

**AUGUST 27, 2020 UNIFIED GOVERNMENT BOARD OF  
COMMISSIONERS MEETING  
ORDER OF BUSINESS  
MEETING TO CONVENE AT 7:00 PM**

You are invited to a Zoom webinar.  
When: Aug 27, 2020 07:00 PM Central Time (US and Canada)  
Topic: Full Commission Meeting (P/Z)

Please click the link below to join the webinar:

<https://zoom.us/j/91823529644?pwd=eW96K1hHNGFKUFk1eTQxRkp3MVZYUT09>

Passcode: 597497

Or iPhone one-tap :

US: +13462487799,,91823529644# or +12532158782,,91823529644#

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US: +1 346 248 7799 or +1 253 215 8782 or +1 669 900 9128 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY COMMISSIONER HAROLD JOHNSON, FAITH DELIVERANCE CHURCH OF GOD IN CHRIST**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, AUGUST 27, 2020 AGENDA**
- VI. CLERK'S STATEMENT**  
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**

**XVI. PUBLIC ANNOUNCEMENTS**

**XVII. ADJOURN**

**PLANNING & ZONING AGENDA**

**VII. PLANNING AND ZONING CONSENT AGENDA**

**A. CHANGE OF ZONE APPLICATIONS**

**1. #3219 - ERICK RAMIREZ-DUBON**

**Synopsis:** Change of Zone from R-1 Single Family District to A-G Agriculture District for multiple accessory structures and to keep horses at 3625 Emmons Drive, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL**)

**Tracking #:** 20335

**2. #3227 - VERONICA WESSELHOFT**

**Synopsis:** Change of Zone from C-1 Limited Business District to C-2 General Business District for auto sales at 2120 Park Drive, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR DENIAL**)

**Tracking #:** 20336

**B. SPECIAL USE PERMIT APPLICATIONS**

**1. #SP-2020-3 - MARCOS RAMIREZ**

**Synopsis:** Special Use Permit for a shipping container for storage of boxing ring and chairs at 3308 Strong Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

**Tracking #:** 20338

**2. #SP-2020-45 - LANCE PIERCE WITH KARAT INVESTMENT GROUPS, LLC**

**Synopsis:** Renewal of a Special Use Permit (#SP-2019-4 - expired 4/28/2020) for a short-term rental/AirBNB at 4028 Booth Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

**Tracking #:** 20327

**3. #SP-2020-46 - NOAH WAMBUI WITH IDEAL AUTO**

**Synopsis:** Renewal of a Special Use Permit (#SP-2018-43 - expired 4/26/2020) for a salvage yard and recycle used motor vehicle parts at 810 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 (**RECOMMENDED FOR**



**APPROVAL FOR 6 MONTHS)**

**Tracking #: 20328**

**4. #SP-2020-59 - STEPHEN P. MASLAN WITH STEPHEN P. MASLAN AND COMPANY**

**Synopsis:** Renewal of a Special Use Permit (#SP-2015-20 - expired 5/28/2020) for an auto salvage yard at 1124 Pawnee Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

**Tracking #: 20329**

**5. #SP-2020-65 - DAVID SHOWALTER**

**Synopsis:** Renewal of a Special Use Permit (#SP-2019-88 - expires 8/27/2020) for a Short-Term Rental/AirBNB at 433 Ann Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #: 20330**

**6. #SP-2020-66 - DAVID SHOWALTER**

**Synopsis:** Renewal of a Special Use Permit (#SP-2019-89 - expires 8/27/2020) for a Short-Term Rental/AirBNB at 709 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

**Tracking #: 20331**

**7. #SP-2020-67 - CHERYL M. SNOPEK**

**Synopsis:** Renewal of a Home Occupation Special Use Permit (#SP-2019-93 - expires 8/27/2020) for a dog grooming business at 401 South 82nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

**Tracking #: 20332**

**8. #SP-2020-69 - ROBERT DIMOND JR. WITH D.A. GROUP, INC.**

**Synopsis:** Renewal of a Special Use Permit (#SP-2018-67 - expires 8/30/2020) for an automotive repair operation at 1017 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

**Tracking #: 20333**

**9. #SP-2020-70 - VERONICA WESSELHOFT**

**Synopsis:** Special Use Permit for automotive sales at 2120 Park Drive, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR DENIAL)**

**Tracking #: 20337**

**10. #SP-2020-71 - JOSEPH COLLINS WITH STRAWBERRY HILL BREWING COMPANY**

**Synopsis:** Renewal of a Special Use Permit (#SP-2018-65 - expires 8/30/2020) for a microbrewery/drinking establishment at 601 Central Avenue, submitted by Gunnar H.

Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #: 20334**

### **C. MASTER PLAN AMENDMENT APPLICATION**

1. **#MP-2020-6 - RYAN CRONK WITH KC THE YARDS 2, LLC**

**Synopsis:** Master Plan Amendment from Industrial to Mixed Use at 200 South James Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751  
**(RECOMMENDED FOR APPROVAL)**

**Tracking #: 20342**

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

1. AN ORDINANCE rezoning property at 1908 South 74th Street (#3224) from R-1 Single Family District to MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #: 20343**
2. AN ORDINANCE rezoning property at 2914 South 74th Street (#3225) from R-1 Single Family District to AG Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #: 20344**
3. AN ORDINANCE rezoning property at 9700 Leavenworth Road (#3226) from A-G Agriculture and CP-2 Planned General Business Districts to CP-1 Planned Limited Business and MP-2 Planned General Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #: 20345**
4. AN ORDINANCE authorizing a Home Occupation Special Use Permit (#SP-2020-38) 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)**  
**Tracking #: 20350**
5. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-49) for a car staging area and storage of used cars at 1401 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #: 20346**
6. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-50) 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 H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #: 20347**

7. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-57) for the sale of semi-trailers at 2330 State Line Road, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 20348
8. AN ORDINANCE authorizing a Home Occupation Special Use Permit (#SP-2020-62) for a gym and personal trainer at 6135 Sloan Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 20349
9. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-63) 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)**  
**Tracking #:** 20351

## **VIII. PLANNING AND ZONING NON-CONSENT AGENDA**

### **A. VACATION APPLICATION**

1. **#A-2020-10 - WIL ANDERSON WITH BHC RHODES**

**Synopsis:** Vacation of right-of-way/alley at 1521 South 40th Street, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR DENIAL - 6/1 VOTE)**

**Tracking #:** 20341

### **B. PLAN REVIEW APPLICATION**

1. **#PR-2020-17 - DOUG CLEMENTS WITH USD 500**

**Synopsis:** Preliminary and Final Plan Review to remove previously approved sidewalk stipulation for Lowell Brune Elementary School at 2220 North 89th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR DENIAL - 6/1 VOTE)**

**Tracking #:** 20340

### **C. MISCELLANEOUS ORDINANCES**

1. AN ORDINANCE allowing for Outdoor Taverns and providing regulations associated therewith, amending Sections 32-62, 32-101 to 32-103, Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, 573-5751 submitted by Gunnar H. Hand, AICP, Director of Planning, 573-5751 **(RECOMMENDED FOR APPROVAL)**  
**Tracking #:** 20355

2. AN ORDINANCE allowing Open Streets for recreational purposes, and providing regulations associated therewith, adding new Article VIII, Sections 32-380 to 32-382 to Chapter 32, Article VIII 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 #:** 20356

**TAX STATUS REPORT**  
***BOARD OF COMMISSIONERS AGENDA FOR AUGUST 27, 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**

**1. CENSUS COUNT**

**Synopsis:** Urge citizens to be counted by completing the 2020 Census. Results help determine how billions of dollars in federal funding flow into states and communities each year. The Census takes just a few moments to complete and the U.S. Census Bureau keeps answers safe and confidential. Individuals can respond online, by phone, or by mail. To be counted, you must respond by September 30, 2020.

**Tracking #:** 20357

**X. REGULAR CONSENT AGENDA**

**1. PURCHASE AGREEMENT - 3 PARCELS FOR RODRIGUEZ MECHANICAL**

**Synopsis:** A purchase agreement for the sale of three UG-owned parcels on 18th Expressway totaling 1.68 acres proximate to the new Rodriguez Mechanical headquarters at 1900 Osage, submitted by Katherine Carttar, Director of Economic Development.

*On August 10, 2020, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

**Tracking #:** 20294

2. **PURCHASE AGREEMENT: SCANNELL PROPERTIES FOR THE WOODLANDS**

**Synopsis:** A purchase agreement for Scannell Properties to buy 34 acres of UG-owned land, and donated 94 acres to the UG Parks Dept., as part of the proposed Woodlands development, submitted by Katherine Carttar, Director of Economic Development.

*On August 10, 2020, the **Economic Development and Finance Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

**Tracking #:** 20295

3. **THIRD AMENDMENT TO DEVELOPMENT AGREEMENT - SCAVUZZO'S FOODIE PARK**

**Synopsis:** The third amendment to KC Foodie Park Development Agreement and first amendment to the Acknowledgement and Assumption Agreement, which modifies the Phase 1 Minimum Improvements Commencement Date to on or before April 30, 2021.

*On August 10, 2020, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

**Tracking #:** 20296

4. **RESOLUTION: THE YARDS APARTMENTS TIF PROJECT**

**Synopsis:** A resolution setting October 29, 2020, to conduct a public hearing to consider the Yards II Apartments Redevelopment Plan, submitted by Katherine Carttar, Director of Economic Development. This will be a first-class apartment complex located west of State Line Rd., east of the Kansas River, north of Kansas Avenue, and south of I-670.

*On August 10, 2020, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

**Tracking #:** 20297

5. **NOMINATIONS: BOARDS & COMMISSIONS**

**Synopsis:** Nominations for Boards & Commissions:

Julie Xiong to Advisory Committee on Human Relations & Disability Issues, 8/27/2020-12/11/2023, submitted by Commissioner Bynum

Beverly Easterwood to Landmarks Commission, 8/27/2020-12/11/2023, submitted by Commissioner Johnson

Jason Glasrud to Self-Supported Municipal Improvement District Advisory Board, 8/27/2020-12/11/2023, submitted by Commissioner McKiernan

**Tracking #:** 20322

6. **MINUTES**

**Synopsis:** Minutes from special meetings of July 16 and August 10, 2020; and special session of July 30, 2020.

**Tracking #:** MINUTES

7. **WEEKLY BUSINESS MATERIAL**

**Synopsis:** Weekly business material dated August 6, 13, and 20, 2020.

**Tracking #:** WEEKLY BUSINESS MATERIAL

**XI. PUBLIC HEARING AGENDA**

**XII. STANDING COMMITTEES' AGENDA**

1. **MEMORANDUM OF UNDERSTANDING: QUINDARO RUINS PROJECT**

**Synopsis:** An MOU between Western University Association of the A.M.E. Church, Inc. and the Unified Government which sets forth the intent of the parties to form a trust in order to own property, seek grants and donations, and to develop the Quindaro Ruins Project, submitted by Gordon Criswell, Assistant County Administrator.

*On August 10, 2020, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

**Tracking #:** 20300

**XIII. ADMINISTRATOR'S AGENDA**

**XIV. COMMISSIONERS' AGENDA**

**XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**

1. **LAND BANK APPLICATION**

**Synopsis:** Request consideration of the following Land Bank application, submitted by Jud Knapp, Land Bank Manager.

Application  
2725 Farrow - Rogelio Avalos, new construction

*On August 10, 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 #:** 20299

**XVI. PUBLIC ANNOUNCEMENTS**

**XVII. ADJOURN**



## Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners  
**From:** Planning and Urban Design Staff  
**Date:** August 27, 2020  
**Re:** Change of Zone Petition #3219

### GENERAL INFORMATION

**Applicant:**  
Erick Dubon

**Status of Applicant:**  
Property Owner  
3705 Oak Avenue  
Kansas City, KS

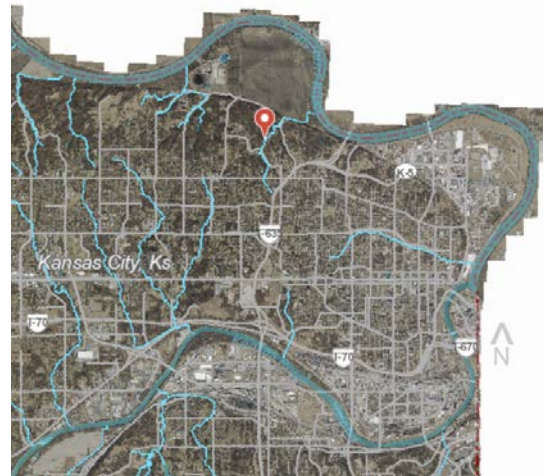
**Requested Actions:**  
Change of Zone from R-1 Single Family District to  
A-G Agriculture District.

**Date of Application:**  
March 28, 2020

**Purpose:**  
To use the land for agricultural purposes.

**Property Location:**  
3625 Emmons Drive

**Existing Zoning:**  
R-1 Single Family District





**Commission Districts:** **Commissioner At-Large:** Melissa Bynum  
**District Commissioner:** Gayle Townsend

**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:** Wooded land  
**South:** Wooded land  
**East:** Wooded land  
**West:** Wooded land

**Total Tract Size:** 5.93 Acres

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

**Major Street Plan:** The Major Street Plan designates Emmons Drive as a Local Street.

**Parking Requirement:** The A-G Agriculture zoning district requires two (2) off-street parking spaces for each single-family dwelling. There are no issues with parking on this site.

**Advertisement:** The Wyandotte Echo – April 16, 2020  
Letters to Property Owners – April 16, 2020, May 2, 2020, June 1, 2020, July 29, 2020 and August 21, 2020.

**Public Hearings:** July 13, 2020, August 10, 2020 and August 27, 2020

**Public Opposition:** None one appeared at the July 13, 2020 or August 10, 2020 meetings.

**Public Support:** Two (2) neighbors have expressed support of this application. The applicant was not present at the July 13, 2020 meeting.

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## **PROPOSAL**

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**Detailed Outline of Requested Action:** The applicant, Erick Dubon, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District on 5.93 Acres of land, in order to allow agricultural uses such as animals and accessory buildings by right. The Fire Department has received numerous complaints of illegal burning operations at this location by Mr. Dubon and his guests. Animal Services were called to inspect the keeping of horses at the applicant's property. The horses were determined to be in fair condition but improvements to facilities were suggested. The

applicant has received multiple Notices of Violation which is why they are seeking a Change of Zone. Violations include:

1. 18200-05174: Dumping, structures, fence
2. 18208-01911: Vehicles improperly kept
3. 18208-01910: Vehicles improperly kept
4. 18208-01909: Vehicles improperly kept
5. 18208-01907: Vehicles improperly kept

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

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## **FACTORS TO BE CONSIDERED**

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### ***1. Neighborhood character.***

This neighborhood is rural in nature. There is no access to sanitary sewer and streets are not paved and in disrepair.

### ***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 existing uses as much of the land nearby is either open, large tracts with single-family homes, and/or already used for agricultural purposes. A change of zone from R-1 Single Family District to A-G Agriculture District was recently approved for an adjacent property to the south.

### ***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 single-family uses. It is a large enough parcel (5 Acres) to be allowed to rezone for agricultural use. Removal of restrictions will not detrimentally affect nearby property. Nearby properties are being used for similar uses.

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

The property is not vacant. The applicant currently has horses on the property.

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

The proposed use is not necessary for the convenience and welfare of the public. It will not permanently or substantially injure the appropriate use, visual quality or marketability of nearby property because they have the same or similar uses. The proposed use is common in this area.

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- 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.***

Although streets in this area are poorly maintained, a Change of Zone to an Agriculture District would not increase traffic or parking demand.

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

The proposed use conforms to the Master Plan.

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

The applicant will need to ensure that adequate ground cover is maintained to prevent overgrazing. Additionally, the applicant needs to ensure proper waste disposal. The applicant has worked to resolve code enforcement issues at their property, including clear and free of trash as there are a lot of illegal dumping sites in the area.

- 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***

To meet code

**d. *Police***

Police service is provided by Midtown Patrol, District #443.

**e. *Fire***

Fire service is provided by Station #18.

**f. *Transit***

The nearest transit route is KCATA Route 113 along Leavenworth Road.

**g. *Schools***

Public education is provided by Kansas City, Kansas USD 500.

#### ***h. Streets***

See item #6 above.

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

The economic impact of the proposed use is minimal.

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

The proposed use is capable of meeting applicable ordinance requirements. Permits are required for all primary and accessory structures.

#### ***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 is minimal. If denied the landowner would not be allowed to keep horses or keep their existing accessory structures by right. They landowner would be required to remove the existing horses and accessory structures from the property.

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### **NEIGHBORHOOD MEETING**

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Due to the COVID-19, the applicant sent a letter (as detailed as possible about the proposal) to the properties specified by the Planning and Urban Design Department. The applicant received one text message and one email in support. Both items in support are included in the attachments at the end of this report.

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### **KEY ISSUES**

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Illegal burning  
Code enforcement violations  
Zoning enforcement violations  
Animal manure

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### **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application #3219, subject to:

- 1. Applicant must continue to work with the Code Enforcement Department until all code violations are remedied;**
- 2. Burning on the property is only allowed within designated burn cycles, as set out by the Fire Department, and a burn permit must be obtained from the Fire Department before such activity can be conducted;**

- 
3. Construction, building additions, and/ or demolitions must be properly permitted through Building Inspections Department;
  4. All animals must be well-kept with adequate water, shelter, food and care;
  5. Must maintain adequate ground coverage by providing 75 percent coverage after two (2) full growing seasons;
  6. Provide a plan for hazardous waste disposal; and,
  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 30 days following the Unified Government Board of Commissioners meeting.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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 #3219 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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July 13, 2020 City Planning Commission Minutes  
August 10, 2020 City Planning Commission Minutes  
Zoning Map  
Photographs provided by applicant, dated 6/8/2020  
Photographs provided by staff, dated 4/29/2020  
Neighborhood Meeting Letter  
Screenshot of text message expressing support  
Email in Support  
Email in Opposition from Animal Control  
Email in Opposition from Fire Department

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission                      | Unified Government Commission |
|----------------|------------------------------------------|-------------------------------|
| Public Hearing | July 13, 2020                            | August 27, 2020               |
| Special Use    | Held Over<br>August 10, 2020<br>Approval |                               |

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**STAFF CONTACT:**            Kimberly Portillo, AICP  
                                         [kportillo@wycokck.org](mailto:kportillo@wycokck.org)

## MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #3219 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 #3219, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

### July 13, 2020 City Planning Commission Minutes:

Hearing starts at 1:24:28 and the applicant was not present. The item was moved to the end of the agenda and recalled at 4:46:30 and the applicant was not present.

**CHANGE OF ZONE APPLICATION #3219 – ERICK RAMIREZ-DUBON – SYNOPSIS:** Change of Zone from R-1 Single Family District to A-G Agriculture District for multiple accessory structures and to keep horses at 3625 Emmons Drive. **Detailed Outline of Requested Action:** The applicant, Erick Dubon, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District on 5.93 acres of land, in order to allow agricultural uses such as animals and accessory buildings by right.

1. The following items were included as part of the record for this case:
2. The City's currently adopted zoning and subdivision regulations;
3. The official zoning map for the area in question;
4. The City's currently adopted Master Plan for the area in question;
5. The staff report and attachments dated July 13, 2020;
6. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
7. The Notice in the Wyandotte Echo dated April 16, 2020; and,
8. The Notices to property owners dated April 17, 2020, May 2, 2020 and June 1, 2020.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Commissioner Jones stated that she spoke to Commissioner Gayle Townsend about this case.

**Present in Support:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 4:47:20:** Planning Director Hand stated that this is an apparently 6 acre site and is in the Sorter Drive area where there has been an ongoing Code Enforcement campaign. The applicant keeps their horse and sometimes their neighbors' horses. The applicant purchased the property after the city started its enforcement campaign in this area, and they have been working with Code Enforcement as there had been illegal dumping taking place on the property. Some of the people that were hired to clean up the property burned trash without the applicant's permission. The Fire Department was called to the property to put out the fire. There was another occasion when the Fire Department was called to the property so there has been a lot of back and forth. The conditions of approval include the requirement to obtain a building permit if any structures are built in the future. There was also a report about the health of one of the horses on the property. The applicant agreed to care for one of his neighbor's horses that was suffering from a lack of care. Director Hand stated that the staff recommends approval, although he wishes that the applicant was present this evening to explain his proposal.

**Motion and Vote starts at 4:52:**

On motion by Ms. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **HOLD OVER** Change of Zone Application #3219 to the August 10, 2020 meeting for the applicant to be present:

|                  |                    |
|------------------|--------------------|
| <b>Carson</b>    | <b>Chairman</b>    |
| <b>Armstrong</b> | <b>Aye</b>         |
| <b>Cho</b>       | <b>Not Present</b> |
| <b>Connelly</b>  | <b>Aye</b>         |
| <b>Ernst</b>     | <b>Aye</b>         |
| <b>Huey</b>      | <b>Aye</b>         |
| <b>Jones</b>     | <b>Aye</b>         |
| <b>Miller</b>    | <b>Not Present</b> |
| <b>Mohler</b>    | <b>Aye</b>         |
| <b>Pauley</b>    | <b>Aye</b>         |
| <b>Reasons</b>   | <b>Aye</b>         |

**Motion to HOLD OVER Passed: 8 to 0**

**August 10, 2020 City Planning Commission Minutes:**

**Hearing starts at 1:43:45:**

**CHANGE OF ZONE APPLICATION #3219 – ERICK RAMIREZ-DUBON – SYNOPSIS:** Change of Zone from R-1 Single Family District to A-G Agriculture District for multiple accessory structures and to keep horses at 3625 Emmons Drive. **Detailed Outline of Requested Action:** The applicant, Erick Dubon, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District on 5.93 acres of land, in order to allow

agricultural uses such as animals and accessory buildings by right.

1. The following items were included as part of the record for this case:
2. The City's currently adopted zoning and subdivision regulations;
3. The official zoning map for the area in question;
4. The City's currently adopted Master Plan for the area in question;
5. The staff report and attachments dated August 10, 2020;
6. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
7. The Notice in the Wyandotte Echo dated April 16, 2020; and,
8. The Notices to property owners dated April 17, 2020, May 2, 2020, June 1, 2020 and July 29, 2020.

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

Recording Secretary Parker stated that this application was held over from the July 13, 2020 meeting as the applicant was not present.

**Present in Support:**

- Erik Dubon, applicant, owner of 3625 Emmons Drive

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:03:20:** Planning Director Hand stated that this application was held over from last month's meeting due to their absence. This property is located in the Sortor Drive area, which has had a concerted code enforcement effort over the last year and as a result there have been multiple change of zone and variance applications submitted. This change of zone complies with the ordinance as it is approximately six (6) acres. Staff feels that with these entitlements that the property owners in the area are working together to make the area better. The applicant has continued to work with Code Enforcement through this entitlement process. There continues to be an issue with illegal dumping and there was one (1) incident of illegal burning; the incident is noted in the staff report. The only other issue raised by Code Enforcement was the issue of a horse that the applicant had taken in from one of his neighbors; the horse is now healthy. He stated that one of the conditions is that the applicant is required to obtain a burn permit from the Fire Department before any burning activities occur. The applicant must also continue to work with Code Enforcement until all code violations are remedied. Staff recommends approval subject to the conditions in the staff report.

