its General Contractor shall procure and pay for any and all permits, licenses or other forms of authorizations that are, from time to time, required; and (b) that nothing herein shall be construed as any release by the UG of the responsibility of Developer to comply with, and satisfy the requirements of, all Applicable Laws and Requirements.

6.8 Periodic Meetings with Developer. From the Effective Date until Substantial Completion of the Improvements, Developer hereby agrees to meet with the UG at such intervals as Developer, the UG, and any such designee of the UG shall mutually agree or reasonably request, and not more frequently than monthly, to review and discuss the design, development and construction of the Improvements and the Project.

6.9 Completion Date. Developer hereby agrees that, subject only to Force Majeure, Developer shall Substantially Complete construction of the Improvements described in Section 2.2(a) on or before December 31, 2022.

ARTICLE 7 USE AND OPERATION

7.1 Term. The Term of this Agreement shall commence on the Effective Date and shall expire on that date which is ten (10) years after the Effective Date (the "Term").

7.2 Use and Operation. Developer covenants that at all times during the Term, it will, at its expense:

(a) Use the Project only for the Permitted Uses.

(b) Conduct its business at all times in a dignified quality manner and in conformity with the first-class industry standards and in such manner as to help establish and maintain a high reputation for the Project.

7.3 Development Plan. During the Term, Developer agrees that it shall perform and comply with each and all of the terms and provisions of the Development Plan and not suffer or permit any default or breach of any such terms or provisions of the Development Plan.

7.4 Maintenance and Use. During the Term, Developer shall cause the Project, and all parts thereof, the Project Site and all other of its property used or useful in the conduct of its business and operations on the Project Site, to be maintained, preserved and kept in good repair and working order and in a safe condition, consistent at all times with other first-class apartment space in the greater metropolitan Kansas City area, and will make all repairs, renewals, replacements and improvements necessary for the safe, efficient, and advantageous conduct of its business and operations on the Project Site. Developer may make additions, alterations and changes to the Project so long as such additions, alterations and changes are made in compliance with all Applicable Laws and Requirements and the Development Plan, and as long as the same do not materially adversely affect Developer's ability to perform its obligations under this Agreement. Developer agrees to set aside on its books such reserves for future maintenance and capital expenditures.

7.5 Compliance. Developer shall conduct its affairs and carry on its business and operations in such a manner as to comply with all Applicable Laws and Requirements, and to observe and conform to all valid orders, regulations or requirements (including, but not limited to, those relating to safety and health) of any Government Authorities applicable to the conduct of its business and operations and the ownership of the Project; provided, however, that nothing contained in this Agreement shall require Developer to comply with, observe and conform to any such law, order, regulation or requirement of any Government Authorities so long as the validity thereof shall be contested by Developer in good faith by appropriate proceedings, and provided that Developer shall have set aside on its books adequate reserves in accordance with GAAP or secured adequate bonding with respect to such contest and such contest shall not materially impair the ability of Developer to meet its obligations under this Agreement. Developer agrees to promptly pay any and all fees and expenses associated with any safety, health or other inspections required under this Agreement or imposed by Applicable Laws and Requirements, unless contested in good faith with the assurances provided in the preceding sentence.

7.6 Payment of Taxes and Other Charges. During the Term, Developer shall pay or cause to be paid as they become due and payable all taxes, assessments and other governmental charges lawfully levied, assessed or imposed upon Developer or the Project, or any part thereof, or upon any income therefrom, including, but not limited to, any taxes, assessments, PILOTs or other governmental charges levied, assessed or imposed on the Project, the Project Site, and/or the Improvements. Ad valorem property taxes shall be due in arrears, with half due on December 20th and half due on May 10th of each year in which said amount is required to be paid, and will be considered delinquent if not paid by such dates of each such year or as otherwise determined by Applicable Laws and Requirements. The obligation to make ad valorem property tax payments shall be a covenant running with the land and shall create a lien in favor of the UG on each such tax parcel as constituted from time to time and shall be enforceable against Developer and its successors and assigns in ownership of property on the Project Site. Notwithstanding the foregoing, Developer hereby covenants and agrees not to contest the assessed value of, or the taxes on, the Project, the Project Site, and/or the Improvements during the Term of this Agreement. Additionally, Developer hereby understands and agrees that if Developer shall fail to timely pay its ad valorem property taxes as set forth herein, then Developer's access to the IRB financing described in Article 4 hereof shall be suspended until such taxes are paid in full.

7.7 Payment of Obligations. During the Term, Developer shall promptly pay or otherwise satisfy and discharge all of its obligations and all demands and claims against it as and when the same become due and payable, unless the validity, amount or collectability thereof is being contested in good faith or unless the failure to comply or contest would not materially impair its ability to perform its obligations under this Agreement nor subject any material part of the Project to loss or forfeiture.

7.8 Liens and Encumbrances. During the Term, except for a Permitted Encumbrances and/or a Permitted Mortgage, Developer shall not create or incur or permit to be created or incurred, or to exist

any mortgage, lien, security interest, charge or encumbrance upon the Project, or any part thereof, and shall promptly cause to be discharged, challenged or terminated all mortgages, liens, security interests, charges and encumbrances that are not Permitted Encumbrances or a Permitted Mortgage. Notwithstanding the foregoing, any Permitted Mortgage shall be subject to the terms and conditions of this Agreement, including without limitation, Section 7.2 of this Agreement.

7.9 Licenses and Permits. During the Term, Developer shall procure and maintain all licenses and permits, and allow all inspections and/or investigations required by Applicable Laws and Requirements or otherwise necessary in the operation of its business and affairs in, on or about the Project;

7.10 Insurance. During the Term, Developer shall maintain or cause to be maintained insurance with respect to the Project and operations covering such risks that are of an insurable nature and of the character customarily insured against by organizations operating similar properties and engaged in similar operations (including but not limited to property and casualty, worker's compensation, general liability and employee dishonesty) and in such amounts as, in the reasonable judgment of the UG, are adequate to protect Developer, the UG and the Project, but in no event in an amount less than that required by the Insurance Specifications attached hereto as **Exhibit E**, and made a part hereof, or as otherwise required by the terms of the Transaction Documents. Each policy or other contract for such insurance shall (i) name the UG as an additional insured (with respect to liability insurance and only in an amount equal to Five Hundred Thousand Dollars (\$500,000)); and (ii) contain an agreement by the insurer that, notwithstanding any right of cancellation reserved to such insurer, such policy or contract shall continue in force for at least thirty (30) days after written notice of cancellation to Developer and each other insured, additional insured, loss payee and mortgage payee named therein. The rights of the UG to any insurance proceeds shall be subject and subordinate to the rights of any Permitted Mortgagee.

7.11 Damage, Destruction or Condemnation.

(a) In the event of damage to or destruction of any portion of the Improvements resulting from fire or other Casualty during the Term, or in the event any portion of the Improvements is condemned or taken for any public or quasi-public use or title thereto is found to be deficient during the Term, the net proceeds of any insurance relating to such damage or destruction, the net proceeds of such condemnation or taking, or the net proceeds of any realization on title insurance shall be paid into and used in accordance with a construction escrow agreement for restoration, repair and/or replacement of the Project which is satisfactory to the UG, Developer and any Permitted Mortgagee ("Casualty Escrow").

(b) If at any time during the Term title to the whole or substantially all of the Improvements shall be taken in condemnation proceedings or by right of eminent domain, Developer, at its sole discretion, may terminate this Agreement as of the date of such taking. For purposes of this Section 7.11(b), "substantially all of the Improvements" shall be deemed to have been taken if the UG and Developer, each acting reasonably and in good faith, determine that the untaken portion of the Project, including the Parking Improvements, cannot be practically and economically used by Developer for the purposes and at the times contemplated by this Agreement.

(c) In the event of condemnation of less than the whole or substantially all of the Improvements during the Term, Developer, at its sole cost and expense, shall commence and thereafter proceed as promptly as possible to repair, restore and replace the remaining part of the Project, as nearly as possible, to their former condition, and shall be entitled to draw upon the Casualty Escrow for payment of said costs.

7.12 Indemnity. Developer shall pay and indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless from and against all loss, liability, damage or expense arising out of (a) the acquisition of the Project Site; (b) the design, construction and completion of the Project by Developer; (c) the use or occupation of the Project by Developer or anyone acting by, through or under it; (d) damage or injury of whatsoever kind or character occurring after Closing, to Persons or property occurring or allegedly occurring in, on or about the Project; (e) any breach, default or failure to perform by Developer under this Agreement (following the expiration of any cure period); and (f) any act by an employee of the UG at the Project Site which are within or under the control of Developer or pursued for the benefit of or on behalf of Developer. Developer shall also pay and indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless of, from and against, all costs, reasonable counsel fees, expenses and liabilities incurred by them or by Developer in any action or proceeding brought by reason of any such claim, demand, expense, penalty or fine. If any action or proceeding is brought against the UG or its governing board members, directors, officers, employees or agents by reason of any such claim or demand, Developer, upon notice from the UG, covenants to resist and defend such action or proceeding on demand of the UG or its governing body members, directors, officers, employees or agents. Notwithstanding the foregoing, no party benefited by this indemnity shall be indemnified against liability for damage arising out of bodily injury to Persons or damage to property caused by the said party's own respective willful and malicious acts or omissions or gross negligence. The foregoing covenants contained in this Section 7.12 shall be deemed continuing covenants, representations and warranties for the benefit of the UG and any successors and assigns of the UG, and shall survive the termination, satisfaction or release of this Agreement, or any other instrument.

7.13 Prohibition on Sales, Etc. Except for Permitted Encumbrances and a Permitted Mortgage, and as otherwise provided herein, during the Term, Developer will not, without the prior written consent of the UG, (a) assign, sell, lease, mortgage or otherwise transfer the Project Site, the Improvements or equipment that comprise the Project or any part thereof or any interest therein; (b) merge with or into another corporation or sell or transfer to another corporation substantially all of its assets; or (c) assign this Agreement. Any such assignment, sale, lease, mortgage, merger or other transfer which is consented to by the UG shall be an "Approved Assignment" and the assignee, purchaser, lessee, mortgagee or transferee shall be an "Assignee." The UG shall have the right to grant or withhold its consent to any of the aforesaid in its reasonable discretion after inquiry and delivery of information to the UG as to whether the proposed Assignee has sufficient financial wherewithal and experience to successfully complete the Project according to the terms hereof. If there is an Approved Assignment, the Assignee shall assume and agree to pay and perform each and all of terms and provisions hereof. Notwithstanding the foregoing, the parties hereby agree that, subject always to the terms of this Agreement:

(a) Developer may, in the ordinary course of its business, but without the prior written approval of the UG, or notice to the UG, make leases of the residential units within the Project; and

(b) Developer may, without prior written approval of the UG, transfer all or a portion of the Project, and/or all or any portion of Developer's rights and/or obligations under this Agreement, to a transferee entity provided that the Controlling Person or Entity of such transferee entity is also the Controlling Person or Entity of Developer, and provided that such transferee entity: (i) assumes or guarantees all of Developer's obligations under this Agreement with respect to all portions of the Project or this Agreement so transferred to such transferee entity, and (ii) remains liable jointly and severally with Developer therefor (an "Affiliate Transfer"). Developer shall deliver to the UG notice of any Affiliate Transfer at least ten (10) days prior to such transfer. For purposes hereof, the term "Controlling Person or Entity" with respect to any entity means a Person or entity who, under Applicable Laws and Requirements, possesses all authority and power necessary to lawfully act on behalf of and bind such entity, over the objection

of all other holders of any other interest in such entity, to fulfill the obligations of Developer under this Agreement; and

(c) Developer may, upon written notice to the UG, terminate this Agreement and thereafter may freely sell, assign, transfer or mortgage. Upon any such termination, the UG may terminate the IRB financing.

7.14 Access. During the Term, Developer hereby recognizes, acknowledges and agrees that the UG, and its duly authorized representatives and agents, shall have the right to enter the Project at reasonable times and upon reasonable notice, to substantiate compliance with this Agreement or, to the extent Developer has failed to cure any breach within applicable notice and cure periods, to cure any defaults under this Agreement. In exercising its rights hereunder, the UG shall use reasonable efforts to avoid unreasonable interference with the operation of the Project. Except as otherwise provided in this Agreement, the UG shall pay all costs it incurs under this provision. Nothing contained in this Section 7.14 shall restrict or impede the right of the UG to enter the Project pursuant to any Applicable Laws and Requirements.

7.15 Environmental Matters. Developer hereby agrees that by Closing on the transactions contemplated by this Agreement, Developer shall assume responsibility for the costs of any remediation of any environmental conditions upon the Project Site. Further, Developer shall not store, locate, generate, produce, process, treat, transport, incorporate, discharge, emit, release, deposit or dispose of any Hazardous Substance in, upon, under, over or from the Project in violation of any Environmental Regulation; shall not permit any Hazardous Substance to be stored, located, generated, produced, processed, treated, transported, incorporated, discharged, emitted, released, deposited, disposed of or to escape therein, thereupon, thereunder, thereover or therefrom in violation of any Environmental Regulations; shall cause all Hazardous Substances to be properly removed therefrom and properly disposed of in accordance with all applicable Environmental Regulations; shall not install or permit to be installed any underground storage tank therein or thereunder in violation of any Environmental Regulation; and shall comply with all other Environmental Regulations which are applicable to the Project. Developer shall indemnify the UG against, shall hold the UG harmless from, and shall reimburse the UG for, any and all claims, demands, judgments, penalties, fines, liabilities, costs, damages and expenses, including court costs and attorneys' fees incurred by the UG (prior to trial, at trial and on appeal) in any action against or involving the UG, resulting from any breach of the foregoing covenants or from the discovery of any Hazardous Substance, in, upon, under or over, or emanating from, the Project, whether or not Developer is responsible therefor, it being the intent of Developer and the UG that the UG shall have no liability or responsibility for damage or injury to human health, the environment or natural resources caused by, for abatement and/or clean-up of, or otherwise with respect to, Hazardous Substances, which arises subsequent to Closing. The foregoing covenants contained in this Section 7.15 shall be deemed continuing covenants, representations and warranties for the benefit of the UG and any successors and assigns of the UG, and shall survive the termination, satisfaction or release of this Agreement, or any other instrument. Any amounts covered by the foregoing indemnification shall bear interest from the date incurred at the Prime Rate plus 2%, or, if less, the maximum rate permitted by law, and shall be payable on demand.