**Motion and Vote starts at 2:07:03:**

On motion by Ms. Pauley, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application #3219:

|                  |                 |
|------------------|-----------------|
| <b>Carson</b>    | <b>Chairman</b> |
| <b>Armstrong</b> | <b>Aye</b>      |



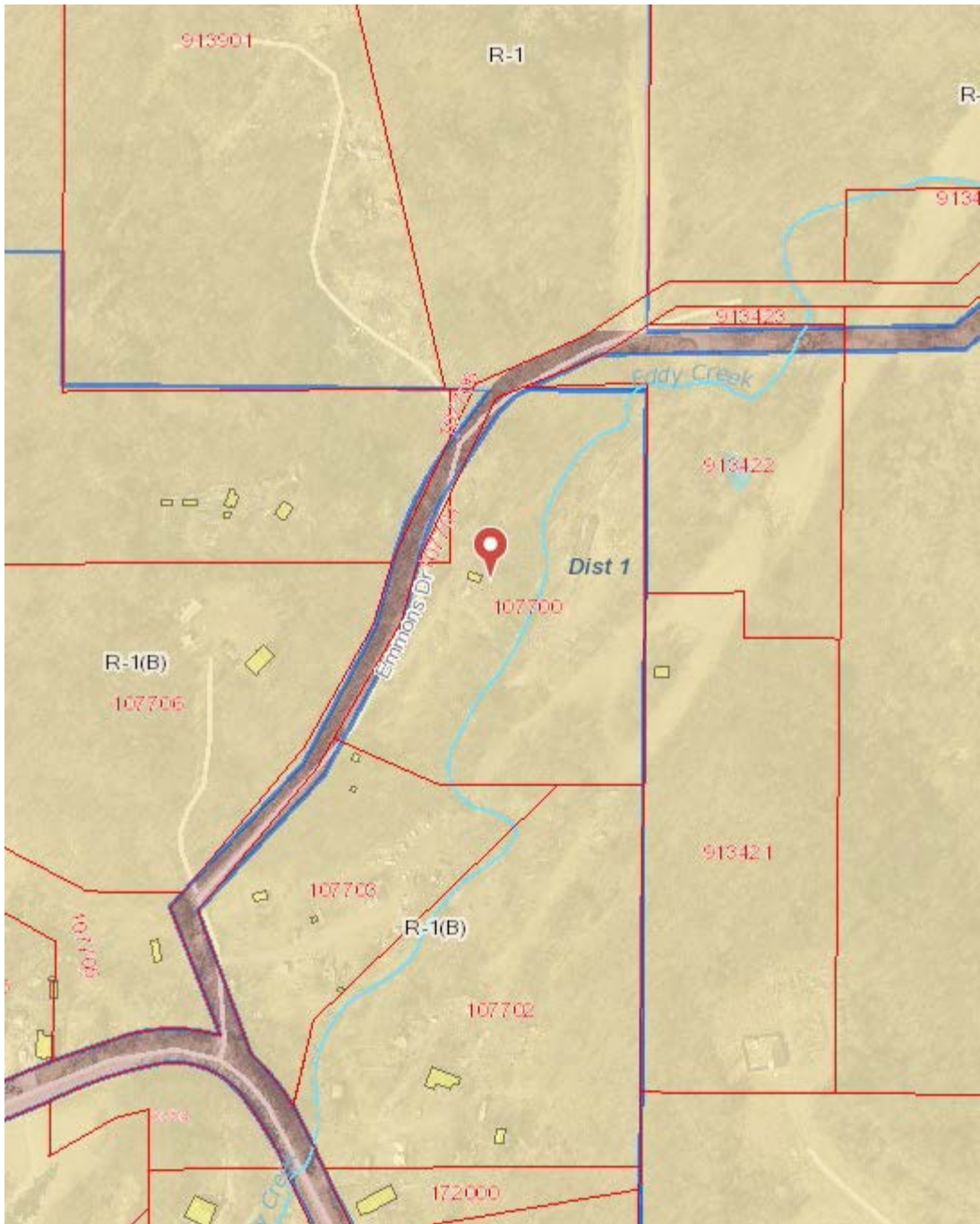
|          |             |
|----------|-------------|
| Cho      | Not Present |
| Connelly | Not Present |
| Ernst    | Aye         |
| Huey     | Aye         |
| Jones    | Aye         |
| Miller   | Aye         |
| Mohler   | Aye         |
| Pauley   | Aye         |
| Reasons  | Not Present |

**Motion to RECOMMEND APPROVAL Passed: 7 to 0**

**Subject to:**

**Conditions of Approval:**

- 1. Applicant must continue to work with the Code Enforcement Department until all code violations are remedied;**
- 2. Burning on the property is only allowed within designated burn cycles, as set out by the Fire Department, and a burn permit must be obtained from the Fire Department before such activity can be conducted;**
- 3. Construction, building additions, and/ or demolitions must be properly permitted through Building Inspections Department;**
- 4. All animals must be well-kept with adequate water, shelter, food and care;**
- 5. Must maintain adequate ground coverage by providing 75 percent coverage after two (2) full growing seasons; and**
- 6. Provide a plan for hazardous waste disposal.**





**Figure 1: Photo Provided by Applicant, dated 6/8/2020**





**Figure 2: Photograph taken by staff, dated 4/29/2020 showing poor road conditions on Emmons Drive.**



**Figure 3: Photograph taken by staff, dated 4/29/2020 showing abandoned vehicle along Emmons Drive.**

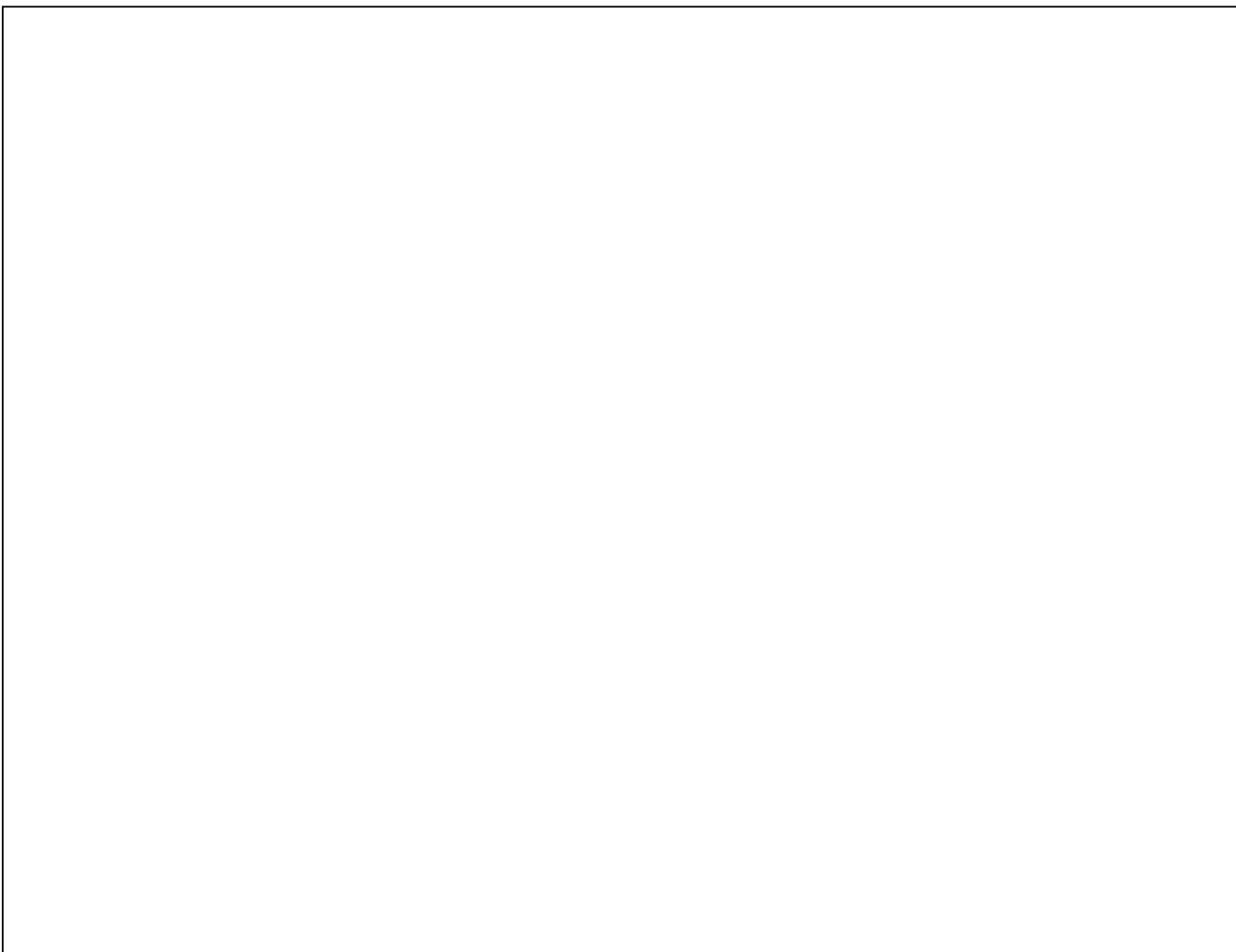
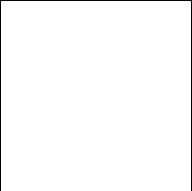




**Figure 4: Photograph taken by staff dated 4/29/2020, showing applicant's property.**



**Figure 5: Photograph taken by staff, dated 4/29/2020, showing applicant's property.**



**Figure 6: Neighborhood Meeting Letter, Provided by Applicant on 6/19/2020**



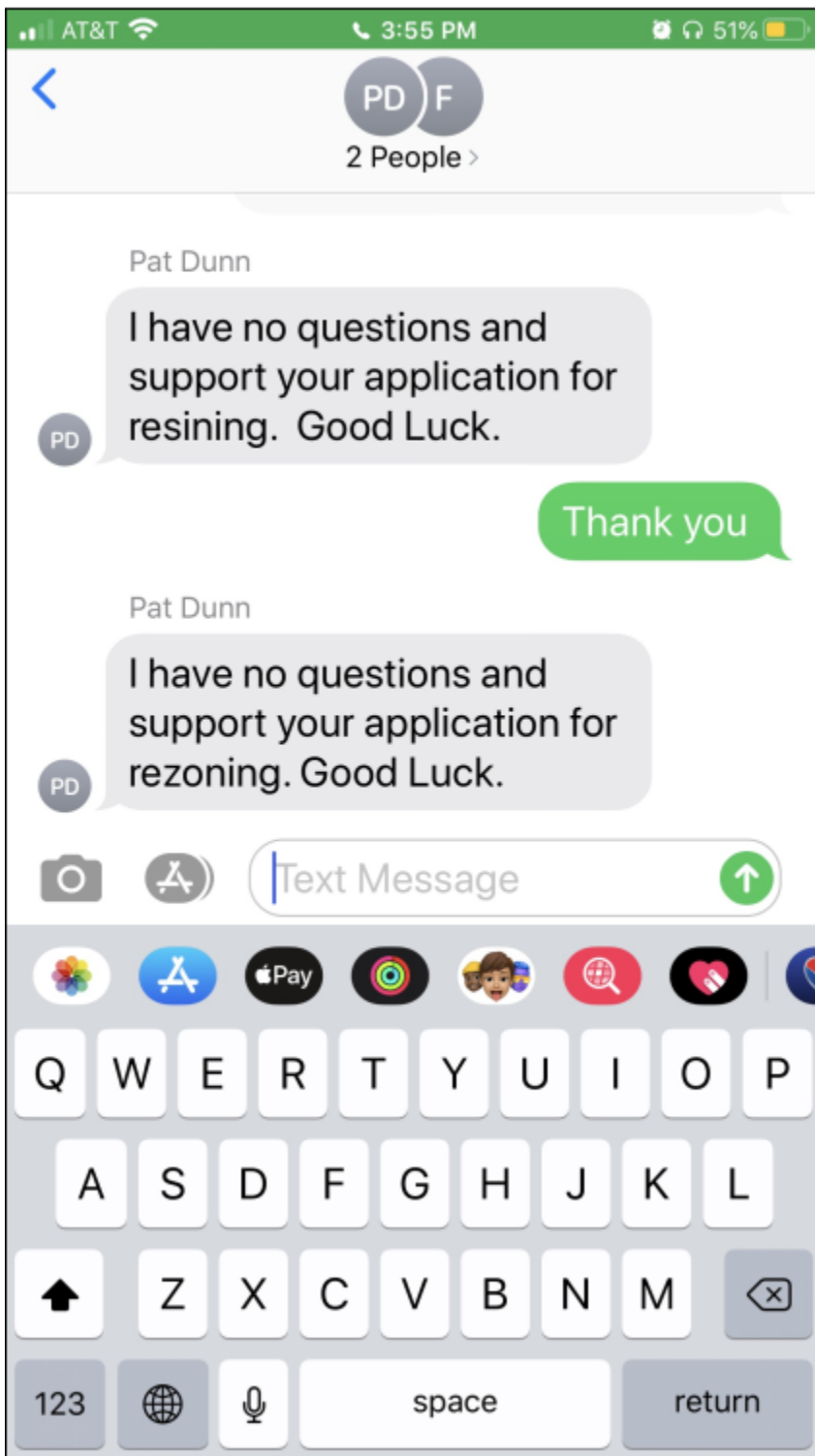


Figure 7: Text message of neighbor support for Change of Zone 3219. Submitted by applicant.

**From:** Fred Del Toro <[deltoro.fred@gmail.com](mailto:deltoro.fred@gmail.com)>  
**Sent:** Thursday, June 11, 2020 10:37 AM  
**To:** Dubon, Erick (CAI - Mission) <[Erick.Dubon@coxautoinc.com](mailto:Erick.Dubon@coxautoinc.com)>  
**Subject:** Neighbor Letter

To whom it may concern,

I am writing this letter regarding Mr. Erik Dubon to serve as an aid as to what kind of person he is.

I have known Erik as a neighbor and eventually as a friend for 3 years, and in that time I can say I have a fair understanding of Eriks personality. I can say he is very passionate in what he does both personally and professionally.

I can say that Erik means well to his property and the animals he looks after. I've seen Erik help clean debris left out on Emmon St and also Sortor Dr from illegal dumping that has occurred in the general area for not just recently but for many years before his time.

The transgression of accusations allegedly committed should not be the only factor you look in this case but what Erik has brought to the table in aiding cleaning up the area.

Sincerely,  
Fred Del Toro  
(913)942-4018

### Figure 8: Email of neighbor support for Change of Zone 3219.

**From:** Stewart, Jennifer <[jstewart@kckpd.org](mailto:jstewart@kckpd.org)>  
**Sent:** Friday, April 17, 2020 4:23 PM  
**To:** Parker, Janet <[jparker@wycokck.org](mailto:jparker@wycokck.org)>  
**Cc:** Richardson, Rob <[RRichardson@wycokck.org](mailto:RRichardson@wycokck.org)>  
**Subject:** RE: May 11, 2020 BOZA and CPC Applications

My apologies for not responding to this sooner.

Regarding Item #3219 – Erick Dubon at 3625 Emmons Drive:

We have had one welfare complaint, and a unsatisfactory follow-up, for this address and Mr. Erick Dubon, they are as follows:

- 2/6/2020: Per ASO Banks: KCKFD Captain Matz called Animal Services out for five horses that are being kept in a stable don't appear to be properly cared for. I spoke with Erick Dubon who is responsible for the care of the horses at 3625 Emmons. The horses do look to be in fair condition but Erick will need to make improvements to show the horses are properly being cared for. There was no water in the horse's water buckets and hay will also need to be added to the stable that the horses are being kept in. There is concern for one of the horses weight, the brown and white horse in the first stable appears to be underweight, Erick tells me that when he got the horse from friend, the horse was severely underweight and he's been working on getting the weight back up.
- 2/18/2020: Follow-up was made by ASO Banks and he noted: In my opinion the horses continue to be in fair condition, my only concern is that I couldn't see whether or not there was water inside the buckets. I left a notice on the gate entrance and no call has been received by Mr. Dubon.

I am concerned that Mr. Dubon has requested to be zoned as A-G, so that he may add more animals, when it appears that he is unable to properly care for the animals that are currently on his property.

Thank you,  
Jennifer Stewart  
Director of Animal Services  
3301 Park Dr. KCK 66102  
Office: 913.321.1445  
[jstewart@kckpd.org](mailto:jstewart@kckpd.org)

### Figure 9: Email in opposition from Animal Services.

## **PLANNING COMMISSION AGENDA REMARKS**

May 11, 2020

Mrs. Janet Parker,

In reference to the BOZA and CPC agenda items for the May 11, 2020, City Planning Commission Agenda the Kansas City, Kansas, Fire Marshal's office has only one comment for the items submitted:

- **COZ #3219 Erick Dubon**

Change of Zone from R-1 Single Family District to A-G Agriculture District for multiple accessory structures and to keep horses at 3625 Emmons Drive.

COMMENT: The Fire Department has received numerous complaints of 'Illegal Burning' operations at this location from Mr. Dubon and his guests. He frequently brings housing/structural debris back to this property and burns it creating a nuisance to the surrounding neighborhood. He then buries what is not capable of burning. Allowing this property to fall under the A-G District would only complicate the enforcement efforts by the Fire Department to manage the current illegal activity.

**Figure 10: Comment from Fire Department regarding Change of Zone 3219.**



# Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

Phone: (913) 573-5750  
Fax: (913) 573-5796

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** August 27, 2020

**Re:** Change of Zone Petition #3227 and #SP-2020-70

## GENERAL INFORMATION

**Applicant:**  
Veronica Wesselhoft

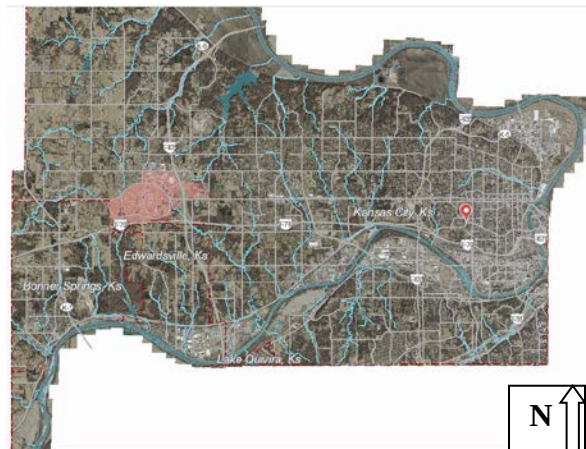
**Status of Applicant:**  
Owner  
2120 Park Drive  
Kansas City, Kansas 66102

**Requested Actions:**  
Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District.

Special Use Permit to operate a used automotive dealership.

**Date of Application:**  
June 26, 2020

**Purpose:**  
To rezone the property and an accompanying Special Use Permit to operate a used car lot.



**Property Location:** 2120 Park Drive

**Commission Districts:** Commissioner At Large: Melissa Bynum  
District Commissioner: Harold Johnson

**Existing Zoning:** C-1 Limited Business 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 (across Riverview Avenue)  
**South:** Clifton Park (across Park Drive)  
**East:** Gas station  
**West:** Single family homes (across South 22<sup>nd</sup> Street)

**Total Tract Size:** 0.39 Acre

**Master Plan Designation:** The City-Wide Master Plan classifies this property as Urban Residential.

**Major Street Plan:** The Major Street Plan classifies Park Drive as a Class C Thoroughfare and Riverview Avenue and 22<sup>nd</sup> Street are classified as Local Streets.

**Required Parking:** Four (4) spaces per 1,000 square feet of total floor area. The building is 2,280 square feet, so nine (9) spaces are required for customers for the existing office spaces and proposed office space required for auto sales.

**Advertisement:** The Wyandotte Echo – July 16, 2020  
Letters to Property Owners – July 16, 2020 and August 21, 2020

**Public Hearings:** August 10, 2020 and August 27, 2020

**Public Support:** None to date.

**Public Opposition:** None to date.

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## PROPOSAL

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**Detailed Outline of Requested Action:** The applicant, Veronica Wesselhoft, wants to rezone the property from C-1 Limited Business District to CP-2 Planned General Business District and obtain a Special Use Permit to operate a used car lot with an existing car insurance and multi-service businesses operating within the building at 2120 Park Drive.

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

Code Enforcement Action: Zoning Enforcement Case #18217-00044 was opened on July 24, 2018 for suspicion of operating a used car dealer. Police call resulting in tagging multiple cars for 10-day tow.

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## **FACTORS TO BE CONSIDERED**

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***1. Neighborhood character.***

The neighborhood is predominantly residential in nature. It is a mix of single-family, two-family lots and a large neighborhood park (Clifton Park) south of Park Drive, with a few commercial properties in the neighborhood and a mixed-use commercial corridor a few blocks away on Central Avenue.

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

The immediate surrounding properties to the north and west are residential dwellings and a large neighborhood park (Clifton Park), south, across Park Drive. There is a gas station abutting the property to the east. There are other businesses zoned for greater commercial intensity (C-3) within 1,000 feet of the property located along 18<sup>th</sup> Street and Central Avenue, an established mixed-use commercial corridor. Overall, the proposed use is not compatible with the residential properties.

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

The property as zoned is restricted to allow sales of automotive related accessories, but not auto sales. Rezoning the property to CP-2 General Business District would allow for more intensive commercial uses other than a used car lot. Removal of the restrictions could affect nearby property because in the past, the building has operated in a capacity similar to an office building rather than a commercial or retail establishment.

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

The property is not vacant, but is an existing building and lot currently operating as an insurance business and office space.

***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.***

This use is not a necessary convenience to the public, nor adds to the public welfare. Having a used car lot in the neighborhood is not often an expected or anticipated convenience for residents. The appropriate buffer between more intense uses such as C-2 General Business and C-3 Commercial Districts and single-family homes is C-0 Nonretail Business and C-1 Limited Business Districts because the performance standards restrict business hours and outside storage.

The proposed use will substantially and permanently injure the visual quality of nearby property based on the site visit by staff as there are vehicles in various states of disrepair being repaired on site directly across the street from single-family homes.

**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 parking demand in ways that would adversely affect road capacity, safety, or create parking problems because there are 26 spaces on site, however, there may be increased traffic to the site because ingress and egress is on South 21<sup>st</sup> Street.

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

Special Use Permits are not addressed in the Master Plan, however, car lots are a discouraged use in Urban 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 because used car lots typically do not have issues with disposal of fluids or leaks for vehicles that infiltrate the ground water, but if on-site repair occurs as evidenced by staff's photographs, the appropriate infrastructure (i.e. sand-oil separator) is not installed to conduct such service.

**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 East Patrol, District #114.

**e. Fire**

Fire service is provided by Station #9.

**f. Transit**

Kansas City ATA does not provide service to this property, however there is transit service along Central Avenue, Route #102 with the closest stop approximately three (3) blocks east on 18th Street and Central Avenue.

**g. Schools**

Public education is provided by Kansas City, Kansas USD 500.

**h. Streets**

Park Drive is classified as a Class C Thoroughfare and 21<sup>st</sup> Street is classified as a Local Street. Park Drive is capable of meeting the anticipated traffic from the proposed use.

**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.**

With proper plans, 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 property is already zoned for limited business use; a change in intensity will have a detrimental effect on the nearby landowners and public. Since there is already two businesses on the property, the if the rezoning or Special Use Permit were denied, the landowner can still continue operations, sell the property or find another site that is more conducive for auto sales that is not in close proximity to established single family neighborhood in a C-2/CP-2 zoned or higher property.

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## NEIGHBORHOOD MEETING

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The applicant held a neighborhood meeting on July 21, 2020. According to the applicant, there were two (2) attendees at the meeting as shown on their sign-in sheet. Neighborhood meeting minutes were not provided.

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## KEY ISSUES

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Traffic

Compliance with the Commercial Design Guidelines and Sec. 27-594(b)(19)

Planning Engineering Comments

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 0 to recommend **DENIAL** of Change of Zone Application #**3227** and Special Use Permit Application #**SP-2020-70** for the following reasons:

- 1) Rezoning this property to sell used cars is not the best and highest use of the property. This property abuts a gas station to the east, which is a more intense commercial use, albeit zoned C-1 Limited Business District. The building is occupied as multi-tenant office space, which has a low traffic impact and visual impact for the single-family homes adjacent to the west, across South 22<sup>nd</sup> Street. Office space is a natural transition between greater intensive uses such as a gas station and an established single-family neighborhood;
- 2) The barbed wire is not permitted in C-1 and must be removed immediately;
- 3) Tow truck may not be parked on site.

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## STAFF COMMENTS AND SUGGESTIONS

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

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## STAFF RECOMMENDATION

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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 Petitions #**3227** and #**SP-2020-70** subject to all comments and suggestions outlined in the staff report and the reasons listed by the City Planning Commission.

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## ATTACHMENTS

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August 10, 2020 City Planning Commission Minutes  
Applicant Response Letter  
Criteria for Used Car/Truck Lots and Light Automotive Service and Maintenance  
Site Plan  
Site Photographs Provided by Staff dated July 14, 2020

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>  | <u>Planning Commission</u> | <u>Unified Government Board of Commissioners</u> |
|----------------|----------------------------|--------------------------------------------------|
| Public Hearing | August 10, 2020            | August 27, 2020                                  |
| Rezoning       | Denial                     |                                                  |
| Public Hearing | August 10, 2020            | August 27, 2020                                  |
| SUP            | Denial                     |                                                  |

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**STAFF CONTACT:**        **Byron Toy, AICP**  
                                 [btoy@wycokck.org](mailto:btoy@wycokck.org)

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## MOTIONS

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### Change of Zone

I move the Unified Government Board of Commissioners **DENY** Petition #3227, 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 #3227 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. \_\_\_\_\_.

### Special Use Permit

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2020-70, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

COZ 3227 and SP-2020-70

August 27, 2020

**OR**

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-70** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

**August 10, 2020 City Planning Commission Minutes:**

**Hearing starts at 2:08:10:**

**CHANGE OF ZONE APPLICATION #3227 – VERONICA WESSELHOFT –**  
**SYNOPSIS:** Change of Zone from C-1 Limited Business District to C-2 General Business District for automotive sales at 2120 Park Drive.

**SPECIAL USE PERMIT APPLICATION #SP-2020-70 – VERONICA WESSELHOFT,** Special Use Permit for automotive sales at 2120 Park Drive.

**Detailed Outline of Requested Action:** The applicant, Veronica Wesselhoft, wants to rezone the property from C-1 Limited Business District to CP-2 Planned General Business District and obtain a Special Use Permit to operate a used car lot with an existing car insurance and multi-service businesses operating within the building at 2120 Park Drive.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 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:**

- Veronica Wesselhoft, applicant, 2120 Park Drive, Kansas City, Kansas 66102
- Hilda Gardea, Interpreting for Ms. Wesselhoft

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:11:42:** Planning Director Hand stated that the staff recommends denial of this request from C-1 Limited Business District to C-2 General Business District, which is a more intensive zoning. This property is on a “triangle” just north of Clifton Park in a predominantly residential neighborhood. While some of these spot commercial properties add to the neighborhood character along Park Drive, staff believes that intensifying the zoning for an automobile use is inappropriate. There are also some issues with the property. In the staff’s site visit, there was a tow truck on the site, as well as an automobile being serviced on the site. Servicing of an automobile on this site is not allowed in a C-1 zoned district. The property also has a barbed wire fence, which is not allowed in C-1 zoning. The property is essentially an office building with a large parking lot in the rear. Staff does not believe that the proposed use is appropriate in a single-family area with a park and recommends denial.

**Motion and Vote starts at 2:13:36:**

On motion by Mrs. Jones, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **DENIAL** of **Change of Zone Application #3227**:

|                  |                    |
|------------------|--------------------|
| <b>Carson</b>    | <b>Chairman</b>    |
| <b>Armstrong</b> | <b>Aye</b>         |
| <b>Cho</b>       | <b>Not Present</b> |
| <b>Connelly</b>  | <b>Not Present</b> |
| <b>Ernst</b>     | <b>Aye</b>         |
| <b>Huey</b>      | <b>Aye</b>         |
| <b>Jones</b>     | <b>Aye</b>         |
| <b>Miller</b>    | <b>Aye</b>         |
| <b>Mohler</b>    | <b>Aye</b>         |
| <b>Pauley</b>    | <b>Aye</b>         |
| <b>Reasons</b>   | <b>Nor Present</b> |

**Motion to recommend DENIAL Passed: 7 to 0**

**For the following reasons:**

- 1) Rezoning this property to sell used cars is not the best and highest use of the property. This property abuts a gas station to the east, which is a more intense commercial use, albeit zoned C-1 Limited Business District. The building is occupied as multi-tenant office space, which has a low traffic impact and visual impact for the single-family homes adjacent to the west, across South 22<sup>nd</sup> Street. Office space is a natural transition between greater intensive uses such as a gas station and an established single-family neighborhood;

- 2) The barbed wire is not permitted in C-1 and must be removed immediately;
- 3) Tow truck may not be parked on site.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **DENIAL** of **Special Use Permit Application #SP-2020-70** based on the reasons for denial of the Change of Zone Application:

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

Motion to recommend **DENIAL** Passed: 7 to 0

Planning and Urban Design Comments:

In response to the comments. The tow truck that is parked on site as well as the other vehicles were personal and employee use only. My son has recently purchased the tow truck and I was allowing him to park the vehicle there only (not towing vehicles to or from that location). At no time were we aware that this was not permitted and that was our negligence.

The one-time on-site repair that was being done on the vehicle was not for business but for personal vehicle as well as a last-minute emergency.

Our proposed days and hours of operation are Monday through from 9:00am-6:00pm and Saturdays from 10:00am to 3:00 pm

We would like to be able to purchase vehicles from the auctions and sell only through an online basis with scheduled appointment. We do not wish to purchase any broke down or salvage vehicles therefore no mechanic or towing would be necessary.



- 
2. The parcel listed is owned by the same entity.
  3. The vehicles that will be parked and sold at this site will not be crashed/wrecked vehicles. All vehicles will be bought at an auction and will be running cars. No mechanic will be done at the property.
  4. The vehicles will not be delivered by a truck but driven in. All cars purchased from auction will be running vehicles.

Additionally, I will only be selling the vehicles online and through scheduled appointments only.

(19) Used car/truck lots and light automotive service and maintenance only in C-2 general business district, C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:

- a. *Repurposing of structure(s) for used car/truck lots or light automotive service and maintenance.*
  1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
  2. Landscaping, screening, and façade improvements to meet commercial design guidelines.
- b. *Signage.*
  1. Following all permanent sign requirements under section 27-727.
  2. Following all special event display requirements under section 27-734.
  3. No display on sidewalks.
- c. *Façade, landscaping, and screening.*
  1. For new buildings:
    - i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
    - ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
  2. For existing structures:
    - i. Such modifications as:
      - A. Restoring original brick.
      - B. Any necessary repair of the facade.
      - C. New doors or windows if existing fixtures are in disrepair.

- D. Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed and tuck pointed.
- E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.
- d. *Condition of automobiles/trucks.*
  - 1. Automobiles/trucks available for sale, rent or lease must not be inoperable, ruined, dismantled or wrecked.
- e. *Parking.*
  - 1. The display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.
  - 2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
  - 3. Each automobile shall be in a striped, designated parking space.
- f. *Install/repair sidewalks per Code.*
- (20) Heavy automotive/truck service, repair, and mechanics only in C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:
  - a. *Repurposing of structure(s) for heavy automotive/truck service, repair, and mechanics.*
    - 1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
    - 2. Landscaping, screening, and façade improvements to meet commercial design guidelines.
  - b. *Signage.*
    - 1. Following all permanent sign requirements under section 27-727.
    - 2. Following all special event display requirements under section

[https://library.municode.com/ks/wyandotte\\_county\\_-\\_unified\\_government/codes/code\\_of\\_...](https://library.municode.com/ks/wyandotte_county_-_unified_government/codes/code_of_...) 1/29/2018

27-734.

3. No displays on sidewalks.
- c. *Façade, landscaping, and screening.*
  1. For new buildings:
    - i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
    - ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
  2. For existing structures:
    - i. Such modifications as:
      - A. Restoring original brick.
      - B. Any necessary repair of the facade.
      - C. New doors or windows if existing fixtures are in disrepair.
      - D. Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed and tuck pointed.
      - E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.
- d. *Parking.*
  1. Parking of the automobiles under heavy service, repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.
  2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
  3. Each automobile shall be in a striped, designated parking space.
- e. *Install/repair sidewalks per Code.*

[https://library.municode.com/ks/wyandotte county - unified government/codes/code of ...](https://library.municode.com/ks/wyandotte%20county%20-%20unified%20government/codes/code%20of%20ordinances/27-734) 1/29/2018







**Figure 1. Site photograph of 2120 Park Drive looking north (provided by Planning Staff).**



**Figure 2. Site photograph 2120 Park Drive looking northeast (provided by Planning Staff).**





**Figure 3. Site photograph of the parking lot at 2120 Park Drive (provided by Planning Staff).**



**Figure 4. Site photograph of the parking lot at 2120 Park Drive (provided by Planning Staff).**





# Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners  
**From:** Planning and Urban Design Staff  
**Date:** August 27, 2020  
**Re:** Petition #SP-2020-3

## GENERAL INFORMATION

**Applicant:**  
Marcos Ramirez

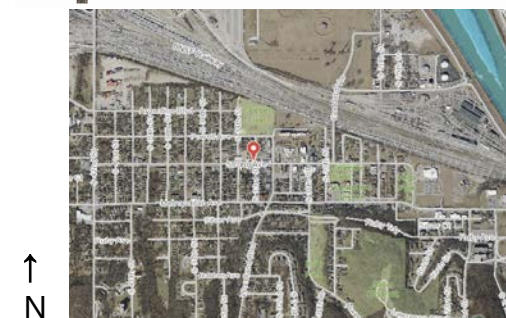
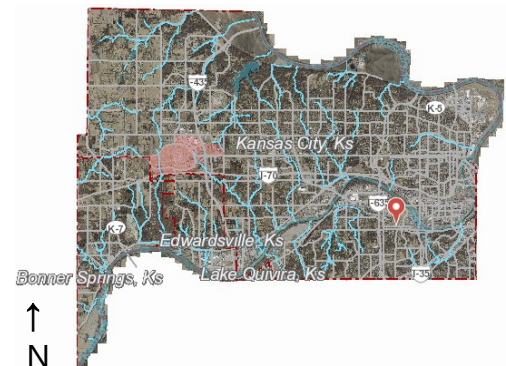
**Status of Applicant:**  
Representative of  
Flaco Ramirez Boxing  
3308 Strong Avenue  
Kansas City, Kansas 66106

**Requested Action:**  
Approval of a  
Special Use Permit

**Date of Application:**  
November 22, 2019

**Purpose:**  
Special Use Permit for the purpose  
of keeping a shipping container on  
the property.

**Property Location:** 3308 Strong Avenue





|                                 |                                                                                                                                                                                                                                            |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Districts:</b>    | District Commissioner: Angela Markley<br>Commissioner At Large: Tom Burroughs                                                                                                                                                              |
| <b>Existing Zoning:</b>         | CP-1 Planned Limited Business District                                                                                                                                                                                                     |
| <b>Adjacent Zoning:</b>         | <b>North:</b> R-1(B) Single Family;<br>CP-1 Planned Limited Business District<br><b>South:</b> R-1(B) Single Family District<br><b>East:</b> CP-1 Planned Limited Business District<br><b>West:</b> CP-1 Planned Limited Business District |
| <b>Adjacent Uses:</b>           | <b>North:</b> Single Family Homes<br><b>South:</b> Single Family Homes<br><b>East:</b> Commercial Businesses<br><b>West:</b> United States Postal Service                                                                                  |
| <b>Total Tract Size:</b>        | 0.11 Acre                                                                                                                                                                                                                                  |
| <b>Master Plan Designation:</b> | The City-Wide Master Plan designates this area as Community Commercial.                                                                                                                                                                    |
| <b>Major Street Plan:</b>       | The Major Street Plan classifies Strong Avenue as a Collector Street.                                                                                                                                                                      |
| <b>Required Parking:</b>        | Section 27-464(e) requires four (4) parking spaces per 1,000 square feet of floor area in the building.                                                                                                                                    |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – December 19, 2019<br>Letters to Property Owner – December 18, 2019,<br>January 8, 2020, January 31, 2020, March 2, 2020,<br>April 1, 2020, May 2, 2020, May 28, 2020, July 9,<br>2020 and August 21, 2020.     |
| <b>Public Hearing:</b>          | August 10, 2020                                                                                                                                                                                                                            |
| <b>Public Support:</b>          | None to date.                                                                                                                                                                                                                              |
| <b>Public Opposition:</b>       | None to date.                                                                                                                                                                                                                              |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Marcos Ramirez, is requesting a Special Use Permit for the purpose of keeping a shipping container in the rear of the building on the property. The applicant was issued a Notice of Violation on October 21, 2019 for multiple tires and a shipping container stored outside on the property. The applicant had a pre-application meeting with Staff on November 8, and his application for a Special Use Permit for use of the shipping container on November 22, 2019. The applicant owns and operates the boxing gym on the property, and this container would

be used as a storage unit to store a boxing ring, chairs, and other equipment that is occasionally used on-site by the business.

City Ordinance Requirements: Article VIII, Sections 27-592 through 27-606

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## **FACTORS TO BE CONSIDERED**

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### ***1. The Character of the Neighborhood.***

The neighborhood is a mix of commercial and residential uses along Strong Avenue. To the north and south of Strong Avenue the area is predominately single-family residential.

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

Allowing a shipping container in the limited parking lot on the applicant property would drastically reduce the number of parking spaces available. The applicant has mitigated this loss of requisite parking spaces by contracting a parking agreement with an adjacent property owner.

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

Keeping a shipping container in the rear of the property might cause lessen the visual appeal from the existing homes to the north. The reduction of parking may cause gym patrons to park on-street in the neighborhood but given the availability of on-street parking on Strong Avenue and the additional parking spaces contracted through the adjacent property there are many other parking options for patrons.

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

The property is not vacant; it is currently a boxing gym.

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

Special Use Permits are not addressed in the City-Wide Master Plan. The applicant property is designated as Community Commercial by the Master Plan (although the location and design of the property make Neighborhood Commercial a more suitable land use designation). Community Commercial does not directly speak to shipping or storage containers but does encourage large-scale commercial uses such as grocery stores, big box stores with a building footprint of 25,000 – 75,000 square feet, and commercial centers that host pharmacies, sit-down restaurants, banks, and auto supply stores. The scale and intensity of these encouraged uses may necessitate large dumpsters and/or semi-trailer truck deliveries in the rear of the building(s). Visually, such uses are analogous to the use of a shipping container for supplemental, on-site storage.

**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 business is small and the proposed use will not increase vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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

The proposed use is not necessary for the convenience and welfare of the public. It may injure visual quality from the homes to the north and push parking onto Strong Avenue but will otherwise not affect 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.***

These will not be an issue as the shipping container does not need to be constructed nor does it have lights on it.

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

Applicant must not use the shipping container to hold items that could leak, corrode, become pressurized, explode, are flammable or noxious, or otherwise could cause air, land, or water pollution.

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

The shipping container is resting on an asphalt parking lot surface; the proposed continued use of the shipping container in the same location action would not damage or destroy an irreplaceable natural resource.

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

The proposed action would have no effect on the health, safety, and welfare of the public. If denied, the applicant would need to find another location to store the materials. This would be an inconvenience for the applicant.

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

A shipping container furthers overcrowding of the property as it forces required parking spaces to be moved off-site. Use of the shipping container for storage does not open up so much space within the boxing gym as to allow for an

additional number of patrons that would cause an undue concentration of population on the property.

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## **PREVIOUS ACTIONS**

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None

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting at 6:00 PM on December 30, 2019 at 3308 Strong Avenue. Meeting minutes show that there were no attendees at the neighborhood meeting. Staff has not received any correspondence from the neighbors regarding this property nor the requested Special Use Permit.

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## **KEY ISSUES**

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Visual Appeal for the Residential Properties to the North  
On-Site Parking Availability

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **#SP-2020-3**, subject to:

- 1) **Subject to approval, the Special Use Permit shall be valid for two (2) years. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department 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) **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 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) **Shipping container must be painted to match the building within 90 days of approval of the Special Use Permit;**
- 4) **Applicant must not use the shipping container to hold items that could leak, corrode, become pressurized, explode, are flammable or noxious, or otherwise could cause air, land, or water pollution. Storage of any such items or chemicals may result in immediate revocation of this Special Use Permit;**

- 5) A valid and enforceable off-site parking agreement must be recorded with the Register of Deeds before August 19, 2020, the established deadline to comply with conditions; and
- 6) A valid and enforceable off-site parking agreement must be maintained with a nearby property/properties so that all parking requirements are fulfilled.

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## STAFF COMMENTS AND SUGGESTIONS

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

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## STAFF RECOMMENDATION

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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-2020-3 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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August 10, 2020 City Planning Commission Minutes  
Photos of Property Provided by Staff, Dated June 10, 2020  
Photos of the Property, Provide by the Applicant  
Aerial View of the Property

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>  | <u>Planning Commission</u>  | <u>Unified Government Commission</u> |
|----------------|-----------------------------|--------------------------------------|
| Public Hearing |                             |                                      |
| Special Use    | August 10, 2020<br>Approval | August 27, 2020                      |

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**STAFF CONTACT:** Michael Farley  
[mfarley@wycokck.org](mailto:mfarley@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2020-3 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

**OR**

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2020-3, 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.

**August 10, 2020 City Planning Commission Minutes:**

**Hearing starts at 2:15:56 and the applicant was not present; the application was recalled at 3:34:13 and the applicant was not present:**

**SPECIAL USE PERMIT APPLICATION #SP-2020-3 – MARCOS RAMIREZ –**

**SYNOPSIS:** Special Use Permit for a shipping container for storage of boxing ring and chairs at 3308 Strong Avenue. ***Detailed Outline of Requested Action:*** The applicant, Marcos Ramirez, is requesting a Special Use Permit for the purpose of keeping a shipping container in the rear of the building on the property. The applicant was issued a Notice of Violation on October 21, 2019 for multiple tires and a shipping container stored outside on the property. The applicant had a pre-application meeting with Staff on November 8, and his application for a Special Use Permit for use of the shipping container on November 22, 2019. The applicant owns and operates the boxing gym on the property, and this container would be used as a storage unit to store a boxing ring, chairs, and other equipment that is occasionally used on-site by the business.

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 August 10, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 19, 2019; and
7. The Notices to property owners dated January 8, 2020, January 31, 2020, March 2, 2020, April 1, 2020, May 2, 2020, May 28, 2020 and July 9, 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 3:34:50:** Planning Director Hand stated that this application was submitted through a Notice of Violation code enforcement case. Staff drove by and saw a shipping container on the property and a Notice of Violation was issued. The applicant owns a boxing business and the container is used to store the equipment. Mr. Ramirez immediately submitted a Special Use Permit for this property in the Argentine area along Strong Avenue. The shipping container also takes up some of the required parking and the applicant has secured a parking agreement off-site. The staff recommends approval, subject to the conditions in the staff report (the applicant is in agreement.)

**Motion and Vote starts at 3:36:57:**

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit Application #SP-2020-3:**

|                  |                    |
|------------------|--------------------|
| <b>Carson</b>    | <b>Chairman</b>    |
| <b>Armstrong</b> | <b>Aye</b>         |
| <b>Cho</b>       | <b>Not Present</b> |
| <b>Connelly</b>  | <b>Not Present</b> |
| <b>Ernst</b>     | <b>Aye</b>         |
| <b>Huey</b>      | <b>Aye</b>         |
| <b>Jones</b>     | <b>Aye</b>         |
| <b>Miller</b>    | <b>Aye</b>         |
| <b>Mohler</b>    | <b>Aye</b>         |
| <b>Pauley</b>    | <b>Aye</b>         |
| <b>Reasons</b>   | <b>Not Present</b> |

**Motion to recommend APPROVAL Passed: 7 to 0**

**Subject to:**

**Planning and Urban Design Comments:**

1. Is the shipping container currently existing on the property?

*Applicant Response: Yes.*

2. If it has existed in this location, how long?

*Applicant Response: 1 year.*

**Staff Response: This response was given on January 8, 2020. The shipping container has now been on the property for over 18 months by the time of the August 10, 2020 City Planning Commission meeting. This application has been delayed several times as the applicant has worked to address a parking shortage caused by the shipping container. Such delays were outside the applicant's control. The applicant has remained in contact with Staff and has been cooperative throughout the process.**

3. If it has existed in this location, have there been any neighborhood complaints?

***Applicant Response: No.***

4. How long do you intend to keep the unit on the property?

***Applicant Response: As long as we are in business.***

5. Are you willing to paint it to match the building?

***Applicant Response: Yes.***

6. Subject to approval, the Special Use Permit shall be valid for two (2) years. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and 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.
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 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.

**Conditions of Approval:**

- 1) Subject to approval, the Special Use Permit shall be valid for two (2) years. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department 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) 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 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) Shipping container must be painted to match the building within 90 days of approval of the Special Use Permit;
- 4) Applicant must not use the shipping container to hold items that could leak, corrode, become pressurized, explode, are flammable or noxious, or otherwise could cause air, land, or water pollution. Storage of any such items or chemicals may result in immediate revocation of this Special Use Permit;
- 5) A valid and enforceable off-site parking agreement must be recorded with the Register of Deeds before August 19, 2020, the established deadline to comply with conditions; and
- 6) A valid and enforceable off-site parking agreement must be maintained with a nearby property/properties so that all parking requirements are fulfilled.

PHOTOS OF PROPERTY PROVIDED BY STAFF, DATED JUNE 10, 2020



Photo captions, from left to right.

**Top Row:** Storefront of 3308 Strong Avenue, from the south.

**Middle Row:** View of Strong Avenue, facing east, demonstrating the availability of street parking; View of Strong Avenue, facing west, demonstrating the availability of more street parking.

**Bottom Row:** View of shipping container from rear right-of-way; alternate view of shipping container from the right-of-way, view of parking from right-of-way.