7.16 Power of the UG. Notwithstanding anything set forth herein to the contrary, no provision contained herein shall in any manner diminish or usurp the inherent rights and powers of the UG to act in its capacity as a public body. Further, nothing herein shall relieve Developer from complying with all Applicable Laws and Requirements.

ARTICLE 8 SPECIAL PROVISIONS

8.1 Special Agreements of Developer.

(a) Developer recognizes, stipulates and agrees that it will actively market and advertise the Project in the Kansas City metropolitan area and regionally.

(b) During the Term, Developer agrees to actively participate in the civic, charitable, educational, philanthropic and economic development of the Kansas City, Kansas/Wyandotte County community in activities of its choice.

8.2 LBE/MBE/WBE Employment Opportunity Goals. Developer agrees to comply with the goals set forth on **Exhibit F**, attached hereto and made a part hereof, in order to identify and provide employment opportunities for local businesses and contractors, women and local minority owned businesses. In the event Developer shall fail to meet the LBE/MBE/WBE goals set forth on **Exhibit F** for the Project, then the PILOTs shall be increased as set forth in **Exhibit D** hereof.

ARTICLE 9 DEFAULT AND REMEDIES

9.1 Default Provisions. Developer shall be in default under this Agreement if:

(a) Developer fails to make any of the payments of money required by the terms of this Agreement or any of the Transaction Documents, and Developer fails to cure or remedy the same within twenty (20) days after the UG has given Developer written notice specifying such default; or

(b) Developer fails to keep or perform any covenant or obligation herein contained on Developer's part to be kept or performed, and Developer fails to remedy the same within sixty (60) days after the UG has given Developer written notice specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot be corrected within such period, it shall not constitute an event of default if corrective action is instituted by Developer within such period and diligently pursued until the default is corrected; or

(c) Developer or any Affiliate shall file a voluntary petition under any bankruptcy law or an involuntary petition under any bankruptcy law is filed against any such party in a court having jurisdiction and said petition is not dismissed within sixty (60) days; or Developer or any Affiliate generally is not paying its debts as such debts become due; or Developer or any Affiliate makes an assignment for the benefit of its creditors; or a custodian, trustee or receiver is appointed or retained to take charge of and manage any substantial part of the assets of Developer or any Affiliate, and such appointment is not dismissed within sixty (60) days; or any execution or attachment shall issue against Developer whereupon the Project, or any part thereof, or any interest therein of Developer under this Agreement shall be taken and the same is not released prior to judicial sale thereunder (each of the events described in this subparagraph being deemed a default under the provisions of this Agreement); or

(d) Developer breaches the representations and warranties set forth in this Agreement and fails to cure or correct the same within thirty (30) days of written notice from the UG.

In the event of such default, the UG may take such actions, or pursue such remedies, as exist hereunder, or at law or in equity, and Developer covenants to pay and to indemnify the UG against all reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of the UG in connection with the enforcement of such actions or remedies.

9.2 Rights and Remedies. Upon the occurrence and continuance of a Developer default, the UG shall have the following rights and remedies, in addition to any other rights and remedies provided under this Agreement or by law:

(a) Whenever any default by Developer shall have occurred and be continuing, subject to applicable cure periods as set forth above, the UG may (i) terminate the IRB financing set forth in Section 4.1, and/or (ii) terminate this Agreement, and/or (iii) exercise any remedies provided to the UG under the Transaction Documents. The rights and remedies reserved by the UG hereunder and those provided by law shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions.

(b) The UG may pursue any available remedy at law or in equity by suit, action, mandamus or other proceeding to enforce and compel the specific performance of the duties and obligations of the Developer as set forth in this Agreement, to enforce or preserve any other rights or interests of the UG under this Agreement or otherwise existing at law or in equity and to recover any damages incurred by the UG resulting from such Developer default. Without limiting the foregoing, the Developer shall not be compelled by specific performance to construct the Project, the Improvements.

(c) In the event of such default by Developer, the UG may take such actions, or pursue such remedies, as exist hereunder or at law or in equity and Developer covenants to pay and to indemnify the UG against all reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of the UG in connection with the enforcement of such actions or remedies.

(d) The rights and remedies reserved by the UG hereunder and those provided by law shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions. If a default by Developer occurs under this Agreement and is continuing, the UG may take whatever action at law or in equity as may appear necessary or desirable to enforce performance and observance by Developer of any provision of this Agreement. The UG shall be entitled to specific performance and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceeding in equity. Failure by the UG to enforce any such rights shall not be deemed a waiver thereof.

9.3 Default by the UG. The UG shall be in default under this Agreement if the UG fails to keep or perform any covenant or obligation herein contained on the UG's part to be kept or performed, and the UG fails to remedy the same within thirty (30) days after Developer has given the UG written notice specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot be corrected within such period, it shall not constitute an event of default if corrective action is instituted by the UG within such period and diligently pursued until the default is corrected. If a default by the UG occurs under this Agreement and is continuing, Developer may take whatever action at law or in equity as may appear necessary or desirable to enforce performance and observance by the UG of any provision of this Agreement, however, the UG's liability for monetary

amounts shall be limited to the actual amount, if any, in question, and under no circumstances shall the UG be liable for any remote or consequential damages. Developer shall be entitled to specific performance and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceedings in equity. Under no circumstances shall the UG be liable for remote or consequential damages.

ARTICLE 10 MISCELLANEOUS

10.1 Waiver of Breach. No waiver of any breach of any covenant or agreement herein contained shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement, and in case of a breach by either party of any covenant, agreement or undertaking, the non-defaulting party may nevertheless accept from the other any payment or payments or performance hereunder without in any way waiving its right to exercise any of its rights and remedies provided for herein or otherwise with respect to any such default or defaults which were in existence at the time such payment or payments or performance were accepted by it.

10.2 Force Majeure. In the event either party hereto shall be delayed or hindered in or prevented from the performance of any act required under this Agreement by reason of acts of God, strikes, lockouts, unavailability of sufficient trade laborers, materials, or financing due to global pandemic, such as COVID-19, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate Government Authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of the UG to timely approve the Plans and Specifications, the Construction Documents, war terrorism or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement ("Force Majeure"), then performance of such act shall be excused for the period of the delay, and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay. The provisions of this Section 10.2 shall not be applicable to delays resulting from the inability of a party to obtain financing or to proceed with its obligations under this Agreement because of a lack of funds.

10.3 Covenants of Parties.

(a) Representations and Warranties of Developer. Developer represents and warrants to the UG as follows:

(i) Organization. Developer is a limited liability company duly formed and validly existing under the laws of the State of Delaware. Developer is duly authorized to conduct business in each other jurisdiction in which the nature of its properties or its activities requires such authorization. Developer shall (1) preserve and keep in full force and effect its corporate or other separate legal existence, and (2) remain qualified to do business and conduct its affairs in the State and each jurisdiction where ownership of its property or the conduct of its business or affairs requires such qualification.

(ii) Authority. The execution, delivery and performance by Developer of this Agreement are within Developer's powers and have been duly authorized by all necessary action of Developer.

(iii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor

compliance with the terms and provisions hereof or thereof, will contravene the organizational documents of Developer or any provision of law, statute, rule or regulation to which Developer is subject, or to any judgment, decree, license, order or permit applicable to Developer, or will conflict or be inconsistent with, or will result in any breach of any of the terms of the covenants, conditions or provisions of any indenture, mortgage, deed of trust, agreement or other instrument to which Developer is a party, by which Developer is bound, or to which Developer is subject.

(iv) No Consents. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the due execution and delivery by Developer of this Agreement. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the performance by Developer of this Agreement or the consummation of the transactions contemplated hereby except for zoning, building and other customary permits to be obtained from the UG or other Government Authorities.

(v) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of Developer, enforceable against Developer in accordance with the terms hereof.

(b) Representations and Warranties of the UG. The UG represents and warrants to the Developer as follows:

(i) Authority. The execution, delivery and performance by the UG of this Agreement are within its powers and have been duly authorized by all necessary action.

(ii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the ordinances, rules, regulations of the UG or the laws of the State nor result in a breach, conflict with or be inconsistent with any terms, covenants, conditions or provisions of any indenture, agreement or other instrument by which the UG is bound or to which the UG is subject.

(iii) No Consents. Other than the Board of Commissioners' approval of this Agreement on or before the Effective Date, no consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the due execution and delivery by the UG of this Agreement. Except as set forth in Section 3.1(c) hereof, no consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the performance by the UG of this Agreement or the consummation of the transactions contemplated hereby.

(iv) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of the UG enforceable against the UG in accordance with its terms.

10.4 Amendments. This Agreement may be amended, changed or modified only by a written agreement duly executed by the UG and Developer.

10.5 Construction and Enforcement. This Agreement shall be construed and enforced in accordance with the laws of the State.

10.6 Invalidity of Any Provisions. If for any reason any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.

10.7 Headings. The Article and Section headings shall not be treated as a part of this Agreement or as affecting the true meaning of the provisions hereof.

10.8 Execution of Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

10.9 Time. Time is of the essence in this Agreement.

10.10 Consents and Approvals. Wherever in this Agreement it is provided that the UG or Developer shall, may or must give its approval or consent, the UG or Developer shall not, unless specifically herein provided otherwise, unreasonably withhold, condition, delay or refuse to give such approvals or consents. It is agreed, however, that the sole right and remedy for Developer or the UG in any action concerning the other's reasonableness will be action for declaratory judgment and/or specific performance, and in no event shall either such party be entitled to claim damages of any type or nature in any such action.

10.11 Notices. All notices required or desired to be given hereunder shall be in writing and all such notices and other written documents required or desired to be given hereunder shall be deemed duly served and delivered for all purposes if (i) delivered by nationally recognized overnight delivery service; (ii) delivered by electronic mail (with follow up within one (1) business day by United States Mail or by nationally recognized overnight delivery service); or (iii) delivered in person, in each case if addressed to the parties set forth below:

To the UG as follows:

The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 323
Kansas City, Kansas 66101
Telephone: 913-573-5260
Email: bcobbins@wycokck.org

with a copy to:

Chief Counsel
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 961
Kansas City, Kansas 66101
Telephone: 913-573-5060
Email: kjmoore@wycokck.org

And a copy to:

Douglas G. Bach
County Administrator
Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, 9th Floor

Kansas City, Kansas 66101
Telephone: 913-573-5030
Email: dbach@wycokck.org

And a copy to:

Todd A. LaSala, Esq.
Stinson LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
Telephone: 816-842-8600
Email: todd.lasala@stinson.com

To Developer as follows:

Donald S. Smith, Manager
SPKS Mission Hills, LLC
c/o Saxon Partners, LLC
25 Recreation Park Drive, Suite 204
Hingham, Massachusetts 02043
Office: 781-875-3304
Cell: 617-750-9399
E-mail: dsmith@saxon-partners.com

with a copy to:

Stephen Allison, Project Director
SPKS Mission Hills, LLC
c/o Saxon Partners, LLC
25 Recreation Park Drive, Suite 204
Hingham, Massachusetts 02043
Cell: 617-877-6342
E-mail: steve@perryholdings.com

with a copy to:

David L. Arons, Esq.,
Saxon Partners, LLC
25 Recreation Park Drive, Suite 204
Hingham, Massachusetts 02043
Office: 781-875-3317
Cell: 617-943-0925
E-mail: darons@saxon-partners.com

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, followed up by regular United States mail or nationally recognized overnight delivery service in accordance with the above procedures, shall be deemed duly given one business day after they are so delivered. All notices given in person shall be deemed duly given when delivered.

10.12 Entire Agreement. Together with the Exhibits hereto, this Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes and replaces all prior oral or written agreements concerning the subject matter hereof.

10.13 Run with the Land. This Agreement shall be binding on and inure to the benefit of the parties hereto and their respective heirs, successors and assigns and shall run with the land. However, Developer shall remain liable in the event of a violation of any of the terms or restrictions set forth in Sections 7.8 and 7.13 hereof. At Closing, the parties shall record a memorandum describing this Agreement in the land records of Wyandotte County, Kansas.

10.14 Electronic Storage. The parties agree that the transactions described herein may be conducted and related documents may be received, sent or stored by electronic means. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

[Remainder of page intentionally left blank. Signature pages follow.]

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

DEVELOPER:

SPKS MISSION HILLS, LLC

By: _____

Name: _____

Title: _____

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2020 by _____, as _____ of SPKS Mission Hills, LLC, a _____ limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires:

INDEX OF EXHIBITS

Exhibit A-1	The Owned Property - Legal Description
Exhibit A-2	The Option Property - Legal Description
Exhibit A-3	The Project Site – Map
Exhibit B	Project Site Plan
Exhibit C	Total Project Budget
Exhibit D	PILOT Schedule
Exhibit E	Insurance Specifications
Exhibit F	LBE/MBE/WBE Goals and Requirements (Construction of Improvements)

EXHIBIT A-1

The Owned Property - Legal Description

TRACT 1:

A TRACT OF LAND IN THE NORTHEAST AND NORTHWEST QUARTERS OF SECTION 34 TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN, ALSO KNOWN AS BEING PARTS OF LOTS 30, 31, 32, 33, 34, 39, 50 AND 51 AND ALL OF LOTS 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 53, 54, 55, 56, AND 57 ON RAINBOW PARK A RECORDED SUBDIVISION, AND ALSO PARTS OF LOTS 2, 3, AND 4, BLOCK 1, ROSEDALE LAND CO'S SECOND ADDITION TO THE TOWN OF ROSEDALE A RECORDED SUBDIVISION, BOTH RECORDED IN THE REGISTER OF DEEDS OFFICE, WYANDOTTE COUNTY, KANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: FOR COURSE ORIENTATION, THE BEARINGS IN THIS DESCRIPTION ARE ORIENTED TO GRID NORTH, KANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATION.