PHOTOS OF THE

PROPERTY, PROVIDED BY

## THE APPLICANT



## AERIAL VIEW OF THE PROPERTY







## Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** August 27, 2020

**Re:** Petition #SP-2020-45

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### GENERAL INFORMATION

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**Applicant:**  
Lance Pierce

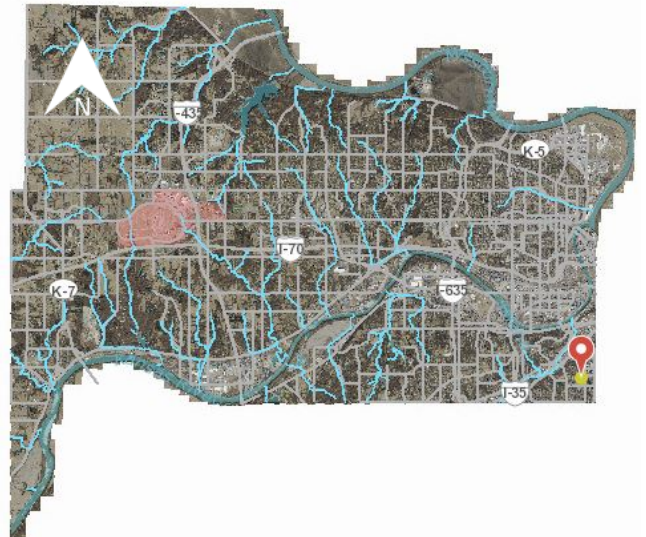
**Status of Applicant:**  
Property Owner  
4028 Booth Street  
Kansas City, Kansas 66103

**Requested Action:**  
Renewal of SP-2019-4,  
for the continued operation  
of a short-term rental  
(expired on 04/28/20).

**Date of Application:**  
April 28, 2020

**Purpose:**  
The continued operation of a  
short-term rental.

**Property Location:**  
4028 Booth Street





|                                 |                                                                                                                                                      |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Districts:</b>    | Commissioner At Large: Tom Burroughs<br>District Commissioner: Christian Ramirez                                                                     |
| <b>Existing Zoning:</b>         | R-1(B) Single-Family District                                                                                                                        |
| <b>Adjacent Zoning:</b>         | North: R-1(B) Single-Family District<br>South: R-1(B) Single-Family District<br>East: R-1(B) Single-Family District<br>West: R-2 Two-Family District |
| <b>Adjacent Uses:</b>           | North: Single Family District<br>South: Single Family District<br>East: Single Family District<br>West: Duplex Properties                            |
| <b>Total Tract Size:</b>        | 0.16 Acre                                                                                                                                            |
| <b>Master Plan Designation:</b> | The City-Wide Master Plan designates this property as Low-Density Residential.                                                                       |
| <b>Major Street Plan:</b>       | Major Street Plan classifies Booth Street as a Local Street.                                                                                         |
| <b>Parking Requirements:</b>    | Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling.                                                 |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – May 14, 2020<br>Letters to Property Owner – May 14, 2020, June 19, 2020 and August 21, 2020                              |
| <b>Public Hearings:</b>         | August 10, 2020 and August 27, 2020                                                                                                                  |
| <b>Public Support:</b>          | None to date.                                                                                                                                        |
| <b>Public Opposition:</b>       | None to date.                                                                                                                                        |

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## **PROPOSAL**

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**Detailed Outline of Requested Action:** The applicant, Lance Pierce, is requesting the renewal of Special Use Permit, SP-2019-4, which expired on 04/28/20. This Special Use Permit allows for the operation of a short-term rental at 4028 Booth Street, through sites such as AirBnb and VRBO. The property is a duplex. Both units will be rented out. This property is not the applicant's primary residence. There have been no Notices of Violation issued on this property during its time as a short-term rental.

**City Ordinance Requirements:** 27-592 through 27-606

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## FACTORS TO BE CONSIDERED

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**1. *The Character of the Neighborhood.***

The Rosedale Neighborhood is primarily residential in nature, with retail and restaurants nearby on Rainbow Boulevard.

**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 stated above. The proposed use is compatible with the surrounding uses and zoning if operated properly. Operating this property as a short-term rental/bed and breakfast has the potential to create issues related to noise, parking, and other concerns related to congestion.

**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 a duplex and is suitable for a two (2) - family home. Removal of the restrictions may not detrimentally affect nearby property owners if the property is managed correctly. Potential detrimental effects such as noise and parking may be an issue if improperly managed.

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

The property is not vacant, but an existing duplex currently operating as a short-term rental.

**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 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 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 two (2) - 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.***

Excessive noise is a concern frequently related to short-term rentals due to a higher number of visitors in the area. The applicant has had no known noise or other complaints. They have demonstrated the ability to mitigate this potential impact, so 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 short-term rental should not pollute the air, land, or water as it operates with an existing, permitted single-family residence.

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

The proposed use will take place in an existing structure in a built-out neighborhood; therefore, no irreplaceable natural resource will be damaged or destroyed as no land will be disturbed for this entitlement.

**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 provides four (4) rooms for rent. If denied, the landowner would not be able to use the property as a bed and breakfast or short-term rental but may use the property as a single-family residence, a long-term rental, 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 as it operates within the existing building footprint and an increase in concentration of population will be temporary.

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## **PREVIOUS ACTIONS**

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SP-2019-4, which expired on April 28, 2020.

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## **NEIGHBORHOOD MEETING**

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Due to Covid-19, the applicant did not hold an in-person neighborhood meeting. In lieu of this meeting, the applicant sent out a letter on May 14, 2020 with contact information to neighboring property owners explaining the proposal. No response was received.

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## KEY ISSUES

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Business License  
Noise  
Parking

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #**SP-2020-45**, subject to:

1. Applicant must obtain a business license;
2. The maximum number of guests is twelve (12).
3. The maximum number of guest vehicles is four (4).
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 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; and,
5. 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 Planning and Urban Design Department 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.

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## STAFF COMMENTS AND SUGGESTIONS

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

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## STAFF RECOMMENDATION

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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-2020-45** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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August 10, 2020 City Planning Commission Meeting  
Zoning Map  
Site Photographs (Provided by staff, dated May 11, 2020)  
Neighborhood Letter  
Updated Photos, Provided by Applicant (No date)  
Site Plan Showing Parking  
Guest Manual of Rules and Regulations

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | August 10, 2020     | August 27, 2020               |
| Special Use    | Approval            |                               |

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**STAFF CONTACT:**        **Shana Shanteau**  
                                     [sshanteau@wycokck.org](mailto:sshanteau@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-45**, 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-2020-45**, 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.

## August 10, 2020 City Planning Commission Minutes:

**SPECIAL USE PERMIT APPLICATION #SP-2020-45 – LANCE PIERCE WITH KARAT INVESTMENT GROUP, LLC – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2019-4 – expired 4/28/2020) for a short-term rental/AIRBNB at 4028 Booth Avenue. **Detailed Outline of Requested Action:** The applicant, Lance Pierce, is requesting the renewal of Special Use Permit, SP-2019-4, which expired on 04/28/20. This Special Use Permit allows for the operation of a short-term rental at 4028 Booth Street, through sites such as Airbnb and VRBO. The property is a duplex. Both units will be rented out. This property is not the applicant's primary residence. There have been no Notices of Violation issued on this property during its time 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?" Planning Commissioner Miller stated that he spoke with Commissioner Kane on Piper Lake North Plat. Chairman Carson stated that he had contact with Commissioner Kane and Dennis Hays regarding Piper Lake North Plat.

"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 August 10, 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. Planning Director Hand requested that Special Use Permit Application #SP-2020-59 be removed from the Consent Agenda. Mr. David Schapker requested that Piper Lake North Final Plat be removed from the Consent Agenda.

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

|                  |                    |
|------------------|--------------------|
| <b>Carson</b>    | <b>Chairman</b>    |
| <b>Armstrong</b> | <b>Aye</b>         |
| <b>Cho</b>       | <b>Not Present</b> |
| <b>Connelly</b>  | <b>Not Present</b> |
| <b>Ernst</b>     | <b>Aye</b>         |
| <b>Huey</b>      | <b>Aye</b>         |
| <b>Jones</b>     | <b>Aye</b>         |
| <b>Miller</b>    | <b>Aye</b>         |
| <b>Mohler</b>    | <b>Aye</b>         |
| <b>Pauley</b>    | <b>Aye</b>         |



Reasons Not Present  
Motion to APPROVE Passed: 7 to 0  
Subject to:

**Planning and Urban Design Comments:**

1. Please provide updated interior photos, exterior photos, and a floor plan.

Staff Comment: Applicant has provided the requested documents. They 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? Can they be reached 24 hours/day?

Applicant Response: I, Lance Pierce, am the point of contact. The neighbors have been provided with my contact information. I can be reached 24/7. I am also available to talk in person.

3. How will you pay appropriate lodging taxes?

Applicant Response: AirBNB takes out and pays lodging taxes.

4. How many rooms are rented?

Applicant Response: There are four (4) bedrooms that may be rented.

5. What is the maximum number of people allowed per room?

Applicant Response: There are two (2) units and two (2) bedrooms in each. Two (2) people are allowed in each room. There are fold-out couches in each unit that accommodate another two (2) guests.

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

Applicant Response: Twelve (12).

7. What is the maximum number of vehicles and where will they park? Provide a site plan that shows where parking is located.

Applicant Response: Four (4) cars may park off street in the driveway.

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 on an average per month?**

**Applicant Response:** That will totally depend on the market; however, the rooms will be available at all times for rent.

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

**Staff Comment:** Applicant has agreed to contact the Business License Department immediately.

**10. Provide a detailed description of the areas rented for the short-term rental.**

**Applicant Response:** There are two units on property. Each unit consist of a fully furnished living room including television, dining room, kitchen, two bedrooms and a bathroom with combination bath/shower and double vanity.

**10. Who is responsible for issues that may arise when guests are in the unit, if neighbors have concerns, or to clean and prepare the house between guests?**

**Staff Comment:** The applicant, Lance Pierce, has stated that he is responsible for issues that arise with the properties.

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

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

**Applicant Response:** Maintaining a safe environment is of utmost importance and all the above-mentioned safety features will be in the home for all guests.

**12. Have you been in compliance with all terms and stipulations of SP-2019-4, which state:**

- a. Host will maintain a safe environment described above.
- b. Host will obtain a business license with the city.

**Staff Comment:** Applicant states that he will maintain a safe environment. Applicant has not obtained a business license with Wyandotte County yet but states that he will.

**13. Provide a guest manual that states all rules and regulations such as, “No parties,” etc.**

**Staff Comment:** Applicant has provided a guest manual. It is attached below.

**14. 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 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:**

**We do not find that applicant has filed any application with this office for business activities.**

**Staff Comment:** Applicant has been made aware and has agreed to rectify this matter with the Business License Department immediately.

**Conditions of Approval:**

- 1. Applicant must obtain a business license;
- 2. The maximum number of guests is twelve (12).
- 3. The maximum number of guest vehicles is four (4).
- 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 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; and,
5. 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 Planning and Urban Design Department 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.

## Zoning Map:



## Site Photographs Provided by Staff, dated May 11, 2020:







4028 Booth Street  
Kansas City, KS 66103  
816-294-3641  
lancempierce@gmail.com

May 14, 2020

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #SP-20402-00030 (Ref:SP-2020-45). The purpose of this:

- Renewal of Special Use Permit

is for a short term rental/AirBNB

at the following address: 4028 Booth Street, Kansas City, Kansas 66103

Due to the Covid 19 we will not be able to hold a meeting but if you have any questions, concerns, or just want to get to know me please give me a call anytime at 816-294-3641 or shoot me an email at [lancempierce@gmail.com](mailto:lancempierce@gmail.com)

I look forward to talking to you If you are unable to attend please contact me at the address/phone number listed above.

Sincerely,

Mr. Lance Pierce

816-294-3641

[lancempierce@gmail.com](mailto:lancempierce@gmail.com)



**Updated Photos, Provided by Applicant (No Date):**

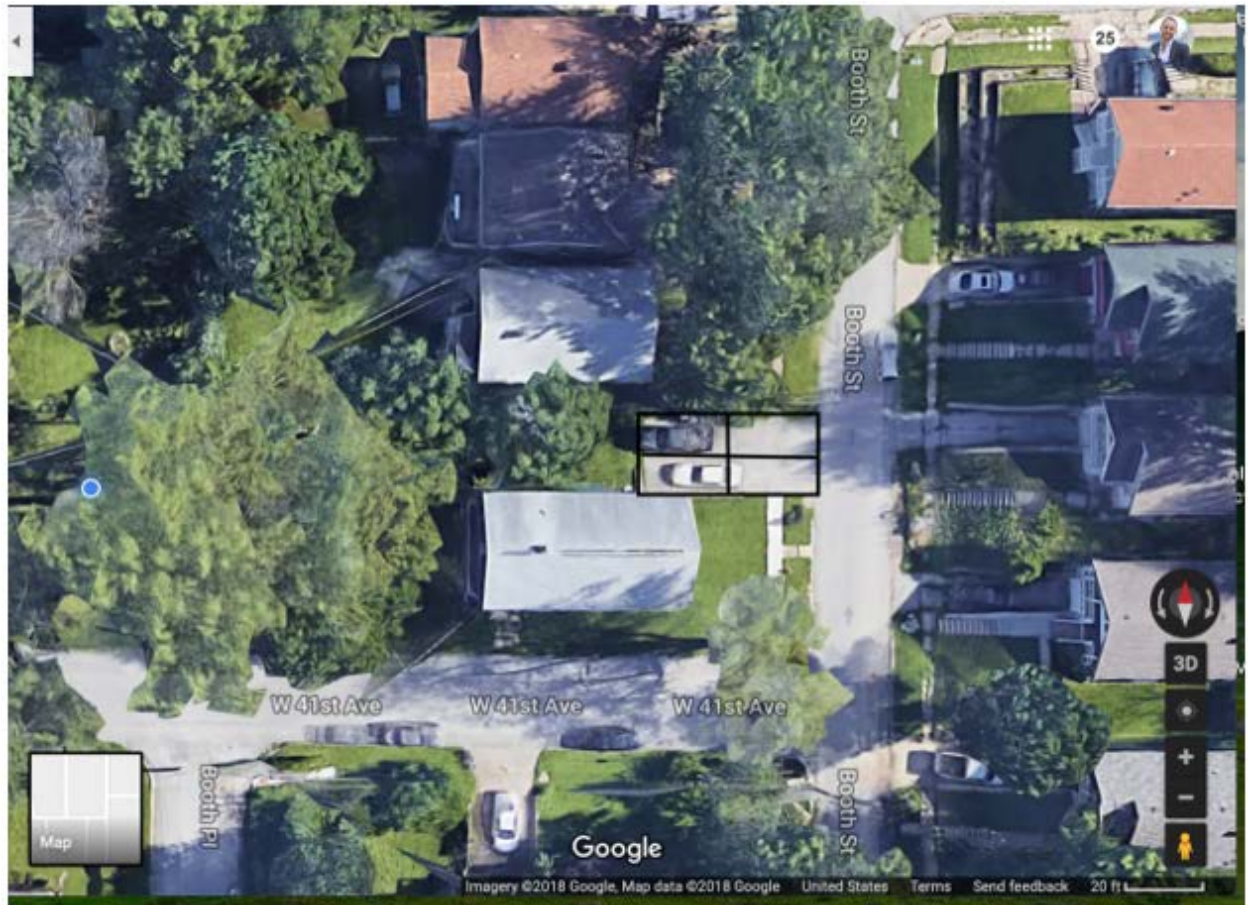








## Site Plan Showing Parking:





## Rules and Regulations:

Check-in after 3pm

Check-out by 11am

Flexible times if other reservations do not conflict. If required discuss before booking nominal fee may apply

No parties or large gatherings.

No Smoking in unit or building. (violation subject to \$250 fine).

No Pets

Unit must be booked by responsible guest over 21 years old.

Use of any building amenities is restricted to registered guests and is limited to the total number of guests included in guest count. No outside guests

Local area residents (Kansas City, MO and surrounding area) must first be approved for stay and host may require a security deposit.

Clean up and pick up after yourself. Our house is your house so treat with respect as if your own.

Familiarize yourself with fire and safety evacuation exits and procedures

No loud music/noise. Volume should be restricted to acceptable indoor levels. Quiet times after 11p (Sunday-Thursday) and 12a (Friday-Saturday)

Any spills or damage shall be reported immediately; we understand mistakes happen, but would like to assist you with cleanup if necessary.

Guest who confirmed the reservation is the responsible party for any damages or fines incurred.

Remove shoes at the door

Return property to the state it was when you arrived

Maximum 4\* overnight guest (must be included in reservation guest count)

4\* -person maximum occupancy in unit; host must first approve any gathering of guests not included in the reservation guest count. Additional fees may apply.

Return property to the state it was when you arrived

I just ask that you treat the house as if it were your own and please take your shoes off at the door and be considerate of the neighbors. Other than that just kick back and enjoy yourself and let me know how I can make it a 5 star stay.

Lance Pierce



## Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design

**Date:** August 27, 2020

**Re:** Petition #SP-2020-46

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### GENERAL INFORMATION

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**Applicant:**  
Noah Wambui

**Status of Applicant:**  
Operator, Ideal Auto Parts  
11312 Indiana Avenue  
Kansas City, MO 64137

**Requested Action:**  
Renewal of Special Use Permit  
SP-2018-43 for an automotive  
salvage yard (expired 4/26/20).

**Date of Application:**  
April 24, 2020

**Purpose:**  
To continue the operation of an  
automotive salvage yard (vehicle  
recycling/salvage parts).

**Property Location:**  
810 South 26<sup>th</sup> Street



**Commission District:** District 6 Commissioner, Angela Markley  
Commissioner At Large, Tom Burroughs

**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:** M-3 Heavy Industrial District.

**Adjacent Uses:** **North:** Automotive Repair and Maintenance.  
**South:** Scrap Metal Recycling.  
**East:** Automotive Recycler.  
**West:** Vacant land. ARCO Environmental Remediation LLC

**Total Tract Size:** 0.27 Acre

**Master Plan Designation:** The 2008 City-Wide Master Plan designates this property as Industrial Use.

**Major Street Plan:** The 2008 City-Wide Master Plan classifies 26<sup>th</sup> Street as a Local Street.

**Advertisement:** The Wyandotte Echo – May 14, 2020  
Letters to Property Owner – May 14, 2020, July 29, 2020 and August 21, 2020

**Public Hearings:** July 13, 2020, August 10, 2020 and August 27, 2020

**Public Opposition:** None to date.

**Public Support:** None to date.

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## **PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Noah Wambui of Ideal Auto, is requesting the renewal of SUP 2018-43 (expire 4/26/2020) to continue the operation of a salvage yard, specifically vehicle recycling and salvage auto parts at 810 South 26th Street..

There is no record of any enforcement cases on this property.

City Ordinance Requirements: 27-470, 27-592 through 27-606, and 27-699 through 27-704

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## FACTORS TO BE CONSIDERED

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**1. *The Character of the Neighborhood.***

The character of the neighborhood is Industrial in nature. This area along South 26th Street has numerous salvage related businesses.

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

The zoning and land uses are set out above. The proposed use on this property is compatible with those uses as the area includes multiple similar businesses.

**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 industrial uses.

The removal of the restrictions may detrimentally affect nearby property because even though the proposed use is of the same category as the surrounding properties, this property has not completed required property maintenance or property redevelopment to minimum requirements, which may detrimentally affect nearby properties.

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

The property has been occupied by the applicant since the approval of the first Special Use Permit in 2016. Before then, the property had been vacant for several years.

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

While Special Use Permits are not addressed in the Master Plan, this area of 26<sup>th</sup> Street is a collective hub of automotive uses in Industrial Zoning.

**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 proposed use is not reasonably necessary for the convenience and welfare of the public. If the proposed use is not properly managed and screened, the use could substantially injure the visual quality or marketability of adjoining property.

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

This property is surrounded by similar uses, and with the required screening fence, the noise and illumination that is normally associated with the proposed use is of such duration and intensity it would not create problems for nearby properties.

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

The applicant previously stated that all fluids are drained prior to vehicles arriving on the property, which may mitigate environmental concerns. Unless the concrete surface has been maintained or repaired, any leaking fluids that are not quickly cleaned up could pollute the land and water. Additionally, heavy rains could carry runoff to the vacant property to the west and/or the storm sewer system.

**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 predominantly industrial area. However, there is a concern of any potential damage to the open space brownfield site to the west.

**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 this application is denied, the applicant will have to find an alternate location and apply for another Special Use Permit to operate a salvage yard.

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

At 0.27 acres, the site is small for this category of operation at scale, and it is located abutting uses on all sides, which prevents future expansion; the overcrowding of land can become a real problem when the storage yard is completely full of vehicles and auto parts. Typically, overcrowding leads to off-premise storage and parking. There are no undue concentrations of population as this is an industrial property

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## **PREVIOUS ACTIONS**

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#SP-2016-27 – Special Use Permit for Noah Wambui to operate a salvage yard at 810 S 26<sup>th</sup> Street. (Expired 4/05/2018).

#SP-2018-43 – Renewal of Special Use Permit for Noah Wambui to operate a salvage yard at 810 S 26<sup>th</sup> Street. (Expired 4/26/2020).

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## NEIGHBORHOOD MEETING

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The applicant affirms that he sent a neighborhood notification letter in which he requested any comments by phone call. The applicant further affirmed that he did not receive any responses.

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## KEY ISSUES

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Property maintenance to meet minimum requirements  
Fluid containment and management  
Storage of parts

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-46, subject to:

- 1.) Based on previous failure to comply with special use permit stipulations, this Special Use Permit may be approved for six (6) months. The Special Use Permit shall be valid for six (6) months 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.
- 2.) The property must have the following repairs and improvements:
  - a.) The metal shed building is an unfit structure and must be repaired up to code or be demolished;
  - b.) The concrete surface must be cleared of all vegetation. Patch all holes and cracks and resurface the concrete areas;
  - c.) Zoning Ordinance Section 27-701 requires an eight (8) foot tall architectural screening fence around any automotive salvage yard. Upgrade the present fence to the standards for an architectural screening fence. An architectural screening fence around a salvage yard is eight (8) feet tall, solid metal panels with masonry columns at 32 feet on center and provides screening on all sides. Applicant will acquire all required building permits; and,
  - d.) Re-stripe the required four (4) parking spaces to current size of 9 feet wide by 18 feet long. One (1) stall must be ADA compliant and properly marked, Include the ADA graphic painted at the end of the stall. Install a five (5) foot wide ADA access aisle and stripe it with a hatch mark pattern. Install or maintain the ADA placard on a durable metal post mounted at the front of the ADA stall and ensure the minimum distance of 60 inches above finish grade to the bottom of the sign.



- e.) An approved sign permit is required if an exterior business sign is to be installed.
  - f.) Gates must remain closed at all times.
  - g.) Provide to Planning Staff several photos of the interior of the property to show status of the items listed in #2 above.
- 3.) There is no history of any building permit issued for this property in the last four (4) years of occupancy. Applicant must obtain building permits for any work that requires a permit, and all work must be compliant with current building codes.
- 4.) Applicant must acknowledge that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and requirements. Failure to make the necessary improvements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
- 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 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.
- 6.) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.
- 7.) Applicant must acquire and maintain a business license.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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-2020-46 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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July 13, 2020 City Planning Commission Meeting  
August 10, 2020 City Planning Commission Meeting  
Site photographs (Provided by Staff, dated 5/06/2020).  
Site photographs (Provided by Staff, dated 7/13/2020).  
Photograph of Building Interior (Provided by Applicant on 6/29/2020).

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission    | Unified Government Commission |
|----------------|------------------------|-------------------------------|
| Public Hearing | 7/13/2020              |                               |
| Special Use    | Held Over<br>8/10/2020 | 8/27/2020                     |
|                | Approval               |                               |

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**STAFF CONTACT:**            **Jason Faust**  
                                         [jfaust@wycokck.org](mailto:jfaust@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-46** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-46**, 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 3:52:49 and the applicant was not present; the application was moved to the end of the agenda and recalled at 4:55:21 and the applicant was not present.**

**SPECIAL USE PERMIT APPLICATION #SP-2020-46 – NOAH WAMBUI WITH IDEAL AUTO – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2018-43, expired 4/26/2020) for a salvage yard and recycle used motor vehicle parts at 810 South 26<sup>th</sup> Street. **Detailed Outline of Requested Action:** The applicant, Noah Wambui of Ideal Auto, wants to continue the operation of a salvage yard, specifically vehicle recycling and salvage auto parts at 810 South 26<sup>th</sup> Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated 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 4:56:05:** Planning Director Hand stated that this would be the third renewal of this special use permit and many previous conditions have never been met. The staff is therefore recommending approval for six (6) months, so the applicant can make the changes previously agreed upon. This includes issues with the screening fence, unpermitted shack, cracks in the concrete potentially pollute ground water, and parking issues. There are a lot of salvage yards along 26<sup>th</sup> Street. The staff recommends approval for six (6) months with the list of conditions in the staff report. They have been working with the applicant and they were not in favor of only a six (6) month approval, but Staff thought that time was needed to work out these issues. Director Hand stated that the staff has now discovered in looking through the file that the applicant did not have a neighborhood meeting. Director Hand stated that he believes a meeting was held but would like to hold over the application until the August 10, 2020 meeting to make sure that the meeting was held and to allow the applicant to be present.

**Motion and Vote starts at 4:59:59:**

On motion by Ms. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2020-46 to the August 10, 2020 meeting for the applicant to be present and to ensure that a neighborhood meeting was held:**

|           |             |
|-----------|-------------|
| 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 HOLD OVER Passed: 8 to 0**

**August 10, 2020 City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION #SP-2020-46 – NOAH WAMBUI WITH IDEAL AUTO – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2018-43 – expired 04/26/2020) for a salvage yard and recycle used motor vehicle parts at 810 South 26<sup>th</sup> Street. **Detailed Outline of Requested Action:** The applicant, Noah Wambui of Ideal Auto, is requesting the renewal of SUP 2018-43 (expired 4/26/2020) to continue the operation of a salvage yard, specifically vehicle recycling and salvage auto parts at 810 South 26th Street. There is no record of any enforcement cases on this property.

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?” Planning Commissioner Miller stated that he spoke with Commissioner Kane on Piper Lake North Plat. Chairman Carson stated that he had contact with Commissioner Kane and Dennis Hays regarding Piper Lake North Plat.

“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 August 10, 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. Planning Director Hand requested that Special Use Permit Application #SP-2020-59 be removed from the Consent Agenda. Mr. David Schapker requested that Piper Lake North Final Plat be removed from the Consent Agenda.

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

|                                         |                    |
|-----------------------------------------|--------------------|
| <b>Carson</b>                           | <b>Chairman</b>    |
| <b>Armstrong</b>                        | <b>Aye</b>         |
| <b>Cho</b>                              | <b>Not Present</b> |
| <b>Connelly</b>                         | <b>Not Present</b> |
| <b>Ernst</b>                            | <b>Aye</b>         |
| <b>Huey</b>                             | <b>Aye</b>         |
| <b>Jones</b>                            | <b>Aye</b>         |
| <b>Miller</b>                           | <b>Aye</b>         |
| <b>Mohler</b>                           | <b>Aye</b>         |
| <b>Pauley</b>                           | <b>Aye</b>         |
| <b>Reasons</b>                          | <b>Not Present</b> |
| <b>Motion to APPROVE Passed: 7 to 0</b> |                    |
| <b>Subject to:</b>                      |                    |

**Planning and Urban Design Comments:**

- 1.) Based on previous failure to comply with special use permit conditions, this Special Use Permit may be approved for six (6) months.

*Applicant Response: "Staff recommendation renewal of my special use permit for six months is very harsh and not acceptable especially during these Economic times we are facing today".*

*"This is the 3rd time I am applying for a Special Use Permit for these lot with approval of short period of 2 years of which I have maintained my business License".*

**Staff Response:** The applicant has not met all the City Planning Commission stipulations and requirements from SP-2016-27 and SP-2018-43 and has not shown any compliance along with this application for SP-2020-48. In the staff report for SP-2018-43, the applicant was given approval for 2 years with the requirement to complete property maintenance and building repairs within 6 months of that approval or face possible revocation.

*Applicant Additional Response: "I am humbly asking for at least 10 years approval for this Special Use Permit to be able to continue without the fear that you guys will gut these Special Use Permit".*

**Staff Response:** A request for a 10 year Special Use Permit may normally only be considered after an applicant has previously received a Special Use Permit approval for 2 years, and subsequent renewals of 2 years, 5 years, and then 10 years, typically with no history of compliance failure or code or zoning violations. The applicant should become compliant with all stipulations first and consider requesting consideration for a longer term on a future renewal.

- 2.) The property must have the following repairs and improvements:
- a.) The metal shed building is an unfit structure and must be repaired up to code or be demolished;
  - b.) The concrete surface must be cleared of all vegetation. Patch all holes and cracks and resurface the concrete areas;
  - c.) Zoning Ordinance Section 27-701 requires an eight (8) foot tall architectural screening fence around any automotive salvage yard. Upgrade the present fence to the standards for an architectural screening fence. An architectural screening fence around a salvage yard is eight (8) feet tall, solid metal panels with masonry columns at 32 feet on center, and provides screening on all sides; and,
  - d.) Re-stripe the required four (4) parking spaces to current size of 9 feet wide by 18 feet long. One stall must be ADA compliant and properly marked. Include the ADA graphic painted at the end of the stall. Install a five (5) foot wide ADA access aisle and stripe it with a hatch mark pattern. Install or maintain the ADA placard on a durable metal post mounted at the front of the ADA stall and ensure the minimum distance of 60 inches above finish grade to the bottom of the sign.
  - e.) An approved sign permit is required if an exterior business sign is to be installed.
  - f.) Gates must remain closed at all times.

*Applicant Response: "The staff comment and suggestion that i have failed to comply with Special Use Permit fall short in some areas. Yes, I have not brought the building to the code but I have kept the lot well, no public and safety welfare of anybody have been compromised, as well as environmental aspect part of it.*

*I anticipate to finish with bringing the building to the code or demolish it. However, I have always cleared and kept the salvage yard well. Remember I am only just*

*recycling few units that I can't sell from my dealership, the idea that the place will grow big and overcrowded is not true.*

*I have already cleaned up the vegetation as you can see from the pictures attached, the place is great. I will strip off parking stall and make one ADA compliant soon among the recommendations from staff".*

**Staff Response:** Applicant is required to comply with previous stipulations carried forward from SP-2016-27 and SP-2018-43, as well as all stipulations required in this application.

- 3.) Provide to Planning Staff several photos of the interior of the property to show status of the items listed in #3 above.

**Staff Comment:** Applicant submitted one photograph of a building interior. It is attached to this report.

- 4.) Applicant must obtain building permits for any work that requires a permit, and all work must be compliant with current building codes.

- a.) There is no history of any building permit issued for this property in the last 4 years of occupancy.



**5.) Applicant must acknowledge the following statement:**

Both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, stipulations, and requirements. Failure to make the necessary improvements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.

Staff Comment: Applicant did not provide an acknowledgement of this statement.

**6.) The Special Use Permit shall be valid for 6 months 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.**

**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:

1) None.

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

1) None

**Staff Conclusion:**

Staff recommends approval for six (6) months subject to the applicant making the necessary improvements to the property. The applicant will have four (4) months to make the improvements stipulated by the previous permits, which would include obtaining a building permit to bring the metal building up to code or demolition, removing the vegetation in the concrete lot and patching where the pavement has been deteriorated, striping four (4) parking stalls, and making one (1) stall ADA compliant by creating a five (5) foot access aisle adjacent to the stall and a symbol painted on the ground.

If applicant fails to make the necessary improvements, then this permit will be subject to revocation. The property may also be subject to enforcement actions and administrative citations.

**Conditions of Approval:**

- 1.) Based on previous failure to comply with special use permit stipulations, this Special Use Permit may be approved for six (6) months. The Special Use Permit shall be valid for six (6) months 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.
- 2.) The property must have the following repairs and improvements:
  - a.) The metal shed building is an unfit structure and must be repaired up to code or be demolished;
  - b.) The concrete surface must be cleared of all vegetation. Patch all holes and cracks and resurface the concrete areas;
  - c.) Zoning Ordinance Section 27-701 requires an eight (8) foot tall architectural screening fence around any automotive salvage yard. Upgrade the present fence to the standards for an architectural screening fence. An architectural screening fence around a salvage yard is eight (8) feet tall, solid metal panels with masonry columns at 32 feet on center and provides screening on all sides. Applicant will acquire all required building permits; and,
  - d.) Re-stripe the required four (4) parking spaces to current size of 9 feet wide by 18 feet long. One (1) stall must be ADA compliant and properly marked, Include the ADA graphic painted at the end of the stall. Install a five (5) foot wide ADA access aisle and stripe it with a hatch mark pattern. Install or maintain the ADA placard on a durable metal post mounted at the front of the ADA stall and ensure the minimum distance of 60 inches above finish grade to the bottom of the sign.
  - e.) An approved sign permit is required if an exterior business sign is to be installed.
  - f.) Gates must remain closed at all times.
  - g.) Provide to Planning Staff several photos of the interior of the property to show status of the items listed in #2 above.
- 3.) There is no history of any building permit issued for this property in the last four (4) years of occupancy. Applicant must obtain building permits for any work that requires a permit, and all work must be compliant with current building codes.

- 4.) Applicant must acknowledge that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and requirements. Failure to make the necessary improvements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.**
- 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 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.**
- 6.) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.**
- 7.) Applicant must acquire and maintain a business license.**































# Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** August 27, 2020

**Re:** Petition #SP-2020-59

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## GENERAL INFORMATION

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**Applicant:**

Stephen P. Maslan

**Status of Applicant:**

Representative  
Stephen P. Maslan & Co.  
8011 Paseo Suite 201  
Kansas City, MO 64131

**Requested Action:**

Renewal of a Special Use Permit (SP-2015-20 expired 5/28/2020).

**Date of Application:**

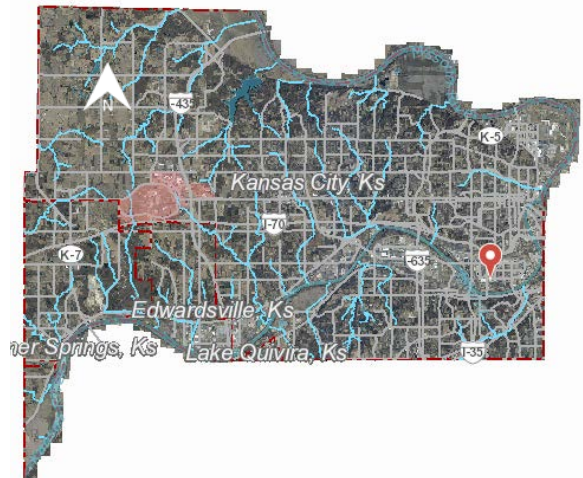
June 1, 2020

**Purpose:**

To continue the operation of an auto salvage yard.

**Property Location:**

1124 Pawnee Avenue





|                                 |                                                                                                                                                                      |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Districts:</b>    | Commissioner At Large: Tom Burroughs<br>District Commissioner: Brian McKiernan                                                                                       |
| <b>Existing Zoning:</b>         | M-3 Heavy Industrial District                                                                                                                                        |
| <b>Adjacent Zoning:</b>         | <b>North:</b> M-3 Heavy Industrial District<br><b>South:</b> KCS Railway<br><b>East:</b> M-3 Heavy Industrial District<br><b>West:</b> M-3 Heavy Industrial District |
| <b>Adjacent Uses:</b>           | <b>North:</b> Industrial Use<br><b>South:</b> KCS Railway<br><b>East:</b> Industrial Use<br><b>West:</b> Industrial Use                                              |
| <b>Total Tract Size:</b>        | 1.16 Acres                                                                                                                                                           |
| <b>Master Plan Designation:</b> | The City-Wide Master Plan designates this property as Employment.                                                                                                    |
| <b>Major Street Plan:</b>       | The Major Street Plan designates Pawnee Avenue as a Local Street.                                                                                                    |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – July 16, 2020<br>Letters to Property Owner – July 16, 2020 and August 21, 2020                                                           |
| <b>Public Hearings:</b>         | August 10, 2020 and August 27, 2020                                                                                                                                  |
| <b>Public Support:</b>          | None to date.                                                                                                                                                        |
| <b>Public Opposition:</b>       | None to date.                                                                                                                                                        |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Stephen P. Maslan, is requesting the renewal of a Special Use Permit (SP-2015-20 expired 5/28/2020) for the purpose of continuing the operation of an auto salvage yard. Since their previous approval the applicants have received no Notices of Violation from the Code Enforcement Department other than two (2) notices related to graffiti on-site. The applicant has requested approval for ten (10) years.

City Ordinance Requirements: 27-592 through 27-606

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## FACTORS TO BE CONSIDERED

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**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 with the neighborhood.

**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 industrial use is suitable for the property. The removal of restrictions has the ability to detrimentally affect nearby properties. As the surrounding uses are industrial in nature, however, such problems are not anticipated.

**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 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 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 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 this particular neighborhood is currently developed with industrial uses. Run off into the Kansas River 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.***

If this Special Use Permit is denied, the landowner would need to find an alternate location 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.

**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 as it is an industrial use.

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## **PREVIOUS ACTIONS**

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SP-2012-54  
SP-2015-20 (Expired on 5/28/2020)

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on July 20, 2020; there were four (4) individuals in attendance. One (1) respondent asked questions but did not express support or opposition.

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## **KEY ISSUES**

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Dust  
Noise  
Runoff

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-59, subject to:

1. Clean up trash debris between street and fence perimeter;
2. Nothing shall be stored higher than the height of the fence;
3. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
4. The applicant must demonstrate that each independent truck driver holds a Kansas City, Kansas business license and Special Use Permit. Applicant has three (3) months to provide documentation showing that truck drivers have the necessary Special Use Permits to park vehicles within city limits and are current with business licensing or the Special Use Permit will automatically terminate. This will require each driver living in Kansas City, Kansas to apply for a Special Use Permit to park their vehicle at their home by May 29, 2015 or find commercial parking arrangements;
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 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; and
6. 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 Planning and Urban Design Department 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. Provide a 15-foot landscape buffer and curb along all public rights-of-way.
8. Zoning Ordinance Section 27-701 requires an eight (8) foot tall architectural screening fence around any automotive salvage yard. Upgrade the present fence to the standards for an architectural screening fence. An architectural screening fence around a salvage yard is eight (8) feet tall, solid metal panels with masonry columns at 32 feet on center in intervals and provides screening on four (4) sides of the property.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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-2020-59 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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August 10, 2020 City Planning Commission Minutes  
Neighborhood Meeting Information  
Response to Staff Comments and Suggestions  
Site Plans and Elevations  
Photographs Provided by the Applicant  
Site Photographs Provided by Staff Dated 7/14/20  
Aerial View

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | August 10, 2020     | August 27, 2020               |
| Special Use    | Approval            |                               |

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**STAFF CONTACT:**        **Jacob Pellegrino**  
                                     [jpellegrino@wycokck.org](mailto:jpellegrino@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2020-59, 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-2020-59, 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.

**August 10, 2020 City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION #SP-2020-59 – STEPHEN P. MASLAN WITH STEPHEN P. MASLAN AND COMPANY - SYNOPSIS:** Renewal of a Special Use Permit (#SP-2015-20 – expired 5/28/2020) for an auto salvage yard at 1124 Pawnee Avenue. **Detailed Outline of Requested Action:** The applicant, Stephen P. Maslan, is requesting the renewal of a Special Use Permit (SP-2015-20 expired 5/28/2020) for the purpose of continuing the operation of an auto salvage yard. Since their previous approval the applicants have received no Notices of Violation from the Code Enforcement Department other than two (2) notices related to graffiti on-site. The applicant has requested approval for ten (10) years.

**Present in Support:**

- No one appeared

**Present in Opposition:**

- No one appeared

**Staff Recommendation:** Planning Director Hand stated that this is the second renewal for an auto salvage operation in the Armourdale area. He stated that the staff has discussed the conditions for approval with the applicant and they are amenable to them. He further stated that the mesh-type screening is not acceptable screening for a M-3 zoning. The applicant has 15' setback on all sides of the property. The code does allow the staff to place further conditions on a property zoned M-3 and since this is the second renewal, the staff would like to have the property code compliant and require a landscape buffer. It appears that the property had originally maintained said landscape buffer, but over time it has been asphalted over and parking allowed. The applicant does have a couple of trees along the front gate. The staff is requesting an eight (8) foot screening fence with solid metal panels on all four (4) sides of the property. The staff is also requesting the applicant provide a 15 foot landscape buffer and curb along all public rights-of-way. He stated that a couple of years ago the code for this type of use and all auto-related uses was revised by the Board of Commissioners to apply certain standards to this type of use. The staff recommends approval subject to the conditions in the staff report and these two (2) additional conditions.

Director Hand stated that the staff is working with the SOAR program on storage of tires and moving forward the Commission will see Condition #3 in the staff report with these types of uses related to the disposal of tires.

### **Motion and Vote:**

On motion by Mrs. Jones, seconded by Mr. Mohler, the Planning Commission voted as follows to **RECOMMEND APPROVAL** of Special Use Permit Application #SP-2020-59:

|                  |                    |
|------------------|--------------------|
| <b>Carson</b>    | <b>Chairman</b>    |
| <b>Armstrong</b> | <b>Aye</b>         |
| <b>Cho</b>       | <b>Not Present</b> |
| <b>Connelly</b>  | <b>Not Present</b> |
| <b>Ernst</b>     | <b>Aye</b>         |
| <b>Huey</b>      | <b>Aye</b>         |
| <b>Jones</b>     | <b>Aye</b>         |
| <b>Miller</b>    | <b>Aye</b>         |
| <b>Mohler</b>    | <b>Aye</b>         |
| <b>Pauley</b>    | <b>Aye</b>         |
| <b>Reasons</b>   | <b>Not Present</b> |

**Motion to RECOMMEND APPROVAL Passed: 7 to 0**

**Subject to:**

### **Planning and Urban Design Comments:**

1. Provide a scaled site plan of the property.

*Applicant Response:* Site plan provided.

2. Detail your operation and any capacity in which it has changed since your previous approval.

*Applicant Response:* No changes have been made to how we operate our business since the previous approval.

3. Pick up trash and debris between street and fence perimeter.

*Applicant Response:* Trash and debris have been picked up.

4. Detail what steps have been taken to meet the overnight truck parking conditions from your previous approval:

- Staff recommends the applicant demonstrate that each independent truck driver holds a Kansas City, Kansas business license and Special Use Permit. Applicant has three (3) months to provide documentation showing that truck drivers have the necessary Special Use Permits to park vehicles within city limits and are current with business licensing or the Special Use Permit will automatically terminate. This will require each driver living in Kansas City, Kansas to apply for a Special Use Permit to park their vehicle at their home by May 29, 2015 or find commercial parking arrangements.

*Applicant Response:* There are no trucks being parked on site.

**Staff Response: What about the trucks that are coming to the site to drop off materials for salvage. For example, tow trucks.**

- 5. Nothing shall be stored higher than the height of the fence.**
- 6. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.**
- 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 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.**
- 8. 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 Planning and 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 of Approval:**

- 1. Clean up trash debris between street and fence perimeter;**
- 2. Nothing shall be stored higher than the height of the fence;**
- 3. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
- 4. The applicant must demonstrate that each independent truck driver holds a Kansas City, Kansas business license and Special Use Permit. Applicant has three (3) months to provide documentation showing that truck drivers have the necessary Special Use Permits to park vehicles within city limits and are current with business licensing or the Special Use Permit will automatically terminate. This will require each driver living in Kansas City, Kansas to apply for a Special Use Permit to park their vehicle at their home by May 29, 2015 or find commercial parking arrangements;**
- 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 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; and**
- 6. 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 Planning and Urban Design Department 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. Provide a 15-foot landscape buffer and curb along all public rights-of-way.**
- 8. Zoning Ordinance Section 27-701 requires an eight (8) foot tall architectural screening fence around any automotive salvage yard. Upgrade the present fence to the standards for an architectural screening fence. An architectural screening fence around a salvage yard is eight (8) feet tall, solid metal panels with masonry columns at 32 feet on center in intervals and provides screening on four (4) sides of the property.**

07/10//2020

Michael Morse  
1124 Pawnee Ave  
Kansas City, KS 66105

#### **NEIGHBORHOOD MEETING**

I/We have filed an application with the Department of Urban Planning and Land Use **#SP-2020-59**. The purpose of this **Special Use Permit** is for a Auto Salvage yard at 1124 Pawnee Ave Kansas City, Ks 66105.

I/We am having a neighborhood meeting on JULY 20, 2020 at 2:00 p.m. at the following address **1124 Pawnee Ave Kansas City, KS 66105**.  
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,

Michael Morse  
Mojo361@hotmail.com  
913-208-2687



MEETING START TIME: 2:00 P.M.

APPLICATION NUMBER: SP-2020-59

DATE: 07/20/2020

LOCATION: 1124 PAWNEE AVE KANSAS CITY, KS 66105

NAMES OF PEOPLE IN ATTENDANCE:

1. MICHAEL MORSE 913-208-2687
2. SHEILA A. OHRENBURG 913-488-5785
3. SHELBY HAMILTON 913-980-2377
4. SAMANTHA MORSE 913-609-5847

QUESTIONS AND ANSWERS

Q: SHEILA: HOW LONG DOES THE PERMIT LAST?

A: MICHAEL: I AM ASKING FOR 10 YEARS.

Q: SHEILA: WHAT IS THE PLACE GOING TO BE?

A: MICHAEL: AUTO SALVAGE YARD.

Q: SHEILA: WHERE DO ALL YOUR CARS COME FROM?

A: MICHAEL: IAA AND OTHER AUCTIONS.

Q: SHEILA: WHAT DO YOU DO WITH THEM?

A: MICHAEL: WE SELL PARTS OFF OF THEM AND THEN SCRAP THEM.

Q: SHEILA: WHAT IS THE SQUARE FOOTAGE OF THE PROPERTY?

A: MICHAEL: ALMOST 1 ACRE, AND THE LOT IS PAVED- FRONT AND BACK.