BEGINNING AT THE SOUTHWEST CORNER OF COMMON TRACT 1 ON MISSION CLIFFS 2ND ADDITION A RECORDED PLAT IN THE REGISTER OF DEEDS OFFICE OF WYANDOTTE COUNTY, KANSAS; THENCE NORTH 87° 52' 43" EAST 441.37 FEET, ON THE SOUTH LINE OF SAID COMMON TRACT 1, AND LOTS 15 AND 16 ON SAID MISSION CLIFFS 2ND ADDITION TO A POINT BEING THE SOUTHEAST CORNER OF SAID LOT 16; THENCE SOUTH 02° 07' 17" EAST 166.00 FEET ON THE WEST LINE OF LOTS 19, AND 20 ON SAID MISSION CLIFFS 2ND ADDITION TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 39TH W AVENUE; THENCE NORTH 87° 52' 43" EAST 112.00 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF 39TH W AVENUE TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF THOMPSON STREET; THENCE SOUTH 02° 07' 17" EAST 215.00 FEET ON THE WEST RIGHT-OF-WAY LINE OF THOMPSON STREET; THENCE SOUTH 87° 52' 43" WEST 5.00 FEET; THENCE SOUTH 02° 07' 17" EAST 10.00 FEET; THENCE SOUTH 87° 52' 43" WEST 390.18 FEET; THENCE SOUTH 01° 24' 26" EAST 300.24 FEET; THENCE SOUTH 88° 35' 33" WEST 135.59 FEET; THENCE NORTH 55° 07' 34" WEST 170.59 FEET; THENCE NORTH 23° 56' 34" WEST 334.23 FEET; THENCE NORTH 54° 14' 32" WEST 243.72 FEET; THENCE NORTH 01° 24' 26" WEST 141.60 FEET TO THE POINT OF BEGINNING.

TRACT 2:

COMMON TRACT 1 ON MISSION CLIFFS 2ND ADDITION A RECORDED PLAT IN THE REGISTER OF DEEDS OFFICE OF WYANDOTTE COUNTY, KANSAS AS DOCUMENT 2006R-9717 AND BOOK 42, PAGE 20, IN THE NORTHEAST AND NORTHWEST QUARTERS OF SECTION 34, AND THE SOUTHEAST QUARTER OF SECTION 27 ALL IN TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: FOR COURSE ORIENTATION, THE BEARINGS IN THIS DESCRIPTION ARE ORIENTED TO GRID NORTH, KANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATION.

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34, SAID CORNER BEING MONUMENTED BY A ONE-HALF INCH REINFORCING BAR FOUND; THENCE SOUTH 87° 55' 05" WEST 2008.79 FEET, ON THE NORTH LINE OF SAID SECTION 34, TO ITS INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF MINNIE STREET, AS NOW ESTABLISHED, TO THE POINT OF BEGINNING OF COMMON TRACT 1 HEREIN DESCRIBED; THENCE SOUTH 01° 40' 59" EAST 143.28 FEET ON THE WESTERN MOST LINE OF SAID MISSION CLIFFS 2ND ADDITION PLAT; THENCE SOUTH 87° 52' 43" WEST 101.81 FEET; THENCE NORTH 02° 09' 54" WEST 14.29 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 250.00 FEET; THENCE NORTHWESTERLY ON SAID CURVE AN ARC LENGTH OF 172.62 FEET, SAID CURVE HAVING A

CHORD BEARING OF NORTH 21° 56' 45" WEST AND A CHORD DISTANCE OF 169.21 FEET; THENCE NORTH 41° 43' 36" WEST 112.14 FEET; THENCE NORTH 31° 15' 07" WEST 79.40 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 170.00 FEET; THENCE NORTHWESTERLY, WESTERLY, AND SOUTHWESTERLY ON SAID CURVE AN ARC LENGTH OF 362.41 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 87° 40' 31" WEST AND A CHORD DISTANCE OF 297.58 FEET; THENCE SOUTH 26° 36' 08" WEST 18.91 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 400.00 FEET; THENCE SOUTHWESTERLY ON SAID CURVE AN ARC LENGTH OF 200.41 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 12° 14' 58" WEST AND A CHORD DISTANCE OF 198.32 FEET; THENCE SOUTH 02° 06' 13" EAST 234.47 FEET; THENCE SOUTH 87° 52' 43" WEST 209.86 FEET; THENCE NORTH 01° 24' 26" WEST 258.39 FEET ON THE WEST LINE OF SAID MISSION CLIFFS 2ND ADDITION PLAT; THENCE NORTH 87° 47' 06" EAST 200.00 FEET ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27 TO THE SOUTH QUARTER CORNER OF SAID SECTION 27; THENCE NORTH 02° 04' 55" WEST 172.86 FEET ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27; THENCE NORTH 39° 00' 25" EAST 286.00 FEET; THENCE SOUTH 50° 59' 35" EAST 220.74 FEET; THENCE SOUTH 29° 34' 55" EAST 109.21 FEET; THENCE NORTH 60° 25' 05" EAST 20.00 FEET; THENCE SOUTH 29° 34' 55" EAST 21.31 FEET; THENCE NORTH 87° 55' 05" EAST 117.05 FEET; THENCE SOUTH 29° 34' 55" EAST 154.23 FEET; THENCE NORTH 87° 55' 05" EAST 12.44 FEET ON THE NORTH LINE OF SAID SECTION 34 TO THE POINT OF BEGINNING.

EXHIBIT A-2

The Option Property – Legal Description

SEC-34 TWP-11 RNG-25, S34, T11, R25, ACRES 4.180000, 54, 55

N1/2, SW1/4, NW1/4, NE1/4; 5.00 AC LESS .358AC CONTG 4.642AC

LESS PART CONDEMNED

(Property ID No. 105-068-34-0-10-06-025.00-0)

EXHIBIT A-3

The Project Site – Map

EXHIBIT B
Project Site Plan



EXHIBIT C

Total Project Budget

Land Costs		Budget
Land Costs		\$ 800,000
NOTE		
Professional Fees		Budget
Architect Costs - Preliminary Design		\$ 63,000
Architect Costs - CD's		\$ 202,500
Structural Engineer - Preliminary Design		\$ 22,200
Structural Engineer - CD's		\$ 44,500
MEP - Preliminary Design		\$ 8,800
MEP - CD's		\$ 26,400
Civil Engineering Costs - Preliminary Development Plan		\$ 25,000
Surveying (ALTA TOPO PLAT)		\$ 20,000
Civil Engineering - CD's Final Development Plan		\$ 150,000
Geotech		\$ 25,000
NAHB Verification/Expense Fee		\$ 43,440
Landscape Design		\$ 20,000
Traffic Study		\$ 5,000
Total Bidding & Negotiating		\$ 35,000
Total Construction Administration		\$ 124,000
Water Feature Design		\$ -
Special Inspections		\$ 75,000
Phase I Study		\$ 2,000
Reimbursable Expenses		\$ 20,000
Interior Design - Lowery		\$ 42,000
Allocated Contingency		\$ -
Professional Fees		\$ 953,840
FF&E		Budget
TV / Computers / Keytrack / Copy		\$ 35,000
Kitchen		\$ -
Office Supply Inventory		\$ -
Fitness Room Equipment		\$ 60,000
Telephone System and IT		\$ -
Artwork in Buildings		\$ 10,000
Model Units Décor Studio		\$ 25,000
Model Units Décor 1-Bedroom		\$ 35,000
Club House Décor		\$ 225,000

Marketing and Jobsite Trailer	\$ 50,000
Total FF&E Costs	\$ 440,000
Start Up Costs	Budget
Application / Platting Fees	\$ 10,000
Land Disturbance	\$ 1,500
Excise Tax / Impact Fee	\$ -
Permit Costs	\$ 90,000
Sewer Improvement Fees	\$ -
Sewer Tap Fee	\$ -
Water Tap and Improvement Fee	\$ 40,000
BPU Water Main Extension	\$ 35,000
BPU Electric Costs	\$ 125,000
Bond Issuance Cost Fees	\$ 80,000
Google Fiber Installation	\$ -
Allocated Contingency	\$ -
Total Start Up Costs	\$ 381,500
Construction Costs	Budget
General Conditions	\$ -
Sitework	\$ -
Concrete	\$ -
Masonry	\$ -
Metals	\$ -
Light Gage structure	\$ -
Millwork	\$ -
Moisture/Thermal Protection	\$ -
Doors & Windows	\$ -
Drywall and Framing	\$ -
Finishes	\$ -
Specialties	\$ -
Cabinets, Countertops, and Appliances	\$ -
Furnishings	\$ -
Special Construction	\$ -
Conveying Systems	\$ -
Mechanical	\$ -
Electrical	\$ -
Clubhouse & Pool	\$ -
Builder's Insurance	\$ -
Builder's Overhead and Profit	\$ -
Sales Tax Deduct	\$ -
Estimated Total Construction Contract	\$ 21,247,000
FINAL CONSTRUCTION CONTRACT	

Allocated Contingency		
Construction Costs		\$ 21,247,000
Contingency / Development Fees / Interest Costs		Budget
Interest Carry		\$ 495,000
Operating Deficit		\$ 286,000
Loan Closing Costs		\$ -
3rd Party Reports		\$ 24,450
Title Insurance Costs		\$ 31,045
Construction Inspection Fee		\$ 18,450
Legal Closing Costs		\$ 16,907
Recording Fees		\$ 6,132
Loan Fees & Costs		\$ 110,000
Construction Negotiation Costs		\$ 3,000
Legal Services (Construction Contract, Development Agreements, etc.)		\$ 75,000
Easement Purchase/Seller Engineering Costs		\$ -
Contingency		\$ 637,410
Total Contingency / Development Fees / Interest Costs		\$ 1,703,394
Total Development Costs	\$ 25,523,734	
	Development Fee	\$ 765,772
Total Development Costs	\$ 26,291,506	

EXHIBIT D

PILOT Schedule

Value/Unit	# Units	Projected Value	2020 Mill Rate	PILOT	Per Door Taxes
\$162,293.25	162	\$13,673,400	181.771	\$297,000	\$1,833.33

With L/M/W			Without L/M/W	
Year	Per Unit	Annual PILOT Payment	Per Unit	Annual PILOT Payment
1	\$900	\$297,000	\$945.00	\$311,850.00
2	\$918	\$302,940	\$963.90	\$318,087.00
3	\$936	\$308,999	\$982.80	\$324,448.95
4	\$955	\$315,179	\$1,002.75	\$330,937.95
5	\$974	\$321,482	\$1,022.70	\$337,556.10
6	\$994	\$327,912	\$1,043.70	\$344,307.60
7	\$1,014	\$334,470	\$1,064.70	\$351,193.50
8	\$1,034	\$341,160	\$1,085.70	\$358,218.00
9	\$1,054	\$347,983	\$1,106.70	\$365,382.15
10	\$1,076	\$354,942	\$1,129.80	\$372,689.10
Total:		\$3,252,067	\$3,414,670.35	

EXHIBIT E

Insurance Specifications

1. Worker's Compensation. Developer may self-insure, to the extent allowed by applicable law. The self-insured retention shall be that which is standard in the industry. Developer will then purchase excess Worker's Compensation Insurance with statutory limits over the self-insured retention. If self-insurance is not available under applicable state law, coverage will be purchased in accordance with the statutory requirements.
2. Comprehensive General Liability. Developer will purchase and maintain with primary limits of \$3,000,000.
3. Automobile Liability. Developer will purchase and maintain with primary limits of \$1,000,000.
4. Excess Liability. Developer will purchase and maintain excess liability insurance in an amount not less than \$5,000,000.
5. Special Perils Form Property Insurance. Developer will purchase on a replacement cost basis. Deductibles and limits will be standard to those in the industry, and the policy shall include an "Agreed Amount" endorsement. Earthquake and flood insurance (if required and if available at a reasonable cost), along with fired vessel, boiler and machinery, and underground collapse may be required by the UG as additional perils.

EXHIBIT F

LBE/MBE/WBE PARTICIPATION AGREEMENT **THE MAREK AT MISSION CLIFFS APARTMENTS** **(CONSTRUCTION OF IMPROVEMENTS)**

THIS LBE/MBE/WBE PARTICIPATION AGREEMENT (the "Agreement"), by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and SPKS Mission Hills, LLC (the "Developer"), sets forth procedures and goals for the utilization of local business, minority and women enterprises in connection with the development of a 330 unit, multifamily residential project in Kansas City, Kansas (the "Project"), as defined below.

I. SCOPE

A. These procedures are applicable to the construction of the Project, as further described in that certain Development Agreement between the UG and Developer, dated [REDACTED], 2020 (the "Development Agreement"), whether performed by or on behalf of Developer, including, but not limited to, all aspects of Construction of the Project and related facilities including labor, materials and supplies, and construction related services whether undertaken by or on behalf of Developer, but not including Specialized Services.

II. DEFINITIONS

A. "**Construction**" means all aspects of the construction including labor, materials and supplies, and construction related services, whether performed or contracted for by or on behalf of Developer.

B. "**Contractor**" means the Proposer selected by the Developer for the Project.

C. "**Local Business Enterprise**" (or "**LBE**") means a business headquartered or which maintains a Substantial Local Office that performs the significant functions of the business in Wyandotte County or a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and whose day-to-day management is under the control of an individual residing in Wyandotte County. There is no formal certification process for LBE designation and it is determined and assigned based upon the criteria referenced in this definition and payment of all applicable Wyandotte County taxes and/or licensing fees.

D. "**Minority Business Enterprise**" (or "**MBE**") means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of a person who is a member of an American ethnic minority group including African-American, Asian-Indian, Asian-Pacific, Hispanic and Native American.

E. "**Project**" means the Construction of a new apartment complex and as legally described in Exhibit 1 to this Agreement.

F. "**Proposer**" means a construction firm that submits a proposal in response to a solicitation for proposals issued by Developer with respect to the Construction of the Project or with respect to the annual operations of the Project.

G. "**Specialized Services**" means expertise, services, or products that are only available through sole source providers or national vendors, or are unique to the business of the Project.

H. "Substantial Local Office" means an office operated and financially supported by a firm that has sufficient space, staff and equipment to carry on the local business of the firm and that is engaged in significant, on-going local involvement with the business community in Wyandotte County, KS. The term "Substantial Local Office" shall specifically exclude any office that has been established for the sole purpose of participating in a specific Project.

I. "Women Business Enterprise" (or "WBE") means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of one or more women who are U.S. citizens or legal resident aliens.

III. GOALS FOR LBE/MBE/WBE PARTICIPATION.

Developer and its Contractor will meet the LBE/MBE/WBE participation percentage goals listed in the below chart based upon the total cost of the Project. In no event shall Developer be required to incur higher costs as a result of its commitment to attempt to meet such goals. These goals are based upon a disparity study performed for the Kansas City metropolitan area for LBE, MBE, and WBE participation. These goals are not quotas or set asides.