MINUTES TAKEN BY: SAMANTHA MORSE

MEETING AJOURNED AT: 4:00 PM

Names

1) Sheila A Ohrenberg 913 488 5785

2)

3)

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas )  
 ) SS:  
COUNTY OF Wyandotte )

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

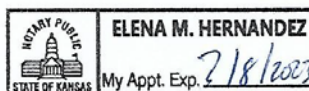
1. That I am the petitioner for Petition # SP-2020-59
2. That I conducted a neighborhood meeting on July 20, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Michael Morse  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24<sup>th</sup> day of July, 2020  
My commission expires 8<sup>th</sup> of March, 2023

Elena M. Hernandez  
Notary Public



SP- 2020-59

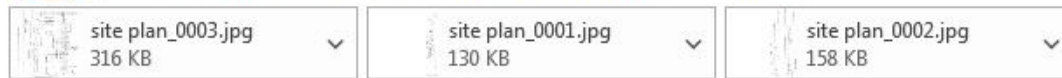


Samantha Morse <smorse1981@gmail.com>

To ○ Pellegrino, Jacob; ○ Parker, Janet; ○ POP N FRESH; ○ Steve Maslan



11:03 AM



1. Provide a scaled site plan of the property.

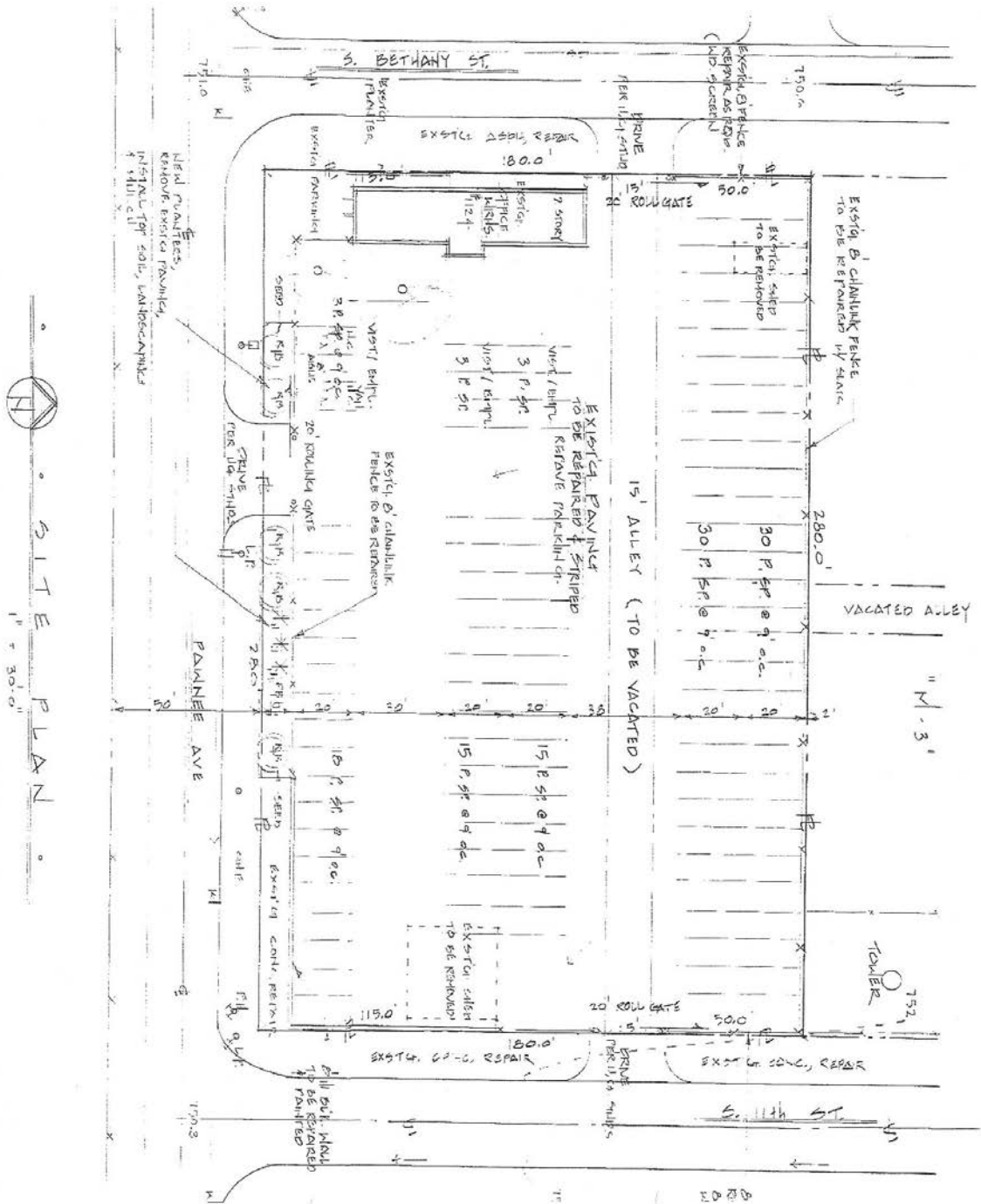
***Site plan attached.***

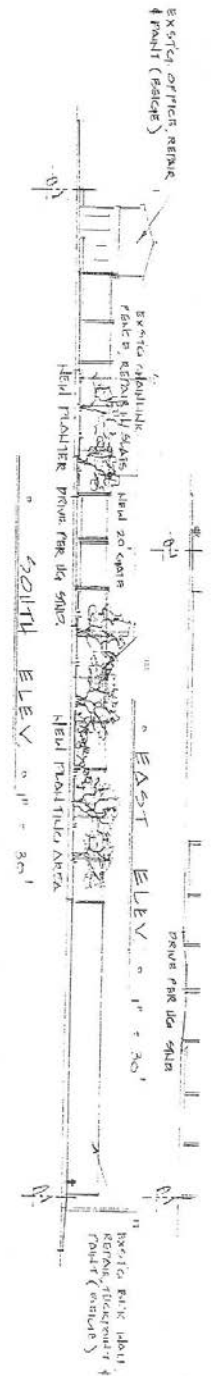
2. Detail your operation and any capacity in which it has changed since your previous approval.

***No changes have been made.***

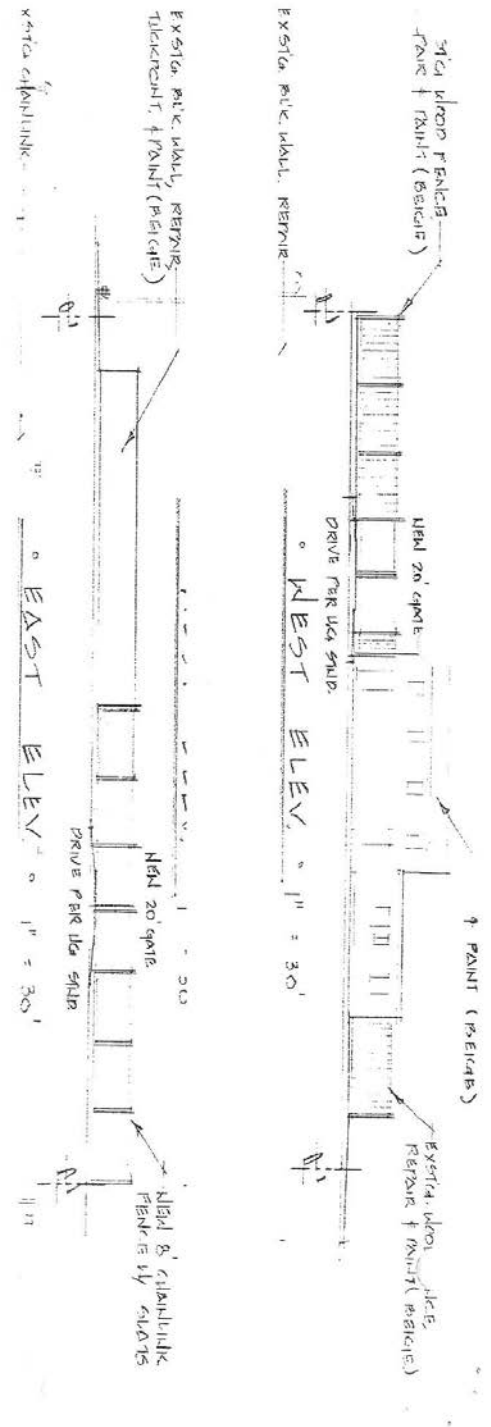
3. Detail what steps have been taken to meet the overnight truck parking conditions from your previous approval:
  - Staff recommends the applicant demonstrate that each independent truck driver holds a Kansas City, Kansas business license and Special Use Permit. Applicant has three (3) months to provide documentation showing that truck drivers have the necessary Special Use Permits to park vehicles within city limits and are current with business licensing or the Special Use Permit will automatically terminate. This will require each driver living in Kansas City, Kansas to apply for a Special Use Permit to park their vehicle at their home by May 29, 2015 or find commercial parking arrangements.

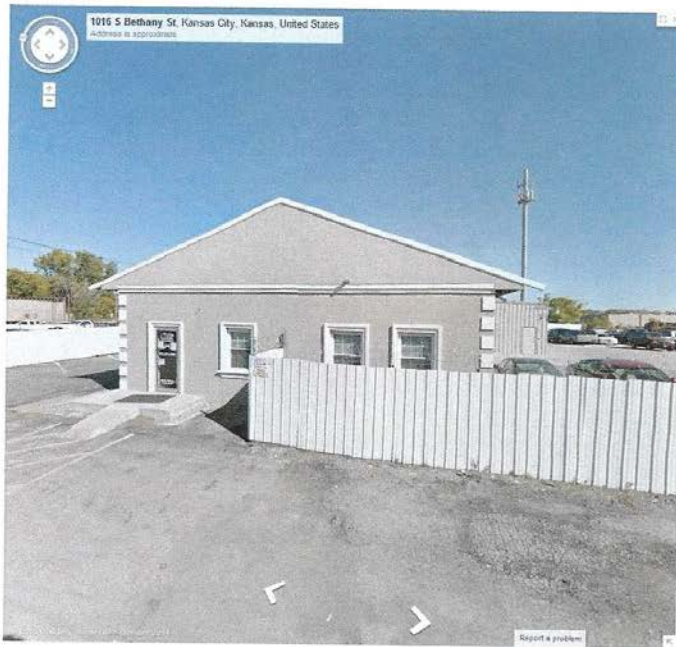
***No truck parking on site.***











#SP-2015-20

May 11, 2015

10

#SP-2020-59

August 27, 2020

19



#SP-2015-20

May 11, 2015

11



#SP-2020-59

August 27, 2020

20



#SP-2015-20

May 11, 2015

12

#SP-2020-59

August 27, 2020

21



















# Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners  
**From:** Planning and Urban Design Staff  
**Date:** August 27, 2020  
**Re:** Petition #SP-2020-65

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## GENERAL INFORMATION

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**Applicant:**

David and Karen Showalter

**Status of Applicant:**

Owner  
433 Ann Avenue  
Kansas City, Kansas 66101

**Requested Action:**

Renewal of Special Use Permit  
SP-2019-88 (expired 8/27/2020).

**Date of Application:**

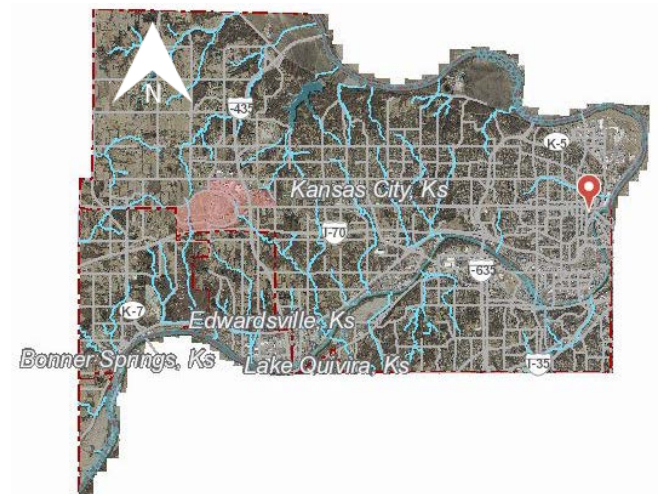
June 26, 2020

**Purpose:**

To continue to operate an AirBnb unit. This is not the applicants' primary residence.

**Property Location:**

433 Ann Avenue





|                                 |                                                                                                                                                                                                                                              |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Districts:</b>    | Commissioner At Large: Tom Burroughs<br>District Commissioner: Brian McKiernan                                                                                                                                                               |
| <b>Existing Zoning:</b>         | R-1(B) Single Family District                                                                                                                                                                                                                |
| <b>Adjacent Zoning:</b>         | North: R-1(B) Single Family District<br>South: R-1(B) Single Family District<br>East: R-1(B) Single Family District<br>West: R-1(B) Single Family District                                                                                   |
| <b>Adjacent Uses:</b>           | North: Single Family Homes<br>South: Single Family Homes<br>East: Single Family Homes<br>West: Single Family Homes                                                                                                                           |
| <b>Total Tract Size:</b>        | 0.07 Acre                                                                                                                                                                                                                                    |
| <b>Master Plan Designation:</b> | The City-Wide Master Plan designates this area as Urban Density.                                                                                                                                                                             |
| <b>Major Street Plan:</b>       | The Major Street Plan classifies Ann Avenue as a Local Street.                                                                                                                                                                               |
| <b>Parking Requirement:</b>     | Section 27-454(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which must be in a carport or garage.                                                             |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – July 16, 2020<br>Letters to Property Owner – July 16, 2020 and August 21, 2020                                                                                                                                   |
| <b>Public Hearings:</b>         | August 10, 2020 and August 27, 2020                                                                                                                                                                                                          |
| <b>Public Support:</b>          | None to date.                                                                                                                                                                                                                                |
| <b>Public Opposition:</b>       | Neighborhood opposition was expressed for SP-2019-88. No one appeared at the August 10, 2020 City Planning Commission meeting. However, an email from Justine Underwood-Jones was received after the Planning Commission meeting (attached). |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicants, David and Karen Showalter, are seeking renewal of SP-2019-88, which expired on 8/27/2020. The Special Use Permit allows for the operation of a short-term rental at 433 Ann Avenue. This is not the applicants' primary residence. It is used as a vacation home. The applicants' primary residence is in Texas, but there are local caretakers to maintain the property in their absence. There has been one (1) Notice of Violation issued on this property during its time of being operated as a short-term rental for trash and brush in the backyard. The applicants state that they hired a professional to come and remove it as soon as they were made aware of the situation.

City Ordinance Requirements: 27-592 through 27-606

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## FACTORS TO BE CONSIDERED

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### ***1. The Character of the Neighborhood.***

The neighborhood is residential in nature, 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 are set out above. The proposed use is expected to be compatible if managed 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 for use as a single-family home. The property could be suitable for use as a short-term rental if managed properly. 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 being used as a short-term rental.

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

Special Use Permits are not addressed in the Master Plan.



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

This type of use has the potential to increase traffic. 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 short-term rental.

**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 the property has been used as such. Vibration, dust, and 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 the convenience of 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.

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## **PREVIOUS ACTIONS**

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SP-2019-88 (expires 8/27/2020)

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## **NEIGHBORHOOD MEETING**

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The applicant held an online neighborhood meeting via Zoom on July 20, 2020. There were no attendees other than the applicants. Documentation is provided below.

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## **KEY ISSUES**

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Public Opposition (SP-2019-88)

Noise

Parking

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## **PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-65, subject to:

1. **Maximum number of guests shall be four (4);**
2. **Maximum number of guest vehicles shall be two (2);**
3. **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 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;**
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 Planning and Urban Design Department 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. **Applicant must keep a current Business License/Occupation Tax Receipt and Kansas State Lodging Tax.**

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## STAFF COMMENTS AND SUGGESTIONS

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

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## STAFF RECOMMENDATION

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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-2020-65 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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August 10, 2020 City Planning Commission Minutes  
Zoning Map  
Floor Plan  
Site Photographs Provided by Staff, Dated July 16, 2020  
Manual of House Rules  
Neighborhood Meeting Documentation  
Site Plan  
Email in Opposition from Justine Underwood-Jones

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | August 10, 2020     | August 27, 2020               |
| Special Use    | Approval            |                               |

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**STAFF CONTACT:**            Shana Shanteau  
                                         [sshanteau@wycokck.org](mailto:sshanteau@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2020-65 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-2020-65, 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.

**August 10, 2020 City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION #SP-2020-65 – DAVID W. SHOWALTER – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2019-88 – expires 8/27/2020) for a Short-Term Rental/AIRBNB at 433 Ann Avenue. **Detailed Outline of Requested Action:** The applicants, David and Karen Showalter, are seeking renewal of SP-2019-88, which expired on 8/27/2020. The Special Use Permit allows for the operation of a short-term rental at 433 Ann Avenue. This is not the applicants' primary residence. It is used as a vacation home. The applicants' primary residence is in Texas, but there are local caretakers to maintain the property in their absence. There has been one (1) Notice of Violation issued on this property during its time of being operated as a short-term rental for trash and brush in the backyard. The applicants state that they hired a professional to come and remove it as soon as they were made aware of the situation.

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?" Planning Commissioner Miller stated that he spoke with Commissioner Kane on Piper Lake North Plat. Chairman Carson stated that he had contact with Commissioner Kane and Dennis Hays regarding Piper Lake North Plat.

"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 August 10, 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. Planning Director Hand requested that Special Use Permit Application #SP-2020-59 be removed from the Consent Agenda. Mr. David Schapker requested that Piper Lake North Final Plat be removed from the Consent Agenda.

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

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

Motion to APPROVE Passed: 7 to 0  
Subject to:

**Planning and Urban Design Comments:**

1. Provide updated site pictures of the property.

Staff Comment: Applicant has provided updated site pictures. They are attached below.

2. How will you communicate with the neighbors if there are any issues?

Applicant Response: Magda Born, our manager, will assist and if need be we will reach out as well.

3. Who is the person that will be the designated property manager? Explain the details of the arrangement.

Applicant Response: Magda Born will be the property manager. She will handle the AirBNB scheduling as well.

4. You have stated that the property is currently used as a vacation home for your family. Please state all dates that you stayed overnight in the home in the past twelve (12) months and the duration and nature of your stay.

Applicant Response: May 24-28, 2019 and June 28- July 1, 2019 for leisure and to visit family.

Staff Comment: Staff notes that these dates are not within the past twelve (12) months.

5. How will you pay appropriate lodging taxes?

Applicant Response: When due will submit the payment in full.



**Staff Comment:** Staff has confirmed that the applicant has paid for and maintained a current business license, which is the Occupation Tax Receipt that is required to operate a short-term rental.

**6. How many rooms are rented?**

**Applicant Response:** Whole House and outside.

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

**Applicant Response:** Four (4) guests and two (2) vehicles only at one time.

**8. What is the maximum number of vehicles and where will they park?**

**Applicant Response:** Two (2) vehicles only and there will be no adverse impact on parking or traffic beyond typical residential use.

**Staff Comment:** Applicant has stated that while the home has a garage and a driveway, neither are large enough to accommodate a car. Both are big enough to accommodate a motorcycle. Parking must take place on the street or the alleyway located behind the home. Off-street parking is not an option.

**9. Provide a scaled site plan or diagram that shows where parking is located.**

**Staff Comment:** Applicant has provided a diagram showing where parking is located. It is attached below. Parking must take place in the street or the alleyway in back of the home.

**10. How often are guests in the residence?**

**Applicant Response:** Anticipating two (2) – three (3) times per month for one (1) – three (3) days per time.

**11. Do you have a rental license from the Unified Government?**

**Applicant Response:** Yes.

**12. Provide a detailed description of the areas rented for AirBNB. Include a scaled floor plan of all rented spaces.**

**Staff Comment:** Applicant has provided floor plan. It is attached below.

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

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

**Applicant Response:** Magda Born, our property manager, will notify us if any issues and we will fix or replace if necessary.

**14. Have you been in compliance with the conditions outlined in SP-2019-89, which state:**

- a. Maximum number of guests shall be four (4), maximum number of guest vehicles shall be two (2).

**Applicant Response:** Of course.

**15. Please provide a guest manual that lists rules and regulations such as “no parties, etc.”**

**Staff Comment:** Applicant has provided a guest manual. It is attached below.

**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) within 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.**

**17. 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 Planning and Urban Design Department 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:**

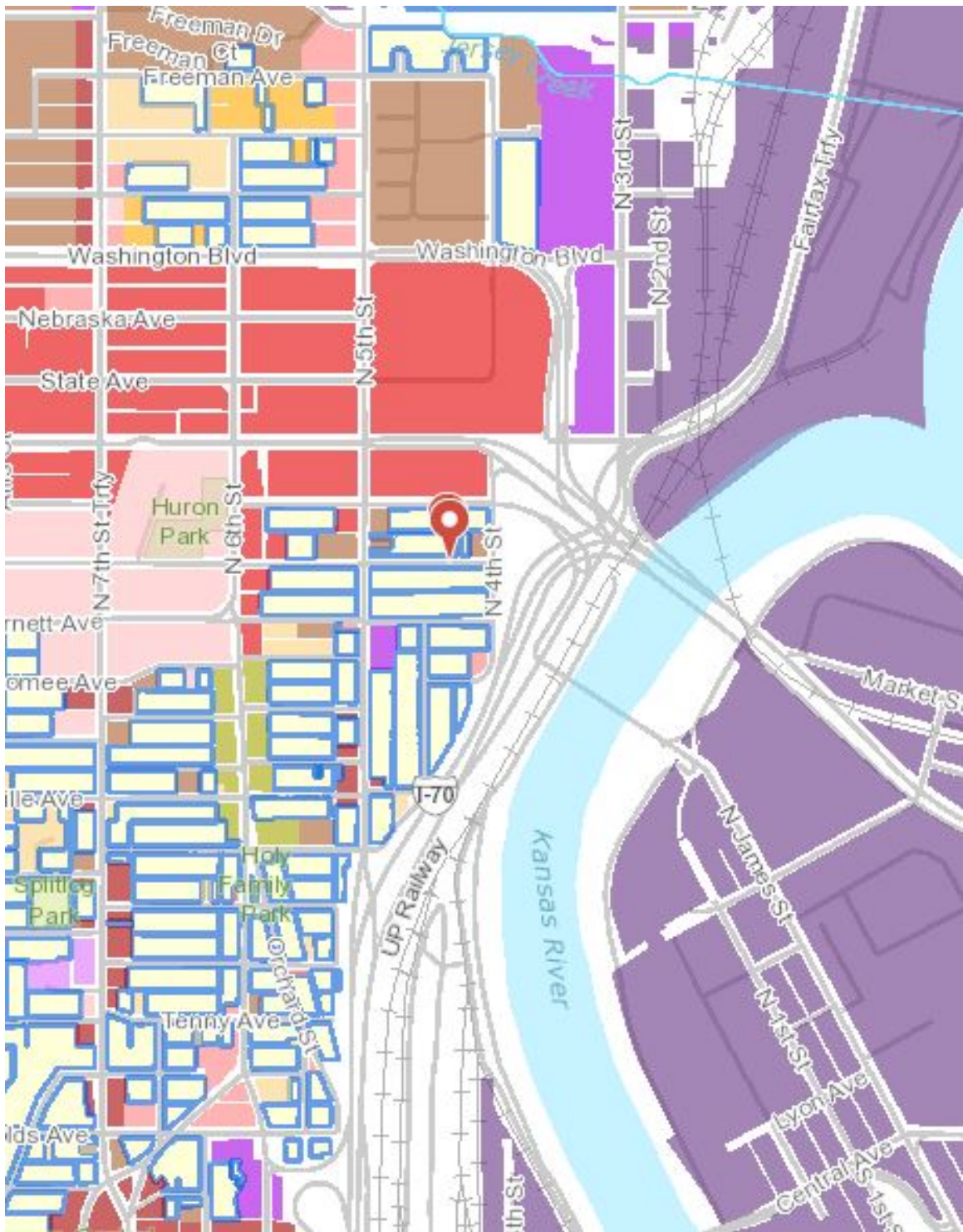
- A) Items that require plan revision or additional documentation before engineering can
  - 1) None.
- B) Items that are conditions of approval:
  - 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: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

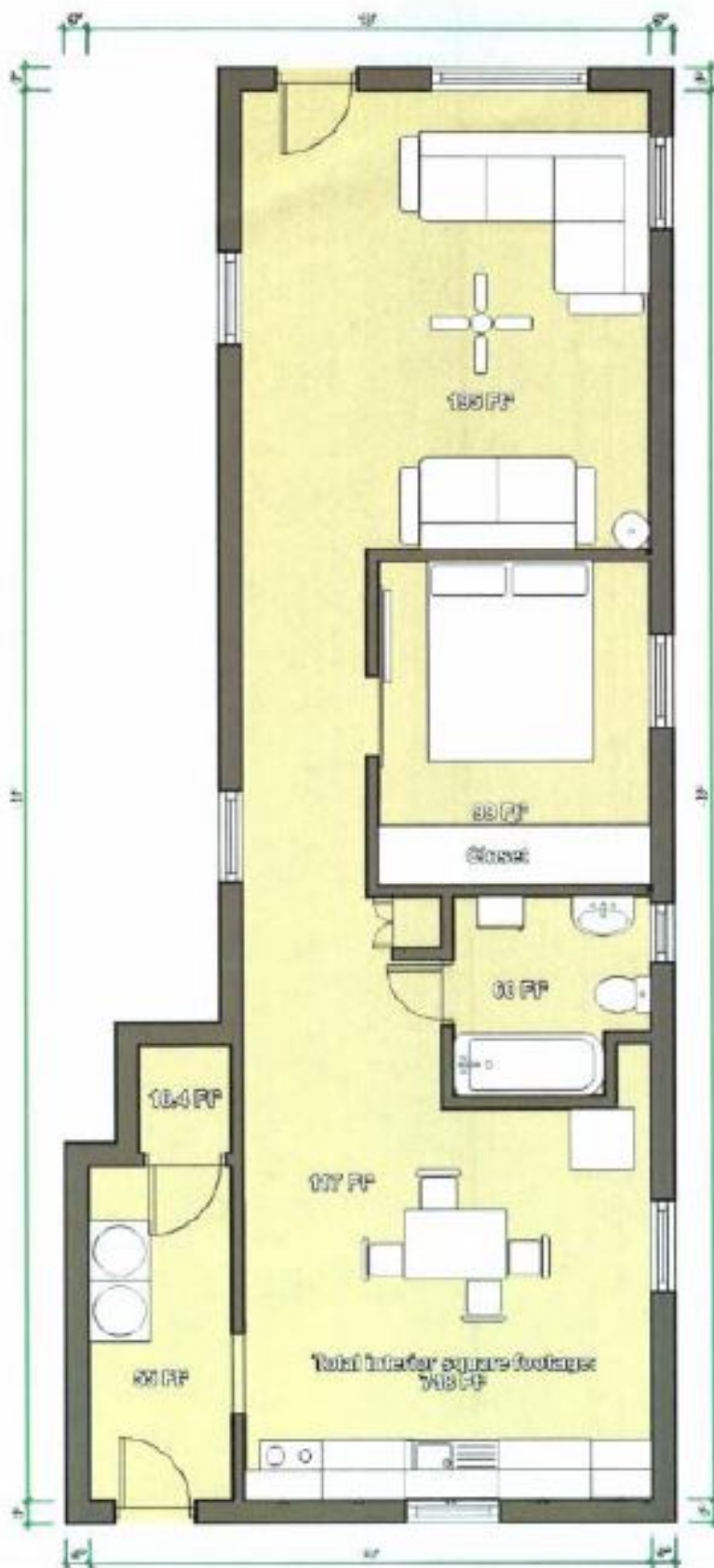
**Business License Comments:**

**Staff Comment:** Applicant has maintained the appropriate Business License/Occupation Tax Receipt. If approved, applicant must continue to keep this license current. Applicant is responsible for paying Kansas State Lodging Tax.

**Conditions of Approval:**

- 1. Maximum number of guests shall be four (4);
- 2. Maximum number of guest vehicles shall be two (2);
- 3. 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 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;
- 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 Planning and Urban Design Department 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. Applicant must keep a current Business License/Occupation Tax Receipt and Kansas State Lodging Tax.







Site Photographs Provided by Staff, Dated July 16, 2020









## **433 Ann Ave Rules & Regulations:**

- 1.) Suitable for children (2-12 years)
- 2.) Suitable for infants (under 2 years)
- 3.) No pets
- 4.) No smoking
- 5.) No parties or events
- 6.) No prom groups
- 7.) Spring break – Families ONLY
- 8.) Must sign owner's rental agreement
- 9.) Holiday weekends require a minimum 3-night stay
- 10.) Must be at least 25 years old to make reservation



# 433 Ann Ave MINUTES:

Application Number: SP-2020-65

Date and Location: 7/20/20 – Zoom Meeting

Meeting called to order at: 5:30pm

Names of people in attendance: Jennifer Priest & David Showalter

Introductions: by David Showalter

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said). Applicant maintains the property in good condition. In the event of any interest in rentals, the potential renters will be selected consistent with maintaining the character of the neighborhood and the condition of the property. There will be no adverse impact on parking or traffic beyond what would result from typical residential use.

Questions and answers (include the following):

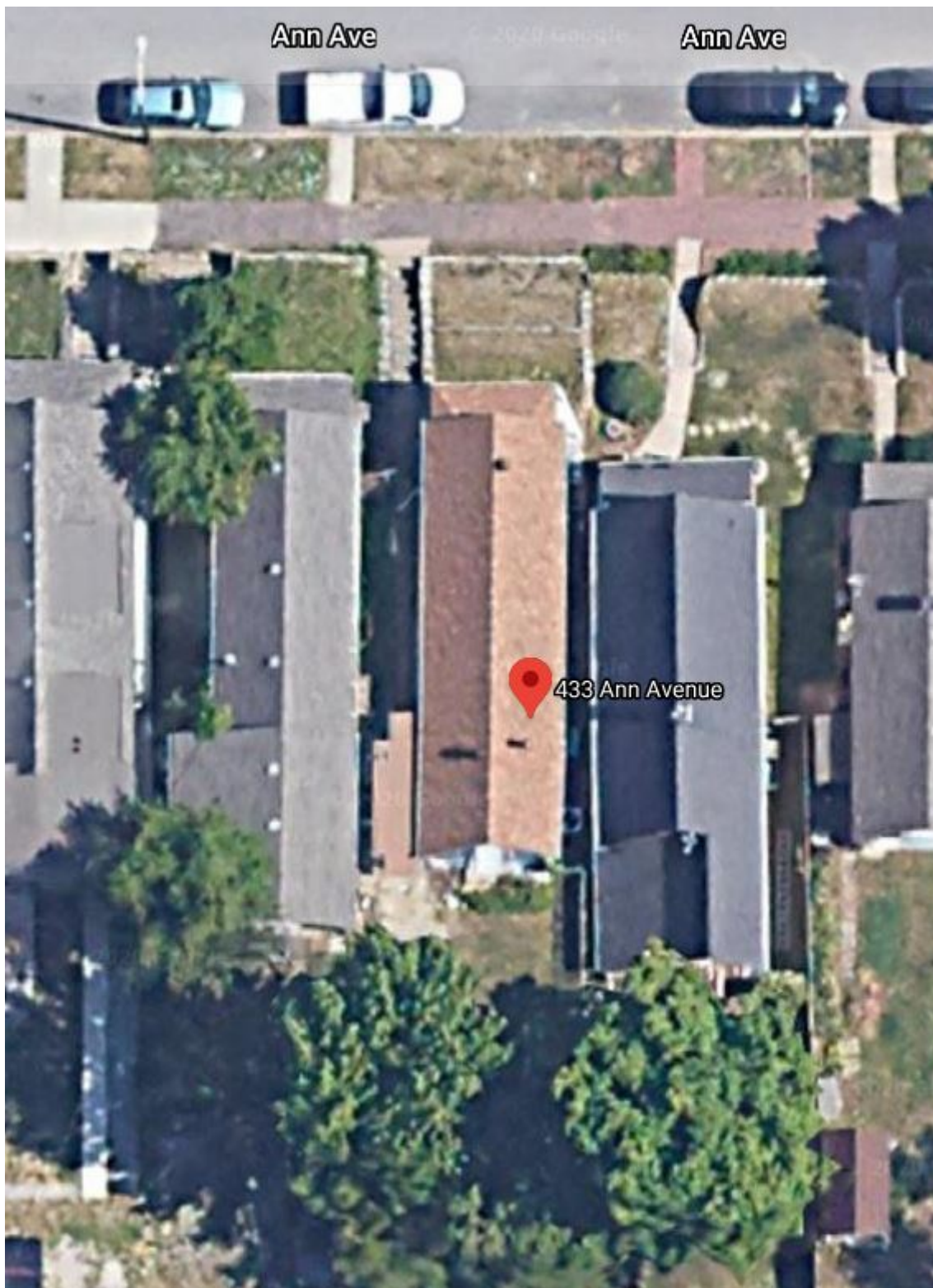
- Who asked question or gave comment: None \_\_\_\_\_
- What was the question or comment: None
- Who answered the question/comment: There were none.
- What was the answer given: None

Meeting adjourned at: 6:04pm

Minutes taken by: David W. Showalter



**Site Plan Indicating Lack of Parking Available On The Property:**



Dear Commissioners and Planning Staff,

I am writing concerning the applications for renewal for special use permits to operate short term vacation rentals (AirBNBs) at **433 Ann Ave and 709 N. 5th St.**, Kansas City, KS.

Last year I personally supported the initial applications for both properties as the next door neighbor to 433 Ann Ave and as someone who had taken care of the former resident at 709 N. 5th St. and was acquainted with the owner of the properties, who had undertaken major improvements to the Ann house. My support came amidst a staff recommendation to deny the applications as the owners do not live in the area and there was confusion as to who would be maintaining the properties and coordinating the guests.

My public support for the 2019 applications was voiced contingent on the following stated conditions at the CPC hearing:

1. That the special use permits would only be requested for one, single year, as the owner had stated he intended to sell the properties during the summer after recouping his expenses on them.
2. That the remaining improvements to 433 Ann Ave (peeling paint on the side windows, need of a retaining wall at the same property in the front yard, etc.) would be carried out and the property maintained as though it were an occupied property. These conditions have not been met.

Upon receipt of the special use permits, it is my understanding that all parties associated with the maintenance of the properties left the projects, including Magda Born who is listed as the caretaker for the properties on the renewal application **Ms. Born has confirmed with me that she resigned as the local caretaker.** The contractor who carried out the improvements to the Ann house is no longer willing to do business with the property owner.

Further, a resident moved into the Ann property soon after it was approved for the permit, immediately filling the back yard with trash bags and broken furniture. This was particularly frustrating to me as the next door neighbor, as I was in the process of selling my house at the time. The front yard was no longer being maintained at the time, to the chagrin of the block. This resident remained at the property for several months to my knowledge and may still reside there today, indicating it is not being used as a short-term rental.

It is with much embarrassment that I must withdraw my support for these properties, as I supported these endeavors in 2019 as a resident of Strawberry Hill who trusted an investor that had undertaken many repairs to the house next door to me. At this time, I feel it is best for the owner to pursue a long-term rental licensure, subject to all necessary inspections and codes that would apply to any other property owner seeking to rent in the area.

For these reasons I ask the Board of Commissioners to please **deny the applications SP-2020-65 and SP-2020-66 to renew special use permits** to operate short term rentals at both 433 Ann Ave and 709 N 5th St on August 27th.

Respectfully submitted,

Justine Underwood-Jones



## Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** August 27, 2020

**Re:** Petition #SP-2020-66

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### GENERAL INFORMATION

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**Applicant:**  
David and Karen Showalter

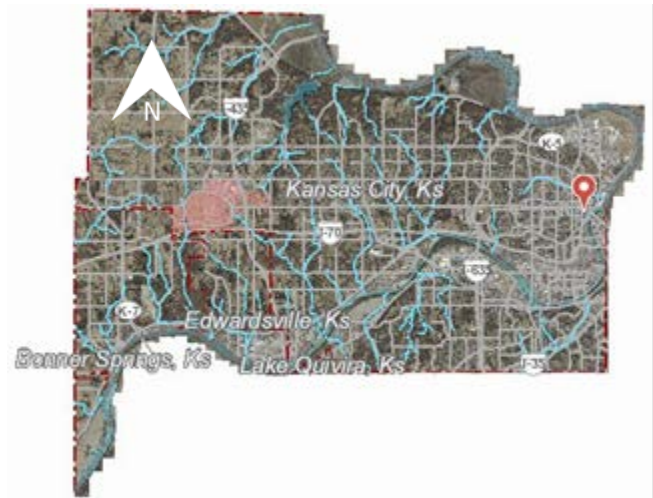
**Status of Applicant:**  
Owners  
709 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101

**Requested Action:**  
Renewal of Special Use Permit  
SP-2019-89 (expires 8/27/2020).

**Date of Application:**  
June 26, 2020

**Purpose:**  
To continue to operate an AirBnb unit. This is not the applicants' primary residence.

**Property Location:**  
709 North 5<sup>th</sup> 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:** 0.05 Acre

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

**Major Street Plan:** The Major Street Plan classifies 5<sup>th</sup> Street as a Class B Thoroughfare.

**Parking Requirement:** Section 27-454(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which must be in a carport or garage.

**Advertisement:** The Wyandotte Echo – July 16, 2020  
Letters to Property Owner – July 16, 2020 and August 21, 2020

**Public Hearings:** August 10, 2020 and August 27, 2020.

**Public Support:** None to date.

**Public Opposition:** Neighborhood opposition was expressed for SP-2019-89. No one appeared at the August 10, 2020 City Planning Commission meeting. However, an email was received after the meeting from Justine Underwood-Jones (attached).

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**PROPOSAL**

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Detailed Outline of Requested Action: The applicants, David and Karen Showalter, are seeking renewal of SP-2019-89, which expires on 8/27/2020. This Special Use Permit allows for the operation of a short-term rental at 709 North 5<sup>th</sup> Street. This is not the applicants' primary residence. The applicants state that currently, the property is used

as their vacation home. The applicants' primary residence is in Texas, but there are local caretakers to maintain the property in their absence. No Notices of Violation have been issued to this property.

City Ordinance Requirements: 27-592 through 27-606

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## **FACTORS TO BE CONSIDERED**

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***1. The Character of the Neighborhood.***

The neighborhood is residential in nature, 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 are set out above. The proposed use is expected to be compatible if managed 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 for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. 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 being used as a short-term rental.

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

Special Use Permits are not addressed in the Master Plan.

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

This type of use has the potential to increase traffic. 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 rental.



**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 the property has been used as such. Vibration, dust, and 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 the convenience of 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.

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## **PREVIOUS ACTIONS**

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SP-2019-89 (expires on 8/27/2020)

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## NEIGHBORHOOD MEETING

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The applicant held an online neighborhood meeting via Zoom on July 22, 2020. No one, other than the applicant, was in attendance. Documentation is attached below.

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## KEY ISSUES

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Public Opposition (SP-2019-89)  
Noise  
Parking

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #**SP-2020-66**, subject to:

1. No more than four (4) guests are allowed at a time;
2. No more than two (2) guest vehicles are allowed at a time;
3. Provide a guest manual that lists rules and regulations such as “no parties, etc.”;
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 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;
5. 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 Planning and Urban Design Department 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,
6. Applicant must keep a current Business License/Occupation Tax Receipt and Kansas State Lodging Tax.

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## STAFF COMMENTS AND SUGGESTIONS

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

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## STAFF RECOMMENDATION

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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-2020-66** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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August 10, 2020 City Planning Commission Minutes  
Zoning Map  
Floor Plan  
Site Photographs provided by Staff, Dated July 16, 2020  
Site Photographs provided by Applicant, Dated July 30, 2020  
Neighborhood Meeting Documentation  
Manual of Rules and Regulations  
Diagram Showing Parking  
Email in Opposition from Justine Underwood-Jones

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | August 10, 2020     | August 27, 2020               |
| Special Use    | Approval            |                               |

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**STAFF CONTACT:**        **Shana Shanteau**  
                                     [sshanteau@wycokck.org](mailto:sshanteau@wycokck.org)

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## MOTIONS

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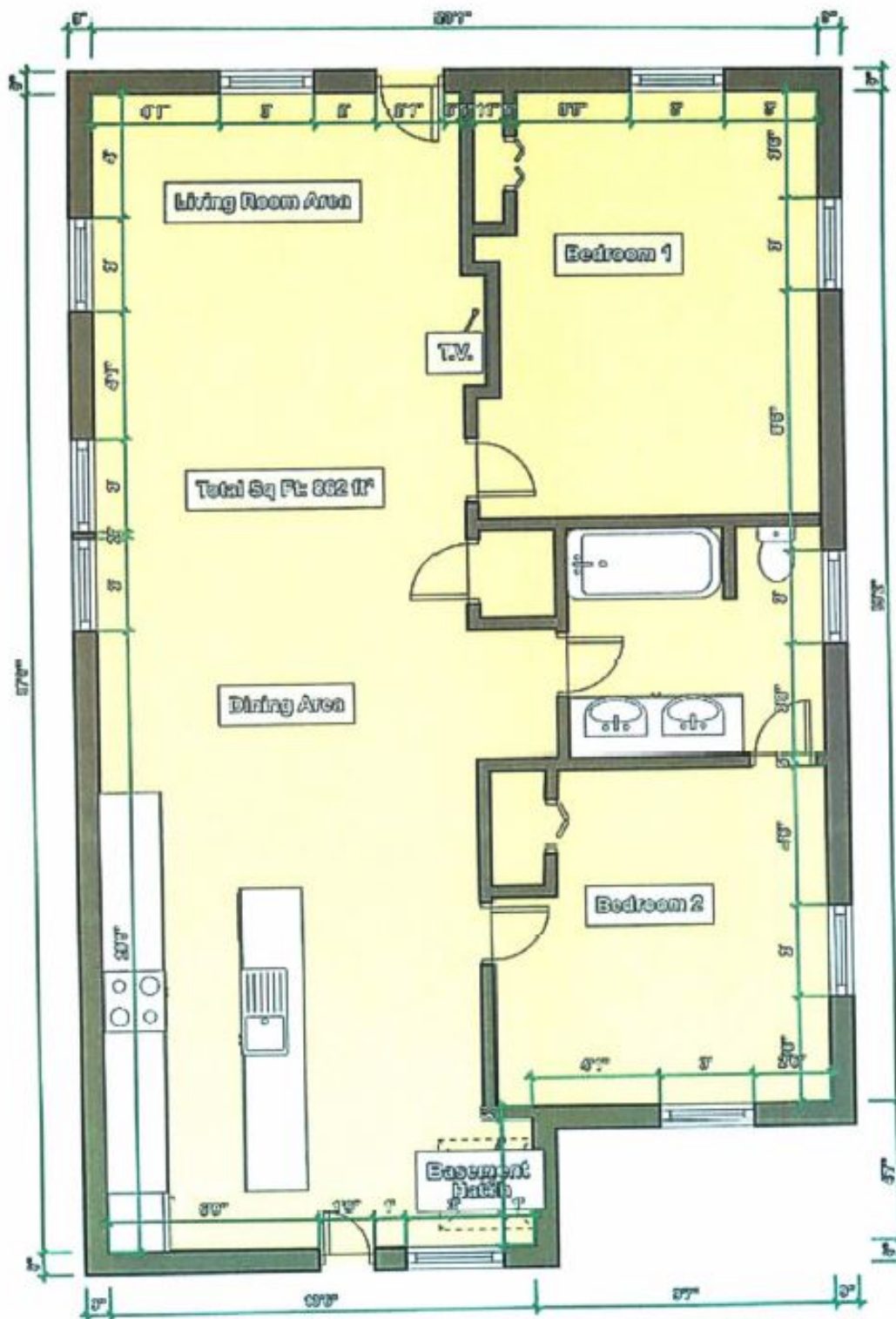
I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-66** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all 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-2020-66**, 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.





Site Photographs provided by Staff, Dated July 16, 2020







**Site Photographs provided by Applicant, Dated July 30, 2020**



































# 709 N. 5th St. MINUTES:

Application Number: SP-2020-66

Date and Location: 7/22/20 – Zoom Meeting

Meeting called to order at: 6:00pm

Names of people in attendance: David Showalter

Introductions: by David Showalter

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said). Applicant maintains the property in good condition. In the event of any interest in rentals, the potential renters will be selected consistent with maintaining the character of the neighborhood and the condition of the property. There will be no adverse impact on parking or traffic beyond what would result from typical residential use.

Questions and answers (include the following):

- Who asked question or gave comment: None \_\_\_\_\_
- What was the question or comment: None
- Who answered the question/comment: There were none.
- What was the answer given: None

Meeting adjourned at: 6:36pm

Minutes taken by: David W. Showalter

## **709 N 5<sup>th</sup> Street Rules & Regulations:**

- 1.) Suitable for children (2-12 years)
- 2.) Suitable for infants (under 2 years)
- 3.) No pets
- 4.) No smoking
- 5.) No parties or events
- 6.) No prom groups
- 7.) Spring break – Families ONLY
- 8.) Must sign owner's rental agreement
- 9.) Holiday weekends require a minimum 3-night stay
- 10.) Must be at least 25 years old to make reservation

### **Parking:**

X = parking



709 N. 5th Street



Dear Commissioners and Planning Staff,

I am writing concerning the applications for renewal for special use permits to operate short term vacation rentals (AirBNBs) at **433 Ann Ave and 709 N. 5th St.**, Kansas City, KS.

Last year I personally supported the initial applications for both properties as the next door neighbor to 433 Ann Ave and as someone who had taken care of the former resident at 709 N. 5th St. and was acquainted with the owner of the properties, who had undertaken major improvements to the Ann house. My support came amidst a staff recommendation to deny the applications as the owners do not live in the area and there was confusion as to who would be maintaining the properties and coordinating the guests.

My public support for the 2019 applications was voiced contingent on the following stated conditions at the CPC hearing:

1. That the special use permits would only be requested for one, single year, as the owner had stated he intended to sell the properties during the summer after recouping his expenses on them.
2. That the remaining improvements to 433 Ann Ave (peeling paint on the side windows, need of a retaining wall at the same property in the front yard, etc.) would be carried out and the property maintained as though it were an occupied property. These conditions have not been met.

Upon receipt of the special use permits, it is my understanding that all parties associated with the maintenance of the properties left the projects, including Magda Born who is listed as the caretaker for the properties on the renewal application **Ms. Born has confirmed with me that she resigned as the local caretaker.** The contractor who carried out the improvements to the Ann house is no longer willing to do business with the property owner.