Business Category	Participation Percentage Goal – Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

It is the intent of the UG to give preference to the utilization of LBEs so long as all other factors relating to the award of an individual contract are equal. If the factors relating to an award of an individual contract are equal, the Developer shall give preference to the utilization of LBEs over the utilization of MBEs and WBEs.

IV. ELIGIBILITY FOR CREDIT

A. Only LBE businesses that are qualified and/or MBE or WBE businesses that are certified or undergoing certification by the Kansas Department of Commerce, the City of Kansas City, Missouri, the State of Missouri, the Missouri Department of Transportation, the MidAmerica Minority Business Development Council, and/or the Women's Business Enterprise National Council or any other applicable or appropriate public or private entity or other entity mutually acceptable to the UG and the Developer (each, an "approved" business) may be counted towards the participation goals in Section III above.

B. In the event that a contract has been awarded on the Project to an approved LBE, MBE, or WBE business, and such LBE, MBE or WBE business later becomes unapproved prior to the completion and acceptance of all the work to be provided under such contract, then Developer shall receive credit towards the goal for only that portion of work performed or services provided up to the point such business becomes unapproved.

V. CONSTRUCTION UTILIZATION

A. The goals set forth in Section III may be met by the expenditure of dollars with approved LBE, MBE and/or WBE businesses, contractors, labor suppliers, regular dealers, manufacturers, material suppliers, subcontractors, software vendors, consultants, other Construction-related products, suppliers, and/or services, or through joint ventures with approved LBEs, MBEs or WBEs. The participation of certified LBE, MBE and/or WBE Proposers may count toward a goal for which they qualify.

B. A joint venture involving an approved LBE, MBE, and/or WBE as a partner may be counted towards the applicable goal only to the extent of the dollar amount for which the approved LBE, MBE, and/or WBE is responsible; provided that if the LBE, MBE, and/or WBE is the majority partner in such joint venture, then the entire joint venture contract amount shall be counted, less any work subcontracted to the non LBE, MBE, and/or WBE joint venture partner. To receive credit, the approved LBE, MBE, and/or WBE must be responsible for a clearly defined portion of the work, profits, risks, assets, and liabilities of the joint venture.

C. Participation by a certified MBE owned by a minority woman may be counted as MBE participation or as WBE participation; however, this participation cannot be counted both for MBE and WBE participation. However, a certified MBE or WBE that also qualifies as an LBE may also be counted towards the LBE goal. For additional clarification purposes, a qualified LBE, which also certified as an MBE or WBE, shall be counted toward both the LBE and the MBE or WBE goals in the Developer's sole discretion.

D. The LBE, MBE, or WBE must be responsible for the execution of a distinct element of the work by actually performing, managing, or supervising its function in the work identified in the agreement with such LBE, MBE or WBE. Brokering is not credited.

VI. CONTRACT AWARD COMPLIANCE PROCEDURES

A. Solicitation Documents. The solicitation documents, for each contract for which goals are established, shall contain a description of the requirements set forth in this Agreement and the LBE, MBE, and WBE goals. Upon request by the UG, Developer shall submit the solicitation documents and the bid list to the UG.

B. Subcontractor Relations - Documentation of Subcontracting Agreements. All subcontracting services for LBE, MBE and/or WBE businesses shall be evidenced by an agreement which shall include the scope of work to be performed and the amount to be paid for performance of the work. Unit price subcontracts are acceptable if appropriate to the type of work being performed.

VII. UG'S ASSISTANCE TO PROJECT

The UG shall use its best efforts to provide assistance to Developer and its agents so that Developer may fulfill its participation goals as set forth in this Agreement. The Developer assumes all responsibility for its efforts in meeting the goals and complying with the procedures and processes set forth herein. Examples of such assistance by the UG include but are not limited to:

A. providing information and technical assistance regarding this Project to the Developer and its agents including the Contractor and any other contractors, subcontractors, LBEs, MBEs, WBEs, officials and other interested persons;

B. developing and maintaining a registry of approved LBE, MBE and WBE businesses;

C. assisting with identifying potential LBEs, MBEs, and WBEs and reviewing their qualifications to participate in the Project;

D. updating the Developer and its agents on current or proposed affirmative action legislation enacted by the UG that may affect the Project;

- E.** frequently reviewing Developer and the Contractor and any other contractor or subcontractor performance and LBE, MBE, and/or WBE participation on the Project;
- F.** providing advice relative to utilization and compliance matters;
- G.** conducting compliance reviews and audits of LBE, MBE, and WBE and participation;
- H.** assisting the Developer and its agents in addressing issues related to the goals and procedures set forth in this Agreement;
- I.** reviewing complaints from LBEs, MBEs, WBEs, and any other interested persons regarding these goals and procedures with Developer and its agents; and
- J.** assisting in the Developer's development of forms to document compliance with these procedures.

VIII. DEVELOPER COMPLIANCE; RECORDS AND REPORTS.

A. Records. Developer shall maintain those records as may reasonably be required to demonstrate compliance with the goals and procedures set forth in this Agreement. These records shall be made available to the UG at Developer's offices during business hours and upon reasonable advance notice.

B. Construction Utilization Plan Reports. Developer shall provide the UG with information sufficient to document the participation under this Agreement, which may include periodically providing the Construction Utilization Plan as set forth on Exhibit 2. Such information may include for each LBE, MBE, or WBE whose participation is utilized by Developer to be applied to the goals set forth herein: business name and address of each LBE, MBE, and/or WBE; and a brief description of the work to be performed by each such LBE, MBE and/or WBE.

C. Remedies. If, after review of the Developer's construction and related reports by the Unified Government Contract Compliance Department, the UG determines that the participation goals contained in this Agreement have not been met, then the UG shall have such remedies as set forth in Section 8.2 of the Development Agreement. The UG shall also have the right to renegotiate LBE, MBE, and WBE goals for future construction projects.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

SPKS MISSION HILLS, LLC

By: _____
Douglas G. Bach
County Administrator
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT 1
Legal Description -- Link

EXHIBIT 2
Construction Utilization Plan

ANNEX 1
DEFINITIONS

"Affiliate" means any person, entity, or group of persons or entities which controls Developer, which Developer controls, or which is under common control with Developer. As used herein, the term "control" shall mean the possession, directly or indirectly, of the power to direct or cause the direction of management and policies, whether through the ownership of voting securities, by contract or otherwise.

"Agreement" means this Development Agreement for The Marek at Mission Cliffs by and between the UG and Developer.

"Applicable Laws and Requirements" shall mean any applicable constitution, treaty, statute, rule, regulation, ordinance, order, directive, code, interpretation, judgment, decree, injunction, writ, determination, award, permit, license, authorization, directive, requirement or decision of or agreement with or by Government Authorities, and all requirements of any insurers. Applicable Laws and Requirements shall include, without limitation, the Development Plan, the Kansas Cash Basis Law (K.S.A. 10-1100 *et seq.*) and Budget Law (K.S.A. 79-2925 *et seq.*).

"Approved Assignment" means any assignment, sale, lease, mortgage, merger or other transfer which is consented to by the UG pursuant to Section 7.13.

"Assignee" means the assignee, purchaser, lessee, mortgagee, or transferee of an Approved Assignment pursuant to Section 7.13.

"Casualty" means any fire, storm, earthquake, tornado, flood or natural disaster or other sudden, unexpected or unusual cause of damage or destruction.

"Casualty Escrow" means the net proceeds of any insurance relating to damage or destruction of any portion of the Improvements, the net proceeds of condemnation or taking of any portion of the Improvements, or the net proceeds of any realization on title insurance paid into, and used in accordance with, a construction escrow agreement for restoration, repair and/or replacement of the Project which is satisfactory to the UG, Developer, and Permitted Mortgagee, as described in Section 7.11(a).

"Closing" means the date on which Developer shall close on the acquisition of the Project Site.

"Completion Date" means the applicable date identified for completion of construction of the Improvements, as described in Section 6.9.

"Construction Documents" means the Developer's construction documents relative to the Improvements, as described in Section 6.3.

"Developer" means SPKS Mission Hills, LLC, a Delaware limited liability company.

"Development Plan" means the plan for the Improvements agreed to by Developer and the UG, as described in Section 2.2.

"Effective Date" means the date of this Agreement first above written.

"Environmental Regulation" means any and all present and future laws, statutes, ordinances, rules, regulations and orders of any Government Authorities having jurisdiction over the parties hereto or any portion of the Project Site and pertaining to the protection of human health, hazardous substances,

pollution, or the environment, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, and as the same may be further amended from time to time (hereinafter collectively called "CERCLA").

"Force Majeure" is defined in Section 10.2.

"GAAP" means generally accepted accounting principles.

"General Contractor" means the general contractor(s) selected by Developer for the Improvements, as described in Section 6.3.

"Government Authorities" shall mean any and all jurisdictions, entities, courts, boards, agencies, commissions, offices, divisions, subdivisions, departments, bodies or authorities of any nature whatsoever of any governmental unit (federal, state, county, district, municipality, city or otherwise), whether now or hereafter in existence.

"Hazardous Substance" means any substance that is defined or listed as a hazardous or toxic substance and which is regulated as such or may form the basis of liability under any present or future Environmental Regulations, or that is otherwise prohibited or subject to investigation or remediation under any present or future Environmental Regulations because of its hazardous, toxic, or dangerous properties, including, without limitation, (i) any substance that is a "hazardous substance" under CERCLA, and (ii) petroleum, natural gas, natural gas liquids, liquefied natural gas, and synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas), only to the extent that the constituents of such synthetic gas are released or threatened to be released into the environment.

"Improvements" means those certain improvements to be developed, constructed, completed, and operated on the Project Site, as described in Section 2.2.

"Insurance Specifications" means the insurance requirements on Developer in connection with the Project, as generally described in Section 7.10 and more fully set forth in **Exhibit E**.

"IRB" means industrial revenue bond financing pursuant to K.S.A. 12-1741 *et seq.*

"KU Med" means the University of Kansas Medical Center.

"Material Changes" means any substantial change to any agreement, plan or other document referred to herein, which change would require changes to Developer's permits or approval of the appropriate Government Authorities or is required by Applicable Laws and Requirements.

"Option Contract" means that certain Option Contract for Real Estate Purchase Agreement dated as of February 19, 2019 (as amended) between the UG and Developer, as described in Recital A.

"Option Property" means the real property currently owned by the UG, which Developer has an option to purchase pursuant to the Option Contract, as described in Recital A and legally described on **Exhibit A-2**.

"Owned Property" means the real property currently owned by Developer which is generally located west of the intersection of West Lake Avenue and South Thompson Street in Kansas City, Kansas, as described in Recital A and legally described on **Exhibit A-1**.

"Parking Improvements" means any parking improvements provided for in Section 2.2(c).

"Permitted Encumbrances" means any liens, restrictions, claims, easements, rights-of-way, encroachments, reservations, or other matters or encumbrances affecting the Project Site, which are acceptable to Developer in its sole discretion.

"Permitted Mortgage" means any mortgage placed on the Project Site or any part thereof in connection with any construction or permanent financing of the Project.

"Permitted Mortgagee" means the holder of the Permitted Mortgage.

"Permitted Uses" means multi-family residential apartment buildings, including amenities and related infrastructure, as described in Section 2.2.

"Person" shall mean any natural person, firm, partnership, association, corporation, limited liability company, trust, entity, public body or government or other entity.

"PILOT" means the payment-in-lieu-of-taxes to be paid by Developer pursuant to the PILOT Schedule attached hereto as **Exhibit D**, as described in Section 4.1(b).

"Plans and Specifications" means those plans and specifications for the Improvements, as described in Section 6.2.

"Prime Rate" means the rate of interest announced from time to time by Security Bank of Kansas City, or any successor to it. If such bank, or any successor to it, ceases to announce a prime rate, the UG shall designate a reasonably comparable financial institution for purposes of determining the Prime Rate.

"Project" means the design, development, and construction of certain Improvements on the Project Site for use as apartment buildings and related amenities, as described in Recital B and Section 2.2.

"Project Site" means the Owned Property and the Option Property, as described in Recital A, legally described on **Exhibit A-1** and **Exhibit A-2**, and generally depicted on **Exhibit A-3**.

"Public Financing Conditions" means the conditions precedent to the issuance and delivery to Developer of any public financing contemplated under the terms of the Agreement, as described in Section 3.1.

"State" means the State of Kansas.

"Substantial Completion" or **"Substantially Complete"** means the stage in the progress of the construction of the Project, or as to any particular portion thereof, when construction is sufficiently complete so that the Project or such particular portion can be occupied or utilized for its intended use (which shall be evidenced by the receipt a temporary certificate of occupancy).

"Term" means the term of this Agreement, as described in Section 7.1.

"Transaction Documents" means the lease, along with any bond trust indentures, bond purchase agreements, tax compliance agreements, financing agreements, and other similar documents executed and delivered by the parties in connection with the IRB financing.

"Total Project Budget" means the budget attached hereto as **Exhibit C**.

"Total Project Costs" means the costs of acquiring, designing, developing, constructing and completing the Project, as more particularly set forth in the Total Project Budget attached hereto as **Exhibit C**.

"UG" means the Unified Government of Wyandotte County/Kansas City, Kansas.



Staff Request for Commission Action

Tracking No. 20257

Full Commission Meeting Date: 8/13/20

Committee: Public Works & Safety

Date of Standing Committee Action: 7/27/20

(If none, please explain):

Publication Required: No

<u>Date:</u> 7/28/2020	<u>Contact Name:</u> Casey Meyer	<u>Contact Phone:</u> x2851	<u>Contact Email:</u> cmeyer@wycokck.org	<u>Department/Division:</u> Legal
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Item Description:

This is a Resolution and attached draft lease agreement with Motorola Solutions Inc. for the lease of equipment including in-car camera hardware and body camera hardware. The final agreement will be in substantially the same form. The first payment in the amount of \$309,278.00 will be due in February 2022 with annual payments in the amount of \$309,278.00 with compounding annual interest at a rate of 2.69% beginning February 2022 until February 2025. The option to buy the equipment prior to the end of the lease is included with no penalty. The total balance to finance the equipment is \$978,380. The capital cost that would be required to purchase the Equipment if paid for by cash would be \$940,601. The contract is valued at \$1,529,820 and includes \$248,745 in operational costs.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

UG_Resolution BWC Lease, Unified Gov't of Wyandotte Cnty and Kansas City (Motorola ELPA 2020) BlueSheet

RESOLUTION NO. R-__-__

RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF ACQUIRING AND INSTALLING EQUIPMENT RELATED TO IN-CAR AND BODY WORN CAMERAS AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to obtain funds to pay the costs of acquiring and installing some or all of the equipment identified as attached hereto (the “Equipment”); and

WHEREAS, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for the Unified Government to enter into a Lease/Purchase Agreement (the “Lease”) with Motorola Solutions, Inc, pursuant to which the Unified Government, as lessee, will lease the equipment, from Motorola Solutions, Inc, as lessor (“Lessor”), on a year-to-year basis with an option to purchase Lessor’s interest in the equipment, a form of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY KANSAS, AS FOLLOWS:

Section 1. Authorization of Lease Transaction. The Unified Government states its intent to lease pursuant to the Lease some or all of the Equipment in a maximum principal amount of \$1,529,820.00. The Chief Financial Officer of the Unified Government is hereby authorized to accept the proposal of Motorola Solutions, Inc for the lease transaction.

Section 2. Authorization and Approval of Unified Government Documents. The Lease is hereby approved in substantially the form submitted to and reviewed by the Board of Commissioners on the date hereof, with such changes therein as are approved by the County Administrator, the County Administrator’s execution of the Lease being conclusive evidence of such approval.

The obligation of the Unified Government to pay Lease Payments (as defined in the Lease) under the Lease is subject to annual appropriation and will constitute a current expense of the Unified Government and will not in any way be construed to be an indebtedness or liability of the Unified Government in contravention of any applicable constitutional, charter or statutory limitation or requirement concerning the creation of indebtedness or liability by the Unified Government, nor will anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the Unified Government, and all provisions of the Lease will be construed so as to give effect to such intent.

The County Administrator is hereby authorized and directed to execute and deliver the Lease on behalf of and as the act and deed of the Unified Government.

Section 3. Further Authority. The Unified Government will, and the officials and agents of the Unified Government are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the Unified Government with respect to the Lease and the Equipment.

Section 4. Effective Date. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

ADOPTED by the Board of Commissioners of the Unified Government of Wyandotte County, Kansas City, Kansas, this July __, 2020.

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk



DRAFT– DO NOT EXECUTE

July 28, 2020

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Enclosed for your review, please find the **Municipal Lease** documentation in connection with the radio equipment to be lease purchased from Motorola Solutions Inc. The interest rate and payment streams outlined in Equipment Lease Purchase Agreement #24898 are valid for contracts that are executed and returned on or before **July 31, 2020**. After **7/31/20**, the Lessor reserves the option to re-quote and re-price the transaction based on current market interest rates.

Once complete, a set with **ORIGINAL "wet" signatures** should be returned to me at the address below:

Motorola Solutions Credit Company LLC
Attn: Paul Mecaskey / 44th Floor
500 W. Monroe
Chicago, IL 60661

Should you have any questions, please contact me at 847-538-3707.

Thank You,

MOTOROLA SOLUTIONS CREDIT COMPANY LLC
Paul Mecaskey

LESSEE FACT SHEET

Please help Motorola Solutions Inc. provide excellent billing service by providing the following information:

1. Complete **Billing** Address UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

701 N. 7th Street Trafficway _____

Kansas City, KS 66101 _____

Attention: Larry Owens _____

Phone: (913) 573- 6134 _____
 2. Lessee County Location: Wyandotte _____
 3. Federal Tax I.D. Number 48-1194075 _____
 4. Purchase Order Number to be referenced on invoice (if necessary) or other “descriptions” that may assist in determining the applicable cost center or department: _____
 5. Equipment description that you would like to appear on your invoicing: _____
- Appropriate Contact for Documentation / System Acceptance Follow-up:**
6. Appropriate Contact & Mailing Address Unified Government of Wyandotte County/ Kansas City, Kansas _____

701 N. 7th Street Trafficway _____

Kansas City, KS 66101 _____

E-mail: lowens@kckpd.org _____

Phone: (913) 573-6134 _____

Fax: (913) 573-6159 _____
 7. Payment remit to address: **Motorola Solutions Credit Company LLC**
P.O. Box 71132
Chicago IL 60694-1132

Thank you

EQUIPMENT LEASE-PURCHASE AGREEMENT

Lease Number: 24898

LESSEE:

**Unified Government of Wyandotte
County/Kansas City, Kansas**
701 N. 7th Street
Kansas City, Kansas 66101

LESSOR:

Motorola Solutions, Inc.
500 W. Monroe
Chicago, IL 60661

Lessor agrees to lease to Lessee and Lessee agrees to lease from Lessor, the equipment, software, upgrades of same, extended warranties and other support, and other personal property described in Schedule A attached hereto ("Equipment") in accordance with the following terms and conditions of this Equipment Lease-Purchase Agreement ("Lease").

1. TERM. This Lease will become effective upon the execution hereof by Lessor. The Term of this Lease will commence on date specified in Schedule A attached hereto and unless terminated according to terms hereof or the purchase option, provided in Section 18, is exercised this Lease will continue until the Expiration Date set forth in Schedule B attached hereto ("Lease Term").

2. RENT. Lessee agrees to pay to Lessor or its assignee the Lease Payments (herein so called), including the interest portion, in the amounts specified in Schedule B. The Lease Payments will be payable without notice or demand at the office of the Lessor (or such other place as Lessor or its assignee may from time to time designate in writing), and will commence on the first Lease Payment Date as set forth in Schedule B and thereafter on each of the Lease Payment Dates set forth in Schedule B. Any payments received later than twenty (20) days from the due date will bear interest at the highest lawful rate from the due date. Except as specifically provided in Section 5 hereof, the Lease Payments will be absolute and unconditional in all events and will not be subject to any set-off, defense, counterclaim, or recoupment for any reason whatsoever. Lessee reasonably believes that funds can be obtained sufficient to make all Lease Payments during the Lease Term and hereby covenants that a request for appropriation for funds from which the Lease Payments may be made will be requested each fiscal period, including making provisions for such payment to the extent necessary in each budget submitted for the purpose of obtaining funding. It is Lessee's intent to make Lease Payment for the full Lease Term if funds are legally available therefor and in that regard Lessee represents that the Equipment will be used for one or more authorized governmental or proprietary functions essential to its proper, efficient and economic operation. The capital cost that would be required to purchase the Equipment if paid for by cash would be \$940,601.00. The amount included in Lease Payments for service, maintenance, insurance and other charges exclusive of capital cost and interest cost is \$-0-. The annual average effective interest of this Lease is 2.69% per annum.

3. DELIVERY AND ACCEPTANCE. Lessor will cause the Equipment to be delivered to Lessee at the location specified in Schedule A ("Equipment Location"). Lessee will accept the Equipment as soon as it has been delivered and is operational. Lessee will evidence its acceptance of the Equipment either (a) by executing and delivering to Lessor a Delivery and Acceptance Certificate in the form provided by Lessor; or (b) by executing and delivering the form of acceptance provided for in the Contract (defined below).

Even if Lessee has not executed and delivered to Lessor a Delivery and Acceptance Certificate or other form of acceptance acceptable to Lessor, if Lessor believes the Equipment has been delivered and is operational, Lessor may require Lessee to notify Lessor in writing (within fifteen (15) days of Lessee's receipt of Lessor's request) whether or not Lessee deems the Equipment (i) to have been delivered and (ii) to be operational, and hence be

accepted by Lessee. If Lessee fails to so respond in such fifteen (15) day period, Lessee will be deemed to have accepted the Equipment and be deemed to have acknowledged that the Equipment was delivered and is operational as if Lessee had in fact executed and delivered to Lessor a Delivery and Acceptance Certificate or other form acceptable to Lessor.

4. REPRESENTATIONS AND WARRANTIES. Lessee acknowledges that the Equipment leased hereunder is being manufactured and installed by Motorola Solutions, Inc. (or one of its wholly owned subsidiaries) pursuant to contract (the "Contract") covering the Equipment. Lessee acknowledges that on or prior to the date of acceptance of the Equipment, Lessor intends to sell and assign Lessor's right, title and interest in and to this Agreement and the Equipment to an assignee ("Assignee"). LESSEE FURTHER ACKNOWLEDGES THAT EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT, LESSOR MAKES NO EXPRESS OR IMPLIED WARRANTIES OF ANY NATURE OR KIND WHATSOEVER, AND AS BETWEEN LESSEE AND THE ASSIGNEE, THE PROPERTY SHALL BE ACCEPTED BY LESSEE "AS IS" AND "WITH ALL FAULTS". LESSEE AGREES TO SETTLE ALL CLAIMS DIRECTLY WITH LESSOR AND WILL NOT ASSERT OR SEEK TO ENFORCE ANY SUCH CLAIMS AGAINST THE ASSIGNEE. NEITHER LESSOR NOR THE ASSIGNEE SHALL BE LIABLE FOR ANY DIRECT, INDIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES OF ANY CHARACTER AS A RESULT OF THE LEASE OF THE EQUIPMENT, INCLUDING WITHOUT LIMITATION, LOSS OF PROFITS, PROPERTY DAMAGE OR LOST PRODUCTION WHETHER SUFFERED BY LESSEE OR ANY THIRD PARTY.

Lessor is not responsible for, and shall not be liable to Lessee for damages relating to loss of value of the Equipment for any cause or situation (including, without limitation, governmental actions or regulations or actions of other third parties).

5. NON-APPROPRIATION OF FUNDS. Notwithstanding anything contained in this Lease to the contrary, Lessee is obligated only to pay periodic payments or monthly installments under the agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during such municipality's current budget year or (b) funds made available from any lawfully operated revenue producing source. Lessee has the right to not appropriate funds to make Lease Payments required hereunder in any fiscal period and in the event no funds are appropriated or in the event funds appropriated by Lessee's governing body or otherwise available by any lawful means whatsoever in any fiscal period of Lessee for Lease Payments or other amounts due under this Lease are insufficient therefor, this Lease shall terminate on the last day of the fiscal period for which appropriations were received without penalty or expense to Lessee of any kind whatsoever, except as to the portions of Lease Payments or other amounts herein agreed upon for which funds shall have been appropriated and budgeted or are otherwise available. The Lessee will immediately notify the Lessor or its Assignee of such occurrence. In the event of such termination, Lessee agrees to promptly discontinue use of the Equipment, remove or delete any software which is part of the Equipment from all of Lessee's computers and electronic devices, and peaceably surrender possession of the Equipment to Lessor or its Assignee on the date of such termination, packed for shipment in accordance with manufacturer specifications and freight prepaid and insured to any location in the continental United States designated by Lessor. Lessor will have all legal and equitable rights and remedies to take possession of the Equipment. Non-appropriation of funds shall not constitute a default hereunder for purposes of Section 16.

6. LESSEE CERTIFICATION. Lessee represents, covenants and warrants that: (i) Lessee is a state or a duly constituted political subdivision or agency of the state of the Equipment Location; (ii) the interest portion of the Lease Payments shall be excludable from Lessor's gross income pursuant to Section 103 of the Internal Revenue Code of 1986, as it may be amended from time to time (the "Code"); (iii) the execution, delivery and performance by the Lessee of this Lease have been duly authorized by all necessary action on the

part of the Lessee; (iv) this Lease constitutes a legal, valid and binding obligation of the Lessee enforceable in accordance with its terms; (v) Lessee will comply with the information reporting requirements of Section 149(e) of the Internal Revenue Code of 1986 (the "Code"), and such compliance shall include but not be limited to the execution of information statements requested by Lessor; (vi) Lessee will not do or cause to be done any act which will cause, or by omission of any act allow, the Lease to be an arbitrage bond within the meaning of Section 148(a) of the Code; (vii) Lessee will not do or cause to be done any act which will cause, or by omission of any act allow, this Lease to be a private activity bond within the meaning of Section 141(a) of the Code; (viii) Lessee will not do or cause to be done any act which will cause, or by omission of any act allow, the interest portion of the Lease Payment to be or become includible in gross income for Federal income taxation purposes under the Code; (ix) Lessee will be the only entity to own, use and operate the Equipment during the Lease Term; and (x) Lessee agrees that the Equipment shall be and remain personal property notwithstanding the manner in which the same may be attached or affixed to realty, and Lessee shall do all acts and enter into all agreements necessary to insure that the Equipment remains personal property.

Lessee represents, covenants and warrants that: (i) it will do or cause to be done all things necessary to preserve and keep the Lease in full force and effect, (ii) it has complied with all laws relative to public bidding where necessary, and (iii) it has sufficient appropriations or other funds available to pay all amounts due hereunder for the current fiscal period.

If Lessee breaches the covenant contained in this Section, the interest component of Lease Payments may become includible in gross income of the owner or owners thereof for federal income tax purposes. In such event, notwithstanding anything to the contrary contained in Section 11 of this Agreement, Lessee agrees to pay promptly after any such determination of taxability and on each Lease Payment date thereafter to Lessor an additional amount determined by Lessor to compensate such owner or owners for the loss of such excludibility (including, without limitation, compensation relating to interest expense, penalties or additions to tax), which determination shall be conclusive (absent manifest error). Notwithstanding anything herein to the contrary, any additional amount payable by Lessee pursuant to this Section 6 shall be payable solely from Legally Available Funds.

It is Lessor's and Lessee's intention that this Agreement not constitute a "true" lease for federal income tax purposes and, therefore, it is Lessor's and Lessee's intention that Lessee be considered the owner of the Equipment for federal income tax purposes.

7. TITLE TO EQUIPMENT; SECURITY INTEREST. Upon shipment of the Equipment to Lessee hereunder, title to the Equipment (other than any intellectual property rights in the software comprising part of the Equipment) will vest in Lessee subject to any applicable license; provided, however, that (i) in the event of termination of this Lease by Lessee pursuant to Section 5 hereof; or (ii) upon the occurrence of an Event of Default hereunder, and as long as such Event of Default is continuing, title will immediately vest in Lessor or its Assignee, and Lessee shall immediately discontinue use of the Equipment, remove the Equipment from Lessee's computers and other electronic devices and deliver the Equipment to Lessor or its Assignee. In order to secure all of its obligations hereunder, Lessee hereby (i) grants to Lessor a first and prior security interest in any and all right, title and interest of Lessee in the Equipment and in all additions, attachments, accessions, and substitutions thereto, and on any proceeds therefrom; (ii) agrees that this Lease may be filed as a financing statement evidencing such security interest; and (iii) agrees to execute and deliver all financing statements, certificates of title and other instruments necessary or appropriate to evidence such security interest.

8. USE; REPAIRS. Lessee will use the Equipment in a careful and customary manner for the use contemplated by the manufacturer of the Equipment and shall comply with all laws, ordinances, insurance policies, the Contract, any licensing or other agreement, and regulations relating to, and will pay all costs, claims, damages, fees and charges arising out of the possession, use or maintenance of the Equipment. Lessee,

at its expense will keep the Equipment in good repair and furnish and/or install all parts, mechanisms, updates, upgrades and devices required therefor.

9. ALTERATIONS. Lessee will not make any alterations, additions or improvements to the Equipment without Lessor's prior written consent unless such alterations, additions or improvements may be readily removed without damage to the Equipment.

10. LOCATION; INSPECTION. The Equipment will not be removed from, [or if the Equipment consists of rolling stock, its permanent base will not be changed from] the Equipment Location without Lessor's prior written consent which will not be unreasonably withheld. Upon reasonable notice, Lessor will be entitled to enter upon the Equipment Location or elsewhere during reasonable business hours to inspect the Equipment or observe its use and operation.

11. LIENS AND TAXES. Lessee shall keep the Equipment free and clear of all levies, liens and encumbrances except those created under this Lease. Lessee shall pay, when due, all charges and taxes (local, state and federal) which may now or hereafter be imposed upon the ownership, licensing, leasing, rental, sale, purchase, possession or use of the Equipment, excluding however, all taxes on or measured by Lessor's income. If Lessee fails to pay said charges and taxes when due, Lessor shall have the right, but shall not be obligated, to pay said charges and taxes. If Lessor pays any charges or taxes, Lessee shall reimburse Lessor therefor within ten days of written demand.

12. RISK OF LOSS: DAMAGE; DESTRUCTION. Lessee assumes all risk of loss or damage to the Equipment from any cause whatsoever, and no such loss of or damage to the Equipment nor defect therein nor unfitness or obsolescence thereof shall relieve Lessee of the obligation to make Lease Payments or to perform any other obligation under this Lease. In the event of damage to any item of Equipment, Lessee will immediately place the same in good repair with the proceeds of any insurance recovery applied to the cost of such repair. If Lessor determines that any item of Equipment is lost, stolen, destroyed or damaged beyond repair (an "Event of Loss"), Lessee at the option of Lessor will: either (a) replace the same with like equipment in good repair; or (b) on the next Lease Payment date, pay Lessor the sum of : (i) all amounts then owed by Lessee to Lessor under this Lease, including the Lease payment due on such date; and (ii) an amount equal to all remaining Lease Payments to be paid during the Lease Term as set forth in Schedule B.

In the event that Lessee is obligated to make such payment with respect to less than all of the Equipment, Lessor will provide Lessee with the pro rata amount of the Lease Payment and the Balance Payment (as set forth in Schedule B) to be made by Lessee with respect to that part of the Equipment which has suffered the Event of Loss.

13. INSURANCE. Lessee will, at its expense, maintain at all times during the Lease Term, fire and extended coverage, public liability and property damage insurance with respect to the Equipment in such amounts, covering such risks, and with such insurers as shall be satisfactory to Lessor, or, with Lessor's prior written consent, Lessee may self-insure against any or all such risks. All insurance covering loss of or damage to the Equipment shall be carried in an amount no less than the amount of the then applicable Balance Payment with respect to such Equipment. The initial amount of insurance required is set forth in Schedule B. Each insurance policy will name Lessee as an insured and Lessor or its Assigns as an additional insured, and will contain a clause requiring the insurer to give Lessor at least thirty (30) days prior written notice of any alteration in the terms of such policy or the cancellation thereof. The proceeds of any such policies will be payable to Lessee and Lessor or its Assigns as their interests may appear. Upon acceptance of the Equipment and upon each insurance renewal date, Lessee will deliver to Lessor a certificate evidencing such insurance. In the event that Lessee has been permitted to self-insure, Lessee will furnish Lessor with a letter or certificate to such effect. In the event of any loss, damage, injury or accident involving the Equipment, Lessee will promptly

provide Lessor with written notice thereof and make available to Lessor all information and documentation relating thereto.

14. INDEMNIFICATION. Intentionally omitted.

15. ASSIGNMENT. Without Lessor's prior written consent, Lessee will not either (i) assign, transfer, pledge, hypothecate, grant any security interest in or otherwise dispose of this Lease or the Equipment or any interest in this Lease or the Equipment or; (ii) sublet or lend the Equipment or permit it to be used by anyone other than Lessee or Lessee's employees. Lessor may assign its rights, title and interest in and to this Lease, the Equipment and any documents executed with respect to this Lease and/or grant or assign a security interest in this Lease and the Equipment, in whole or in part. Any such assignees shall have all of the rights of Lessor under this Lease. Subject to the foregoing, this Lease inures to the benefit of and is binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

Lessee covenants and agrees not to assert against the Assignee any claims or defenses by way of abatement, setoff, counterclaim, recoupment or the like which Lessee may have against Lessor. No assignment or reassignment of any Lessor's right, title or interest in this Lease or the Equipment shall be effective unless and until Lessee shall have received a notice of assignment, disclosing the name and address of each such assignee; provided, however, that if such assignment is made to a bank or trust company as paying or escrow agent for holders of certificates of participation in the Lease, it shall thereafter be sufficient that a copy of the agency agreement shall have been deposited with Lessee until Lessee shall have been advised that such agency agreement is no longer in effect. During the Lease Term Lessee shall keep a complete and accurate record of all such assignments in form necessary to comply with Section 149(a) of the Code, and the regulations, proposed or existing, from time to time promulgated thereunder. No further action will be required by Lessor or by Lessee to evidence the assignment, but Lessee will acknowledge such assignments in writing if so requested.

After notice of such assignment, Lessee shall name the Assignee as additional insured and loss payee in any insurance policies obtained or in force. Any Assignee of Lessor may reassign this Lease and its interest in the Equipment and the Lease Payments to any other person who, thereupon, shall be deemed to be Lessor's Assignee hereunder.

16. EVENT OF DEFAULT. The term "Event of Default", as used herein, means the occurrence of any one or more of the following events: (i) Lessee fails to make any Lease Payment (or any other payment) as it becomes due in accordance with the terms of the Lease when funds have been appropriated sufficient for such purpose, and any such failure continues for ten (10) days after the due date thereof and Lessee fails to cure the default within twenty (20) days; (ii) Lessee fails to perform or observe any other covenant, condition, or agreement to be performed or observed by it hereunder and such failure is not cured within twenty (20) days after written notice thereof by Lessor; (iii) the discovery by Lessor that any statement, representation, or warranty made by Lessee in this Lease or in writing delivered by Lessee pursuant hereto or in connection herewith is false, misleading or erroneous in any material respect; (iv) proceedings under any bankruptcy, insolvency, reorganization or similar legislation shall be instituted against or by Lessee, or a receiver or similar officer shall be appointed for Lessee or any of its property, and such proceedings or appointments shall not be vacated, or fully stayed, within twenty (20) days after the institution or occurrence thereof; or (v) an attachment, levy or execution is threatened or levied upon or against the Equipment.

17. REMEDIES. Upon the occurrence of an Event of Default, and as long as such Event of Default is continuing, Lessor may, at its option, exercise any one or more of the following remedies: (i) by written notice to Lessee, declare all amounts then due under the Lease, and all remaining Lease Payments due during the fiscal period in effect when the default occurs to be immediately due and payable, whereupon the same shall become immediately due and payable; (ii) by written notice to Lessee, request Lessee to (and Lessee agrees that it will), at Lessee's expense, promptly discontinue use of the Equipment, remove the Equipment from all of Lessee's computers and electronic devices, return the Equipment to Lessor in the manner set forth in Section 5 hereof, or Lessor, at its option, may enter upon the premises where the Equipment is located and take immediate

possession of and remove the same; (iii) sell or lease the Equipment or sublease it for the account of Lessee, holding Lessee liable for all Lease Payments and other amounts due prior to the effective date of such selling, leasing or subleasing and for the difference between the purchase price, rental and other amounts paid by the purchaser, Lessee or sublessee pursuant to such sale, lease or sublease and the amounts payable by Lessee hereunder; (iv) promptly return the Equipment to Lessor in the manner set forth in Section 5 hereof; and (v) exercise any other right, remedy or privilege which may be available to it under applicable laws of the state of the Equipment Location or any other applicable law or proceed by appropriate court action to enforce the terms of the Lease or to recover damages for the breach of this Lease or to rescind this Lease as to any or all of the Equipment. In addition, Lessee will remain liable for all covenants and indemnities under this Lease and for all legal fees and other costs and expenses, including court costs, incurred by Lessor with respect to the enforcement of any of the remedies listed above or any other remedy available to Lessor.

18. PURCHASE OPTION. Upon thirty (30) days prior written notice from Lessee to Lessor, and provided that no Event of Default has occurred and is continuing, or no event, which with notice or lapse of time, or both could become an Event of Default, then exists, Lessee will have the right to purchase the Equipment on the Lease Payment dates set forth in Schedule B by paying to Lessor, on such date, the Lease Payment then due together with the Balance Payment amount set forth opposite such date. Upon satisfaction by Lessee of such purchase conditions, Lessor will transfer any and all of its right, title and interest in the Equipment (other than any intellectual property rights in the software comprising part of the Equipment) to Lessee as is, without warranty, express or implied, except that the Equipment is free and clear of any liens created by Lessor.

18.1 PARTIAL PAYMENT/PURCHASE OPTION – GRANT FUNDING. Upon thirty (30) days prior written notice from Lessee to Lessor, and provided no Event of Default has occurred and is continuing, or no event, which with notice or lapse of time, or both could become an Event of Default, then exists, Lessee will have the right to make a partial payment against the Lease one time per calendar year at an amount no less than \$175,000.00 SO LONG AS SUCH PAYMENT IS BEING MADE FROM A FEDERAL GRANT FUNDING AWARD and upon Lessor's request, Lessee will provide Lessor certification of such. Application of said payment shall first be applied to accrued interest with the remainder going against the principal. Should Lessee make such payment, all remaining Lease Payments will be adjusted accordingly over the remainder of the Lease Term and Lessor shall provide to Lessee a revised Schedule B. Any reduction in outstanding principal can be viewed as the Lessee obtaining a greater equity position in the Lease subject to Lessor's rights pursuant to the other terms of this Lease.

19. NOTICES. All notices to be given under this Lease shall be made in writing and mailed by certified mail, return receipt requested, to the other party at its address set forth herein or at such address as the party may provide in writing from time to time. Any such notice shall be deemed to have been received five days subsequent to such mailing.

20. SECTION HEADINGS. All section headings contained herein are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Lease.

21. GOVERNING LAW. This Lease shall be construed in accordance with, and governed by the laws of the State of Kansas.

22. DELIVERY OF RELATED DOCUMENTS. Lessee will execute or provide, as requested by Lessor, such other documents and information as are reasonably necessary with respect to the transaction contemplated by this Lease.

23. ENTIRE AGREEMENT; WAIVER. This Lease, together with Schedule A Equipment Lease-Purchase Agreement, Schedule B, Evidence of Insurance, Statement of Essential Use/Source of Funds,

Certificate of Incumbency, Certified Lessee Resolution (if any), Bank Qualified Statement, Information Return for Tax-Exempt Governmental Obligations and the Delivery and Acceptance Certificate and other attachments hereto, and other documents or instruments executed by Lessee and Lessor in connection herewith, constitutes the entire agreement between the parties with respect to the Lease of the Equipment, and this Lease shall not be modified, amended, altered, or changed except with the written consent of Lessee and Lessor. Any provision of the Lease found to be prohibited by law shall be ineffective to the extent of such prohibition without invalidating the remainder of the Lease.

The waiver by Lessor of any breach by Lessee of any term, covenant or condition hereof shall not operate as a waiver of any subsequent breach thereof.

24. EXECUTION IN COUNTERPARTS. This Lease may be executed in several counterparts, either electronically or manually, all of which shall constitute but one and the same instrument. Lessor reserves the right to request receipt of a manually-executed counterpart from Lessee. Lessor and Lessee agree that the only original counterpart for purposes of perfection by possession shall be the original counterpart manually executed by Lessor and identified as "Original", regardless of whether Lessee's execution or delivery of said counterpart is done manually or electronically.

*** *SIGNATURE PAGE TO FOLLOW* ***

IN WITNESS WHEREOF, the parties have executed this Agreement as of the _____ day of _____, 2020.

LESSEE:

Unified Government of Wyandotte
County/Kansas City, Kansas

LESSOR:

MOTOROLASOLUTIONS, INC.

DRAFT– DO NOT EXECUTE

By: _____

By: _____

Print Name: Douglas G. Bach

Title: County Administrator

Title: _____

CERTIFICATE OF INCUMBENCY

I, Bridgette Cobbins do hereby certify that I am the duly elected or
(Printed Name of Secretary/Clerk)

appointed and acting Secretary or Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, an entity duly organized and existing under the laws of the **State of Kansas** that I have custody of the records of such entity, and that, as of the date hereof, the individual(s) executing this agreement is/are the duly elected or appointed officer(s) of such entity holding the office(s) below his/her/their respective name(s). I further certify that (i) the signature(s) set forth above his/her/their respective name(s) and title(s) is/are his/her/their true and authentic signature(s) and (ii) such officer(s) have the authority on behalf of such entity to enter into that certain Equipment Lease Purchase Agreement number **24898**, between the Unified Government of Wyandotte County/Kansas City, Kansas, and Motorola Solutions, Inc. If the initial insurance requirement on Schedule B exceeds \$1,000,000, attached as part of the Equipment Lease Purchase Agreement is a Certified Lessee Resolution adopted by the governing body of the entity.

IN WITNESS WHEREOF, I have executed this certificate and affixed the seal of the Unified Government of Wyandotte County/Kansas City, Kansas, hereto this

_____ day of _____, 2020.

By: _____

(Signature of Secretary/Clerk)

SEAL

OPINION OF COUNSEL

With respect to that certain Equipment Lease-Purchase Agreement 24898 by and between Motorola Solutions, Inc. and the Lessee, I am of the opinion that: (i) the Lessee is, within the meaning of Section 103 of the Internal Revenue Code of 1986, a state or a fully constituted political subdivision or agency of the State of the Equipment Location described in Schedule A hereto; (ii) the execution, delivery and performance by the Lessee of the Lease have been duly authorized by all necessary action on the part of the Lessee, (iii) the Lease constitutes a legal, valid and binding obligation of the Lessee enforceable in accordance with its terms; and (iv) Lessee has sufficient monies available to make all payments required to be paid under the Lease during the current fiscal year of the Lease, and such monies have been properly budgeted and appropriated for this purpose in accordance with State law. This opinion may be relied upon by the Lessor and any assignee of the Lessor's rights under the Lease.

Misty S. Brown, Deputy Chief Counsel
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

**SCHEDULE A
EQUIPMENT LEASE-PURCHASE AGREEMENT**

Schedule A 24898
Lease Number:

This Equipment Schedule is hereby attached to and made a part of that certain Equipment Lease-Purchase Agreement Number **24898** ("Lease"), between MOTOROLA SOLUTIONS INC. ("Lessor") and the Unified Government of Wyandotte County/Kansas City, Kansas(" Lessee").

Lessor hereby leases to Lessee under and pursuant to the Lease, and Lessee hereby accepts and leases from Lessor under and pursuant to the Lease, subject to and upon the terms and conditions set forth in the Lease and upon the terms set forth below, the following items of Equipment

QUANTITY	DESCRIPTION (Manufacturer, Model, and Serial Nos.)
	Refer to attached Equipment List.
Equipment Location: KS	

Initial Term: 54 Months Commencement Date: 8/21/2020
First Payment Due Date: 2/1/2022

Four (4) consecutive annual payments as outlined in the attached Schedule B, plus Sales/Use Tax of \$0.00, payable on the Lease Payment Dates set forth in Schedule B.

Lessee: Unified Government of Wyandotte County/Kansas City, Kansas

Schedule B (Lease #24898)

\$ 1,529,820.00	Contract Value					
\$ (248,745.00)	less recurring items (Op-X)					
\$1,281,075.00	Solution Capital Cost					
\$ (340,474.00)	less Down Pmt					
\$ 940,601.00	Amt Financed					
Compound Period:		Annual				
Nominal Annual Rate:		0.000%	(Until 2/1/2022)			
Blended, Effective Annual Rate Through Entire Term...1.344%						
CASH FLOW DATA						
	Event	Date	Amount	Number	Period	End Date
1	Loan	8/21/2020	940,601.00	1		
2	Payment	2/1/2022	244,595.00	1		
3	Rate Change	2/1/2022	Rate: 2.690 %	Compounding:	Annual	
4	Payment	2/1/2023	244,595.00	3	Annual	2/1/2025
AMORTIZATION SCHEDULE - Normal Amortization, 360 Day Year						
	Date	Lease Payment	Interest	Principal	Balance	Maintenance / Op-X Related Items
Loan	8/21/2020				940,601.00	
1	2/1/2022	244,595.00	0.00	244,595.00	696,006.00	\$ 82,915.00
Rate	2/1/2022		0.00	0.00	696,006.00	
	2/1/2022	Rate: 2.69%		Compounding:	Annual	
2	2/1/2023	244,595.00	18,723.83	225,871.17	470,134.83	\$ 82,915.00
3	2/1/2024	244,595.00	12,647.49	231,947.51	238,187.32	\$ 82,915.00
4	2/1/2025	244,595.00	6,407.68	238,187.32	0.00	0.00
Grand Totals		978,380.00	37,779.00	940,601.00		\$ 248,745.00
						\$ 1,227,125.00

INITIAL INSURANCE REQUIREMENT: \$940,601.00

Except as specifically provided in Section five of the Lease hereof, Lessee agrees to pay to Lessor or its assignee the Lease Payments, including the interest portion, in the amounts and dates specified in the above payment schedule.

ORIGINAL ISSUE DISCOUNT (if applicable):

Lessee acknowledges that the amount financed by Lessor is \$904,875.00 and that such amount is the issue price for this Lease Payment Schedule for federal income tax purposes. The difference between the principal amount of this Lease Payment Schedule and the issue price is original issue discount as defined in Section 1288 of the Code. The yield for this Lease Payment Schedule for federal income tax purposes is 2.69%. Such issue price and yield will be stated in the applicable Form 8038-G.

REPLACED W/ LETTER OF SELF-INSURANCE 2489824898 UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS 24898 UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS 248982489824898

STATEMENT OF ESSENTIAL USE/SOURCE OF FUNDS (# 24898)

To further understand the essential governmental use intended for the equipment together with an understanding of the sources from which payments will be made, **please address the following questions** by completing this form or by sending a separate letter:

- 1.** What is the specific use of the equipment?

Video/Audio recordings of citizen contacts with law enforcement from both In-Car Cameras and Body Worn Cameras.

- 2.** Why is the equipment essential to the operation of **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS?**

To provide Video/Audio recordings of citizen contacts with law enforcement from both In-Car Cameras and Body Worn Cameras & protecting citizens and Police Officers.

- 3.** Does the equipment replace existing equipment?

This equipment partially replaces existing equipment (In-Car Cameras)

If so, why is the replacement being made?

The current In-Car Camera solution is antiquated.

- 4.** Is there a specific cost justification for the new equipment?

If yes, please attach outline of justification.

- 5.** What is the expected source of funds for the payments due under the Lease for the current fiscal year and future fiscal years?

☐ General Fund

- Have dollars already been appropriated for the Lease Payment? Yes -or- No

- If yes, for what fiscal year(s) have appropriations been made? _____

☐ Combination of Federal Grant funding supplemented by General Revenues

- What fiscal year(s) is expected to be funded via federal grants: 2020

- What fiscal year(s) is expected to be funded via general revenues: 2022, 2023, 2024 & 2025

- Have these general revenues already been appropriated for the Lease Payment(s)? Yes -or- No

☐ Other (please describe): _____

CERTIFIED LESSEE RESOLUTION (Lease# 24898)

At a duly called meeting of the Governing Body of the Lessee (as defined in the Lease) ***held on or before the execution date of the Lease***, the following resolution was introduced and adopted.

RESOLUTION NO. R-__-__

RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF ACQUIRING AND INSTALLING EQUIPMENT RELATED TO IN-CAR AND BODY WORN CAMERAS AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to obtain funds to pay the costs of acquiring and installing some or all of the equipment identified as attached hereto (the “Equipment”); and

WHEREAS, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for the Unified Government to enter into a Lease/Purchase Agreement (the “Lease”) with Motorola Solutions, Inc, pursuant to which the Unified Government, as lessee, will lease the equipment, from Motorola Solutions, Inc, as lessor (“Lessor”), on a year-to-year basis with an option to purchase Lessor’s interest in the equipment, a form of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY KANSAS, AS FOLLOWS:

Section 1. Authorization of Lease Transaction. The Unified Government states its intent to lease pursuant to the Lease some or all of the Equipment in a maximum principal amount of \$1,529,820.00. The Chief Financial Officer of the Unified Government is hereby authorized to accept the proposal of Motorola Solutions, Inc for the lease transaction.

Section 2. Authorization and Approval of Unified Government Documents. The Lease is hereby approved in substantially the form submitted to and reviewed by the Board of Commissioners on the date hereof, with such changes therein as are approved by the County Administrator, the County Administrator’s execution of the Lease being conclusive evidence of such approval.

The obligation of the Unified Government to pay Lease Payments (as defined in the Lease) under the Lease is subject to annual appropriation and will constitute a current expense of the Unified Government and will not in any way be construed to be an indebtedness or liability of the Unified Government in contravention of any applicable constitutional, charter or statutory limitation or requirement concerning the creation of indebtedness or liability by the Unified Government, nor will anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the Unified Government, and all provisions of the Lease will be construed so as to give effect to such intent.

The County Administrator is hereby authorized and directed to execute and deliver the Lease on behalf of and as the act and deed of the Unified Government.

Section 3. Further Authority. The Unified Government will, and the officials and agents of the Unified Government are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the Unified Government with respect to the Lease and the Equipment.

Section 4. Effective Date. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

ADOPTED by the Board of Commissioners of the Unified Government of Wyandotte County, Kansas
City, Kansas, this July ____, 2020.

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

DRAFT

Bank Qualified Statement (Lease# 24898)

LESSEE CERTIFIES THAT IT (circle one) HAS or HAS NOT

DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE AND IF THE LESSEE HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION, IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDAR YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDAR YEAR WILL NOT EXCEED \$10,000,000.

EQUIPMENT LEASE PURCHASE AGREEMENT DELIVERY AND ACCEPTANCE CERTIFICATE

The undersigned Lessee hereby acknowledges receipt of the Equipment described below (“Equipment”) and Lessee hereby accepts the Equipment after full inspection thereof as satisfactory for all purposes of lease Schedule A to the Equipment Lease Purchase Agreement executed by Lessee and Lessor.

Equipment Lease Purchase Agreement No.: 24898

Lease Schedule A No. : 24898

EQUIPMENT INFORMATION

QUANTITY	MODEL NUMBER	EQUIPMENT DESCRIPTION
		Equipment referenced in lease Schedule A# 24898. See Schedule A for a detailed Equipment List.

LESSEE:

Unified Government of Wyandotte County/Kansas City,

By: to be completed after delivery

Date: _____

USE NEW IRS 8038-G pdf TEMPLATE

Note: Gilmore Bell to complete & file

DRAFT



Staff Request for Commission Action

Tracking No. 20290

Full Commission Meeting Date: 7/30/20

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 7/24/2020	<u>Contact Name:</u> Crystal Sprague	<u>Contact Phone:</u> x2787	<u>Contact Email:</u> csprague@wycokck.org	<u>Department/Division:</u> Administrator's Office
<u>Item Description:</u> A resolution to approve the CARES reimbursement recommendation made by the WyCo CARES Committee, submitted by Crystal Sprague. The recommendations include reimbursements to the Unified Government, KCK, Bonner Springs, and Edwardsville.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution approving reimbursement of CARES Funds				

RESOLUTION NO. _____

**RESOLUTION ADOPTING THE REIMBURSEMENT RECOMMENDATIONS OF THE
WYCO CARES SUBCOMMITTEE**

WHEREAS, the Unified Government of Wyandotte County, Kansas City, Kansas (“Unified Government”) created the WYCO CARES subcommittee tasked with making recommendations regarding the spending of monies received from the State of Kansas under the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act; and

WHEREAS, Wyandotte County is facing both a public health and economic crisis – the pandemic and public health emergency of COVID-19 – which has resulted in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens; and

WHEREAS, on June 16, 2020 the State Finance Council approved the Strengthening People and Revitalizing Kansas (SPARK) Taskforce’s proposal to distribute \$37,330,934 to Wyandotte County to help address the health and economic challenges inflicted by COVID-19 based on Wyandotte County’s population and impact from COVID-19 with funds provided for reimbursement of COVID-19 related costs and as direct aid unless otherwise approved by the SPARK Taskforce; and

WHEREAS, the SPARK Taskforce Executive Committee passed a motion on June 2, 2020, to direct counties to allocate and share CRF funding to public educational and municipal entities within their counties; and

WHEREAS, the Unified Government adopted UG Resolution 38-20 on July 9, 2020 in which the Unified Government agreed to follow all state and federal guidelines regarding CARES funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS:**

Section 1. That the reimbursement recommendations by the WYCO CARES subcommittee, attached hereto as Exhibit 1, is hereby adopted and approved by the Board of Commissioners.

Section 2. That the County Administrator, and the Unified Government’s other officers, agents, and employees are hereby authorized and directed to take such further action and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 30TH
DAY OF JULY 2020.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 20259

Full Commission Meeting Date: 7/30/20

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 7/15/2020	<u>Contact Name:</u> Emerick Cross	<u>Contact Phone:</u> x6784	<u>Contact Email:</u> ecross@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

The recommendations for the UG/Hollywood Casino grants being submitted for your approval. The attached spreadsheet provides the summary of the selections made by the Mayor and each Commissioner.

Action Requested:

Approve the recommendations and authorize the distribution of funds.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2020 Casino Grant FINAL Recommendations_

UNIFIED GOVERNMENT/HOLLYWOOD CASINO/2020 GRANT DESIGNATIONS

Organization	Project Title	Request Amt.	Alvey	Burroughs	Bynum	McKiernan	Markley	Ramirez	Johnson	Kane	Townsend	Philbrook	Walters	Recommended	%
Argentine Betterment Corporation	A Healthy Active Argentine	\$175,000	\$2,000				\$15,000	\$20,949						\$37,949	22%
ABC fiscal agent for American Legion 213	Youth Softball field Renovation	\$50,000		\$3,500										\$3,500	7%
Argentine Neighborhood Dev. Assoc.	More than an eyesore: Beating Blight	\$50,000					\$4,409							\$4,409	9%
The Artist Outreach, Inc.	Play with your food! Culinary Nutrition for Children	\$40,000												\$0	0%
Avenue of Life, Inc.	Impact KCK COVID-19 Relief	\$40,000				\$10,000					\$5,000	\$10,000		\$25,000	63%
Bethel Neighborhood Center	Health, Education, & Empowerment Program	\$40,000			\$2,000	\$2,000								\$4,000	0%
Bishop Ward High School	Stronger Together	\$19,000				\$1,000			\$2,000	\$5,000				\$8,000	42%
Boys & Girls Club Of Greater KC	Healthy Lifestyles	\$20,000												\$0	0%
Catholic Charities of Northeast Kansas, Inc.	Leading with Food: Meeting Basic Needs, Offering Hope	\$10,000							\$1,000			\$8,409		\$9,409	94%
Community Boxing and Fitness Center	Community Champions-Engaging the Mind & Body	\$15,000									\$3,000			\$3,000	20%
Community Garden, Inc.	Renewal for Local Community Building	\$52,102					\$15,000							\$15,000	29%
Community Housing of WYCO for Strawberry Hill Neighborhood Asso.	Playground at St. John's Park	\$50,000			\$500	\$1,000								\$1,500	3%
Community Housing of WYCO	Splitlog Farm/Boulevard Lofts	\$20,000			\$2,000	\$3,000			\$8,000					\$13,000	65%
County Fair Foundation	Phase IV Fairgrounds Trap Range	\$85,000								\$5,500				\$5,500	6%
Cross-Lines Community Outreach	Healthy Choices Food Pantry	\$15,000			\$2,000	\$2,500						\$2,500		\$7,000	47%
Cultivate Kansas City, Inc.	Local Food to Support Healthy Communities	\$20,000			\$2,000	\$3,000				\$2,500				\$7,500	38%
El Centro, Inc.	Promotes "Cuidate Project"	\$12,460			\$2,500	\$2,000		\$5,000						\$9,500	76%
The Family Conservancy	Healthy Parents, Healthy Kids	\$20,000	\$1,500			\$3,000					\$2,500			\$7,000	35%
Feeding His Lamb Foundation	Meal Distribution for Struggling Community Members	\$30,000		\$15,600									\$14,409	\$30,009	100%
Foundation Helping Hands Project	Essential Hygiene Program	\$100,000												\$0	0%
Friends of the Kaw	Let's Get Outside: Discovering Connections to the Outdoors	\$5,538									\$1,000			\$1,000	18%
Friends of Yates Branch, Inc.	Living Healthy and Well: Domestic Violence Social Entrepreneurs Hip Program	\$60,000		\$2,500	\$2,500				\$5,000		\$5,000	\$5,000		\$20,000	33%
Gild's Club Kansas City	Cancer Education in Wyandotte County	\$2,000												\$0	0%
Girl Scouts of Northeast Kansas and Northwest Missouri, Inc.	Girl Scout Wyandotte County Outreach Program	\$20,000												\$0	0%
Gold Glove Charities, Inc.	Gold Glove Charities Pediatric Cancer Awareness Night with the Tbones	\$8,000												\$0	0%
Guadalupe Centers	Outpatient Treatment Program	\$2,000												\$0	0%
Habitat for Humanity Kansas City, Inc.	Home Preservation Program	\$50,000												\$0	0%
Harvesters-The Community Food Network	Backsnack in Wyandotte County	\$30,000				\$3,000					\$4,000			\$7,000	23%
Hillcrest Ministries Of Mid-America	Improving Health for Homeless Young Adults in Kansas City, Kansas	\$15,000	\$2,000		\$2,000	\$2,000		\$7,460			\$3,909			\$17,369	116%
Historic Northeast Midtown Association	Learn to Earn (LTE) 2020-2021: Groundwork(NRG)	\$15,510			\$2,400				\$8,110		\$5,000			\$15,510	100%
Hope Faith	COVID Relief	\$45,000												\$0	0%
Humane Society of Greater Kansas City	KCK Help Humane Program	\$20,000			\$3,900									\$3,900	20%
Kansas City Ballet Association	Reach Out and Dance-Professional Dance Instruction in Wyandotte County	\$5,000					\$2,500							\$2,500	50%
Kansas City Community Gardens, Inc.	Increasing Food Equity through Community Gardens and Orchards	\$5,000				\$3,000								\$3,000	60%
Kansas City Kansas Baseball Association	KCKBA Northeast Jayhawk Youth Baseball League	\$8,000									\$1,000			\$1,000	13%
Kansas City Kansas West Kiwanis Foundation	Bike Safety Rodeo/Car Seat Check	\$3,000												\$0	0%
KC Farm School at Gibbs Road	Let's Grow Wyandotte	\$36,132			\$2,000		\$3,500							\$5,500	15%
KC Healthy Kids	Champions for Health Wyandotte County	\$10,000												\$0	0%
KidZone Learning Center of Wyandotte County (Wesleyan Church Cor)	Playground Equipment	\$77,475												\$0	0%
The Kiwanis Club of Edwardsville, Inc.	Kiwanis Bringing Up Grades Program	\$5,000											\$5,000	\$5,000	100%
KCK West Kiwanis Foundation	Bike Safety Rodeo/Car Seat Check	\$3,000								\$2,000				\$2,000	67%

UNIFIED GOVERNMENT/HOLLYWOOD CASINO/2020 GRANT DESIGNATIONS

[illegible]



Staff Request for Commission Action

Tracking No. 20228

Full Commission Meeting Date: 7/30/20

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 7/6/20

(If none, please explain):

Publication Required: No

<u>Date:</u> 7/24/2020	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> THE LAND BANK MANAGER RESPECTFULLY REQUEST THAT THE NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE REVIEW THE PROPOSED ITEM AND FORWARD IT TO THE LAND BANK BOARD OF TRUSTEES FOR FINAL CONSIDERATION.				
<u>Action Requested:</u> Approve and advance to Full Commission 7/30/20				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Breck Ricketts Application				



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Land Bank Manager
DATE: June 23, 2020
SUBJECT: Applications for consideration

The following application(s) are being presented at the 7/6/2020 meeting:

Property Acquisition

- 725 S 4th St– Breck Ricketts (Property Acquisition)

The applicant wants to use the cell tower to provide low cost internet to the residents of Edwardsville.

The Purchase price for the property is \$5,000

The 725 S 4th St property is currently zoned R-2 and is in the process of receiving an special use permit form the City of Edwardsville

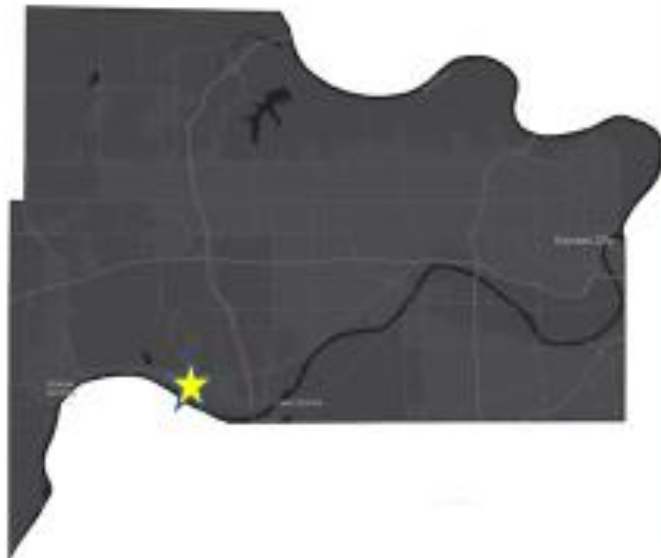
The applicant doesn't have violations for their property taxes and code violations.

This memo will be sent to the Land Bank Advisory Board, and the Staff Advisory Team. Staff will report any comments at the meeting.

725 S 4th St Edwardsville, Kansas Property Acquisition

Intended Use

To use the existing cell tower to provide low cost internet service to the residents of Edwardsville.



Land Bank Property for New Construction

Use this application for the following projects:

- Develop vacant parcels with new construction, including, but not limited to, the construction of new houses, commercial buildings, parking lots, etc.

Note: Separate applications are available for the purchase of adjacent side lots and to rehab existing residential or commercial structures.

Purchase Price and Development Costs:

Applicants are able to purchase lots for new construction at a value determined by the Wyandotte County Land Bank (WCLB) staff. This value is based on comparable sales in the area; the purchase price is firm.

Requirements and Policies:

- Not all land bank properties are available for sale—if a property is on the “Hold” list, it may not be for sale.
- An application is required for all purchases of property. No sales contracts will be accepted. If an application is incomplete, you will be contacted by the Land Bank office; completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- Evidence of funding is required for all applications. Applicants are required to have the funds necessary to purchase and develop the property, prior to entering into negotiations with the Land Bank staff. Funds can be a bank statement, line of credit, or pre-approval letter from a lending institution. Examples of experience are required for all applicants. Either the buyer or the buyer’s contractor must have experience doing similar work. All contractors must possess licenses, required by the Unified Government’s Neighborhood Resource Center (NRC), in order to obtain permits and perform work.
- The WCLB will discuss the asking price for each property upon the receipt of a completed application.
- In cases of multiple applications, the WCLB will compare the following: offer price, development plan, financial capacity, track record of applicant, type of project, consistency with adopted City Plans, and other factors. If the result is a tie amongst applicants, precedence may go to the Wyandotte County residence.
- The WCLB reserves the absolute right to accept or reject any and all applications and/or offers for purchase.
- All sales include restrictions and an agreement to finish the development plan before a deed, transferring the property, will be issued. All deeds transferred from the WCLB are prepared with the assistance of the UG’s Legal Department. All contracts contain reversionary language, allowing the WCLB to regain possession of the property and to refuse to issue the deed if the buyer:
 - fails to meet their development plan,
 - fails meet the timelines agreed to in this application, or
 - violates the other restrictions described in the contract

NOTE: The reversionary right is to protect the WCLB in case the buyer fails to complete the project, as agreed. If the property is reverted, the buyer will not be reimbursed for any losses and will be ineligible to purchase any future land bank property

- Depending on the project, the WCLB may require the applicant to schedule a Preliminary Site Plan Review with the Urban Planning and Zoning Department. This review is intended to identify issues, such as zoning, utility connections, and similar items that can make the project unfeasible. Zoning changes or variances must be made prior to closing and the WCLB can serve as a co-applicant to the zoning application. The WCLB further reserves the right to require a review of the development plan by the Economic Development Department.
- All work requires appropriate building permits. The buyer is solely responsible to coordinate and obtain the permits and approvals necessary to complete the project. All construction work must meet all the building requirements. If a zoning variance or rezoning is required, please note this on the application. If any necessary permit is not obtained or produced, the WCLB may start the reversionary process. Copies of all permits, pre and post construction, are to be submitted to the WCLB office.
- The buyer must apply for permits and start construction within **30 days** of the initial closing.
- All properties are sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property. The buyer agrees that all code violations must be remedied before the WCLB transfers ownership of the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB's agents, employees, or contractors. Nothing in this article restricts the WCLB's rights and remedies available at law or in equity.
- A title policy is not purchased by the WCLB; the buyer must arrange a title policy through a title company of their choosing.
- The WCLB staff will have property inspections every 60 days that are non-negotiable. Proper notification will be given by the WCLB staff; failure to allow the WCLB staff access to the property may result in the reversion process.
- The buyer must finish the construction within the **negotiated time frame** from the initial closing. If the project is not completed by the negotiated time frame, the WCLB may invoke its right of reversion and take possession of the property. It is the responsibility of the buyer to notify the WCLB on the progress of construction and upon the completion of the project.

Any variation of the submitted Development Plan will require the prior written approval of the WCLB.
Failure to complete the plan in its entirety and as submitted with the application may result in the
reversion of the property and/or rejection of all future applications.

Signature (Required)

I have read and understand the information provided in this application.



Sign here

Date: June 17 - 2020

Breck Ricketts

Print Name

Please note: The WCLB will perform a verification of the information and any falsified information may result in the rejection of the application.

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Project Information

1. What is the intended use upon completion:
☐ Single-family Residential
☐ Two-family Residential
☐ Multi-family Residential
☐ Commercial, Type: _____
Parcel for wife to rebuild
2. What is your anticipated completion timeframe?
☒ 0 to 6 months
☐ 6 to 12 months
☐ 12 + months
3. What is your estimated construction budget per square foot? \$ NA

Residential Projects:

4. Following construction, will the applicant occupy the building?
Yes _____ No _____
NO CONSTRUCTION
5. If the applicant will not occupy the structure, what is the intended use?
☐ Rental property
☐ Sell for homeownership

Commercial Projects:

6. Following construction, is an end user identified for the building?
☐ Yes, I (we) will operate our business out of the building
☐ Yes, I (we) have an end user identified
☐ No, I (we) will seek to rent the space to a tenant
☐ No, I (we) will seek to sell the building
NO CONSTRUCTION

Application to Purchase Land Bank Property for New Construction

Land Bank Property Address: 725 S. 4th

Parcel ID Number: 185811

Applicant and Contractor Information (Please Print)

Buyer Information

Name: Breck Ricketts

Company/Organization: Ricketts LLC

Mailing Address: 10350 Richland Ave Edwadsville

Phone Number(s): 913 271 7314

E-mail(s): BRECKRICKETTS@gmail.com

Contractor

Name: None

Company/Organization: _____

Mailing Address: _____

Phone Number(s): _____

E-mail(s): _____

Website: _____

Note: Additional contractors may be listed on separate page. All Contractors will need applicable licenses, as required by the City's Building Code, for which the property resides.

Development Plan

The following information must be attached to this document before your application will be processed. The application will not be considered complete until it is submitted with all attachments.

Development Plan

No Construction Needed - AS IS

- Project Narrative - Please provide a written narrative of the project with a description of the work to be performed. Provide information on the construction team, including examples of past experiences on similar projects completed and any other information for the WCLB to consider in reviewing the application.
- Construction Budget - Provide a detailed breakdown of work. Be as specific as possible — the WCLB will give more weight to an application with more detail.
- Project Costs - Itemize costs for each part of the development, including where the buyer will perform work and any cost savings that are achieved from this work to help compare different proposals.
- Site Plan and Elevations - Buyers should meet with the Urban Planning and Zoning Department to identify any zoning or site development issues.

Proof of Funds

Documentation is required to verify the funding necessary to purchase the property and to complete the new construction. This typically includes:

- A letter, line of credit approval, and similar documents from a lending institution, approving any financing proposed for the project. The documents should contain the amount available, the term, and all requirements of the financing; it should state that the financing can be used for the proposed project. The amount of financing must equal or exceed the amount contained in the development project costs.
- Personal or business bank statements and a letter from the applicant, if the applicant proposes to use existing cash. The amount of the statements must equal or exceed the amount contained in the development project costs.

Signature (Required)

I have read and understand the information provided above and contained in this application. I hereby certify that the information I have provided for this application is true and correct.


Sign here

Date *June 17-2020*

Breck Rickert
Print Name

Required Attachments

Please initial all of the following attached to this application:

- ~~NA~~ ☒ List of additional contractors
- ~~NA~~ ☒ Information on Wyandotte County properties owned by applicant _____
- ~~NA~~ ☒ Construction Plan
- ~~NA~~ ☒ Project Narrative and Evidence of Experience
- ~~NA~~ ☒ Project Budget
- ☒ Proof of funds

RETURN TO:

Wyandotte County Land Bank
701 N 7th St, Suite 421
Kansas City, KS 66101

Property Owned:

137252 1271 Federal
934302 500 N. 86th
180442 10350 Richland Ave
903014 349 N James St
141313 12 N. James St.

This one still shows
Balance, it was appealed & lowered
And I am getting refund.
ASK BRAD or Commercial Appraiser
It is not delinquent