Further, a resident moved into the Ann property soon after it was approved for the permit, immediately filling the back yard with trash bags and broken furniture. This was particularly frustrating to me as the next door neighbor, as I was in the process of selling my house at the time. The front yard was no longer being maintained at the time, to the chagrin of the block. This resident remained at the property for several months to my knowledge and may still reside there today, indicating it is not being used as a short-term rental.

It is with much embarrassment that I must withdraw my support for these properties, as I supported these endeavors in 2019 as a resident of Strawberry Hill who trusted an investor that had undertaken many repairs to the house next door to me. At this time, I feel it is best for the owner to pursue a long-term rental licensure, subject to all necessary inspections and codes that would apply to any other property owner seeking to rent in the area.

For these reasons I ask the Board of Commissioners to please **deny the applications SP-2020-65 and SP-2020-66 to renew special use permits** to operate short term rentals at both 433 Ann Ave and 709 N 5th St on August 27th.

Respectfully submitted,

Justine Underwood-Jones



## Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners  
**From:** Planning and Urban Design Staff  
**Date:** August 27, 2020  
**Re:** Petition #SP-2020-67

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### GENERAL INFORMATION

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**Applicant:**  
Cheryl Snopak

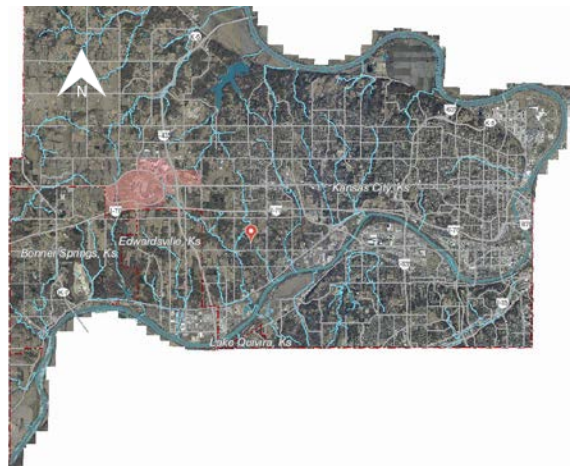
**Status of Applicant:**  
Property Owner  
CherBear's Dog Grooming  
401 South 82<sup>nd</sup> Street  
Kansas City, KS 66111

**Requested Action:**  
Renewal of a Home Occupation Special Use Permit (SP-2019-93 expires 8/27/20).

**Date of Application:**  
June 25, 2020

**Purpose:**  
To operate a dog grooming business.

**Property Location:**  
401 South 82<sup>nd</sup> Street



|                                 |                                                                                                                                                                                                                                                                                          |               |                         |               |                            |              |                            |              |                         |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------|---------------|----------------------------|--------------|----------------------------|--------------|-------------------------|
| <b>Commission Districts:</b>    | Commissioner At Large: Tom Burroughs<br>District Commissioner: James F. Walters                                                                                                                                                                                                          |               |                         |               |                            |              |                            |              |                         |
| <b>Existing Zoning:</b>         | R-1 Single Family District                                                                                                                                                                                                                                                               |               |                         |               |                            |              |                            |              |                         |
| <b>Adjacent Zoning:</b>         | <table> <tr> <td><b>North:</b></td><td>AG Agriculture District</td></tr> <tr> <td><b>South:</b></td><td>R-1 Single Family District</td></tr> <tr> <td><b>East:</b></td><td>R-1 Single Family District</td></tr> <tr> <td><b>West:</b></td><td>AG Agriculture District</td></tr> </table> | <b>North:</b> | AG Agriculture District | <b>South:</b> | R-1 Single Family District | <b>East:</b> | R-1 Single Family District | <b>West:</b> | AG Agriculture District |
| <b>North:</b>                   | AG Agriculture District                                                                                                                                                                                                                                                                  |               |                         |               |                            |              |                            |              |                         |
| <b>South:</b>                   | R-1 Single Family District                                                                                                                                                                                                                                                               |               |                         |               |                            |              |                            |              |                         |
| <b>East:</b>                    | R-1 Single Family District                                                                                                                                                                                                                                                               |               |                         |               |                            |              |                            |              |                         |
| <b>West:</b>                    | AG Agriculture District                                                                                                                                                                                                                                                                  |               |                         |               |                            |              |                            |              |                         |
| <b>Adjacent Uses:</b>           | <table> <tr> <td><b>North:</b></td><td>Agricultural Use</td></tr> <tr> <td><b>South:</b></td><td>Single Family Residence</td></tr> <tr> <td><b>East:</b></td><td>Single Family Residence</td></tr> <tr> <td><b>West:</b></td><td>Agricultural Use</td></tr> </table>                     | <b>North:</b> | Agricultural Use        | <b>South:</b> | Single Family Residence    | <b>East:</b> | Single Family Residence    | <b>West:</b> | Agricultural Use        |
| <b>North:</b>                   | Agricultural Use                                                                                                                                                                                                                                                                         |               |                         |               |                            |              |                            |              |                         |
| <b>South:</b>                   | Single Family Residence                                                                                                                                                                                                                                                                  |               |                         |               |                            |              |                            |              |                         |
| <b>East:</b>                    | Single Family Residence                                                                                                                                                                                                                                                                  |               |                         |               |                            |              |                            |              |                         |
| <b>West:</b>                    | Agricultural Use                                                                                                                                                                                                                                                                         |               |                         |               |                            |              |                            |              |                         |
| <b>Total Tract Size:</b>        | 1.27 Acres                                                                                                                                                                                                                                                                               |               |                         |               |                            |              |                            |              |                         |
| <b>Master Plan Designation:</b> | The City-Wide Master Plan designates this property as Low Density Residential.                                                                                                                                                                                                           |               |                         |               |                            |              |                            |              |                         |
| <b>Major Street Plan:</b>       | The Major Street Plan designates both 82 <sup>nd</sup> Street and Richland Avenue as Local Streets.                                                                                                                                                                                      |               |                         |               |                            |              |                            |              |                         |
| <b>Required Parking:</b>        | Section 27-454(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which must be in a carport or garage.                                                                                                         |               |                         |               |                            |              |                            |              |                         |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – July 16, 2020<br>Letters to Property Owner – July 16, 2020 and August 21, 2020                                                                                                                                                                               |               |                         |               |                            |              |                            |              |                         |
| <b>Public Hearings:</b>         | August 10, 2020 and August 27, 2020.                                                                                                                                                                                                                                                     |               |                         |               |                            |              |                            |              |                         |
| <b>Public Support:</b>          | The applicant collected responses to their neighborhood meeting letters each of which expressed support for their proposed use.                                                                                                                                                          |               |                         |               |                            |              |                            |              |                         |
| <b>Public Opposition:</b>       | None to date.                                                                                                                                                                                                                                                                            |               |                         |               |                            |              |                            |              |                         |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Cheryl Snopak, is requesting the renewal of a Home Occupation Special Use Permit (SP-2019-93 expires 8/27/20) to operate a full-service pet grooming salon in the garage of their residence. The applicant has stated that they specialize in grooming dogs who are misbehaved, afraid, abused, old, and frail. The applicant has stated that they will host one dog at a time, maximum two (2) per day. The applicant has received no Notices of Violation since their previous approval. The applicant has requested to be approved for five (5) years.

City Ordinance Requirements: 27-592 through 27-606

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## FACTORS TO BE CONSIDERED

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### ***1. The Character of the Neighborhood.***

The neighborhood is primarily residential and agricultural in nature. This particular parcel, as well as many of the other parcels in the area are large as to accommodate agricultural use.

### ***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 and agricultural nature of the area, 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?***

A commercial operation is not suitable for a residential neighborhood without a Special Use Permit. The removal of restrictions has the ability to detrimentally affect nearby properties as a dog grooming business may lead to increased traffic, unsightly storage, parking issues and noise. As the proposed operation is relatively small and the property is relatively large, such problems are not anticipated if the commercial grooming operation is managed properly.

### ***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 suburban neighborhood 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 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 Streets.

**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 a convenience and supports the welfare of 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.***

Noise, vibration, dust, and illumination are not normally associated with a use of such duration and intensity as to create problems for near-by property. Noise caused by dogs should not be an issue due to the size of lot and limitation of services.

**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 single-family home in a suburban 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 need to find an alternative location to conduct their business. The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal.

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

The proposed use should not result in the undue concentration of population because the applicant's operation is small and no more than one (1) client is



served at any given time. The proposed use should not result in the overcrowding of land as it will occur within the basement of the existing single-family residence.

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## PREVIOUS ACTIONS

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(SP-2019-93 expires 8/27/20)

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## NEIGHBORHOOD MEETING

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The applicant sent out letters in place of a neighborhood meeting on July 19, 2020. The applicant received multiple responses all in support of the proposed use.

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## KEY ISSUES

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Noise  
Parking

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #**SP-2020-67**, subject to:

1. No signs are allowed to be displayed on the property, and your current sign will need to be removed;
2. No employees other than members of the immediate family residing on the premises are allowed;
3. No more than two (2) clients doing drop-off or pick-up at any a time;
4. No overnight boarding of animals;
5. No client parking on street. All pick-ups and drop-offs must happen in the driveway and off the street;
6. Must maintain a business license with the Business Licensing Department;
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 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; and,
8. 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 Planning and Urban Design Department 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.

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## STAFF COMMENTS AND SUGGESTIONS

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

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## STAFF RECOMMENDATION

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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-2020-67 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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August 10, 2020 City Planning Commission Minutes  
Neighborhood Meeting Information  
Business Plan  
Letter in Support  
Photographs Provided by Applicant  
Aerial View

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | August 10, 2020     | August 27, 2020               |
| Special Use    | Approval            |                               |

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**STAFF CONTACT:**        **Jacob Pellegrino**  
                                     [jpellegrino@wycokck.org](mailto:jpellegrino@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2020-67 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-2020-67, 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.

**August 10, 2020 City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION #SP-2020-67 – CHERYL M. SNOPIAK –**

**SYNOPSIS:** Renewal of a Home Occupation Special Use Permit (#SP-2019-93 – expires 8/27/2020) for a dog grooming business at 401 South 82<sup>nd</sup> Street. **Detailed Outline of Requested Action:** The applicant, Cheryl Snopak, is requesting the renewal of a Home Occupation Special Use Permit (SP-2019-93 expires 8/27/20) to operate a full-service pet grooming salon in the garage of their residence. The applicant has stated that they specialize in grooming dogs who are misbehaved, afraid, abused, old, and frail. The applicant has stated that they will host one (1) dog at a time, maximum two (2) per day. The applicant has received no Notices of Violation since their previous approval. The applicant has requested to be approved for five (5) years.

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?" Planning Commissioner Miller stated that he spoke with Commissioner Kane on Piper Lake North Plat. Chairman Carson stated that he had contact with Commissioner Kane and Dennis Hays regarding Piper Lake North Plat.

"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 August 10, 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. Planning Director Hand requested that Special Use Permit Application #SP-2020-59 be removed from the Consent Agenda. Mr. David Schapker requested that Piper Lake North Final Plat be removed from the Consent Agenda.

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

|                  |                 |
|------------------|-----------------|
| <b>Carson</b>    | <b>Chairman</b> |
| <b>Armstrong</b> | <b>Aye</b>      |

|          |             |
|----------|-------------|
| Cho      | Not Present |
| Connelly | Not Present |
| Ernst    | Aye         |
| Huey     | Aye         |
| Jones    | Aye         |
| Miller   | Aye         |
| Mohler   | Aye         |
| Pauley   | Aye         |
| Reasons  | Not Present |

Motion to APPROVE Passed: 7 to 0  
Subject to:

**Planning and Urban Design Comments:**

1. Detail any capacity in which your operation has changed since your previous approval.

*Applicant Response:* My business has not really changed in terms of operation, if anything I just have more customers.

2. What are your hours of operation?

*Applicant Response:* My hours of operation are 9 am to 7 pm Tuesday through Saturday.

3. Detail how you accommodate parking?

*Applicant Response:* I have a very large driveway that is about four cars wide with plenty of room for customers to park if need be. There should be no need to park on the street.

4. There appears to be a sign at the entrance to your business. Have you obtained a sign permit?

*Applicant Response:* I do not have a permit for that sign. It is only 5-10 inches. Do I need a permit?

*Staff Response:* No signs are allowed for a commercial operation in a residence. Sign will have to be taken down; you cannot obtain a permit.

5. No signs.
6. No employees other than members of the immediate family residing on the premises.
7. No more than two (2) clients doing drop-off or pick-up at any one time.
8. No overnight boarding of animals. Provide a scaled floor plan of the business.

9. No parking on street.

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 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.

11. 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 Planning and Urban Design Department 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 of Approval:**

1. No signs are allowed to be displayed on the property, and your current sign will need to be removed;
2. No employees other than members of the immediate family residing on the premises are allowed;
3. No more than two (2) clients doing drop-off or pick-up at any a time;
4. No overnight boarding of animals;
5. No client parking on street. All pick-ups and drop-offs must happen in the driveway and off the street;
6. Must maintain a business license with the Business Licensing Department;
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 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; and,



- 8. 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 Planning and Urban Design Department 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.**

July 18<sup>th</sup> 2020

Hi Janet Parker;

#SP-2020-67-401 S 82<sup>ND</sup> ST

Here is a copy of the info I brought to everyone in my neighborhood; I visited everyone & got a few papers from them. Here is the list of people: the list got some info in the mail.

- George Caswell  
8124 Richland Ave  
KC, KS 66111 paper

- Beverly Delladio  
8146 Berger Ave.  
KC, KS 66111

- Rita & Bill Ferguson  
420 S 82<sup>ND</sup> ST  
KC, KS 66111

- Mary & Julius Hopkins  
315 S 82<sup>ND</sup> ST  
KC, KS 66111

- Susan Moore & Ron  
400 S 82<sup>ND</sup> ST  
KC, KS 66111

- New Hope Christian Fellowship Church  
P.O. Box

- Jessica & Evan Niles  
8122 Berger Ave  
KC, KS 66111

- Brian & Cara Reichert  
8137 Richland Ave.  
KC, KS 66111

- Dawn Salazar  
8136 Berger Ave  
KC, KS 66111

- Mary & Nick Waldo  
316 S. 82<sup>ND</sup> ST  
KC, KS 66111

- Steve & Kathy:  
Mainville Family Health Trust  
21623 W 100<sup>TH</sup> ST  
Lenexa, KS  
(401 S 82<sup>ND</sup> ST)  
Across the street from me

• Evan & Jennifer Nigles      We spoke of her Mobile Vet business how it  
818 Richland Ave      been busy!

• Tyler Nickle & wife      > She said good luck  
431 S. 82<sup>ND</sup> St.

July 16 2020

#SP-2020-67-401 S 82ND St

I'm renewing my Special Use Permit  
If you have any questions, comments, concerns or complaints  
Please let me know on this paper or  
Email me ggleyc@yahoo.com

Mary Hopkins  
P/S

o Mary & Julius Hopkins  
315 S 82ND St  
KC, KS 66111

We are good friends.

July 8, 2020

Hi Susan & Ron;

I'm renewing my "Special Use Permit"  
Any Complaints, Questions or Comments  
I will appreciate.

See Copy of Business Plan:

We live across the street  
from Cher & we could not ask for  
a better neighbor. She is great  
with the dogs & always professional.  
My dog loves her & can't wait  
for her bath. We have never  
experienced any traffic  
congestion or dog barking. We  
look forward to have her  
business opened another year  
or more.

Susan & Ron Pearson  
(MORE)  
400 S. 82ND ST  
Kansas City, KS 64111



#SP-2020-67 401582ND8

To George Caswell  
8.24 Richland Ave  
KC, KS. 66111

7-17-20

I'm renewing my Special Use Permit  
Any Comments, Complaints or questions I'd  
appreciate.

See Copy of Business Plan Thomas Cher  
Email is giglayc@yahoo.com

Dequon L. Conrad

He said Good Luck & he spoke of his old dog  
who now doesn't want to be brushed or messed  
with \*

July 19, 2020

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas )  
COUNTY OF Wyandotte ) SS:

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

1. That I am the petitioner for Petition # SP-2020-67-401582109
2. That I conducted a neighborhood meeting on 18 July face to face
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.

Cheryl M. Salopak  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20<sup>th</sup> day of July, 2000.

My commission expires \_\_\_\_\_ of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Notary Public

# CherBears

## Dog Grooming

### Business Plan 2020

I have a bright & clean Salon. The first year has gone by so fast. I own & operate it myself I specialize in dogs that don't do well in high volume, busy Salons. I do one dog in the A.M and one dog in the P.M., I ask for 3-4 hours and pet parents can stay and watch the groom if they like. I have the ability to groom dogs that others turn away, the elderly are cleaned up and groomed with love and compassion, if they lay down, I work in harmony with them. If a family has 2 dogs who totally stress out if they are apart I have them come in together and at the end of the day every one is clean and groomed and enjoyed the play time, walks and attention they got. My rescue peekapoo "Buster" has become a great shop dog helping the really afraid & stressed pups just by his happy nature he can change a situation good, way faster than I can. I want everyone to be able to afford to have their dog bathe and groomed.

I found I have had to wear a lot of hats so to say I'm in charge of:

- Sales & Marketing
- Groomer & bather/ Rehabilitator
- Office manager
- Bookkeeper
- Janitor Shop Supplies
- Laundry Woman Hates Folding
- Repair Woman, inventor, entrepreneur
- Pick Up & Delivery Person

Pricing is as follows:

- Bath (SM-\$25) (MED-\$30) (LG-\$35) (XL-\$40), Shampoo and Conditioner is included
- Groom (SM-\$30) (MED-\$40) (LG-\$60) (XL-\$70), Nails, Ear Cleaning and Tight Feet are included
- Matted Dogs are more, every 30 minutes is \$15

*• EVERY Dog must have Rabies Vaccine up to Date : Show me proof.*

The Covid19 put a hiccup in the works. I closed March 24th and reopened May 18<sup>th</sup> with the restrictions of masks, gloves, and social distancing I go out to cars get pup and return them the same way. I was glad to have that 1200 dollars from fed to buy groceries, I think it's a good come back for the shop. I will get through it. I would like to get my business license extended another 5 years.

RE: Special Permit Petition #SP-20402-00052

To Whom It May Concern:

My name is Beverly Delladio. I live in the neighborhood near CherBear's Dog Grooming at 401 S. 82<sup>nd</sup>, Kansas City, KS. I wish to voice my support for the renewal of the special use permit issued to Cheryl Snopak for this home business. Since Cher only grooms one or two dogs a day, I have seen no appreciable increase in traffic this past year on our street. Also, since she has a large drive and parking area, there is no increase in on-street parking.

As a dog owner and occasional customer, I have found the premises to be clean and well cared for, both indoors and outdoors. I have two older dogs, one of which is very anxious at grooming time. I appreciate the special care and attention that Cher gives both of them. She is an asset to the dog grooming business and to our neighborhood!

Sincerely,

Beverly Delladio



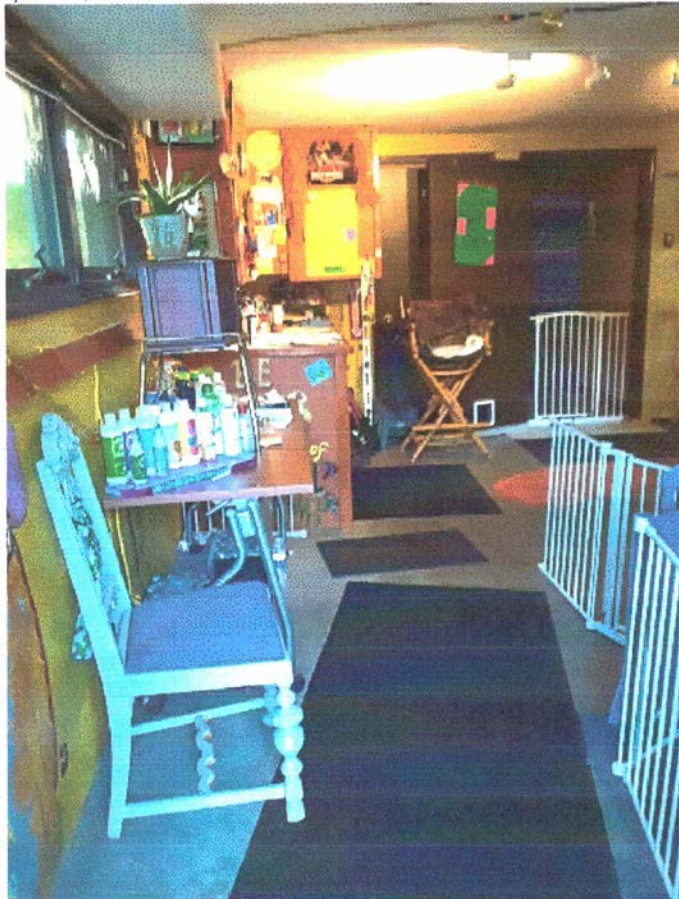
Cher Beas entrance  
6-14-2020





West Wall entry way

2



2. pull the gate across, makes a barricade  
3. it keeps small & large dogs from  
going out the door if someone steps in.



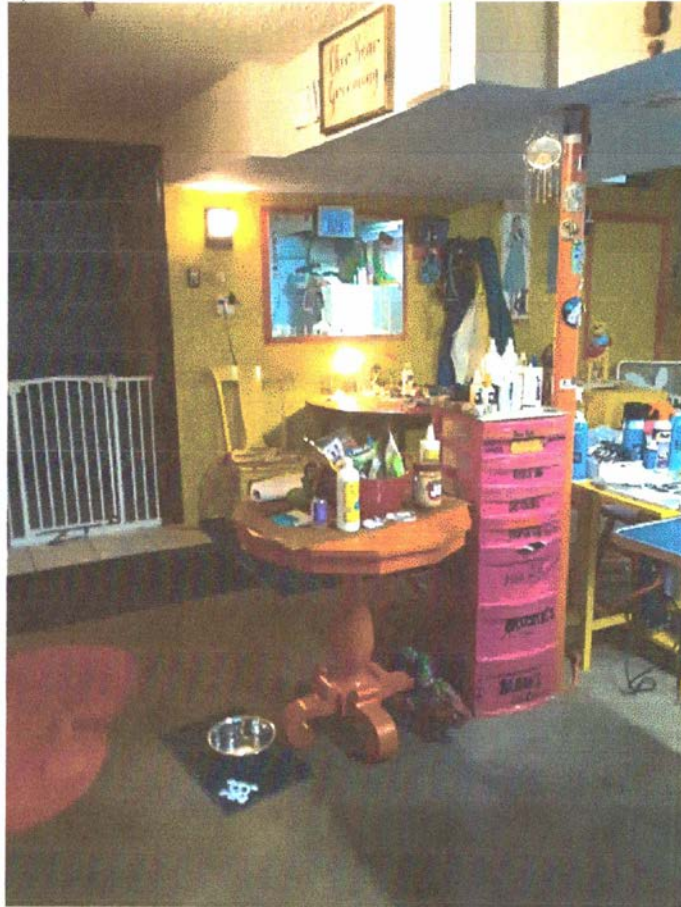
Great dog Bath ; larger dogs are done  
on the floor





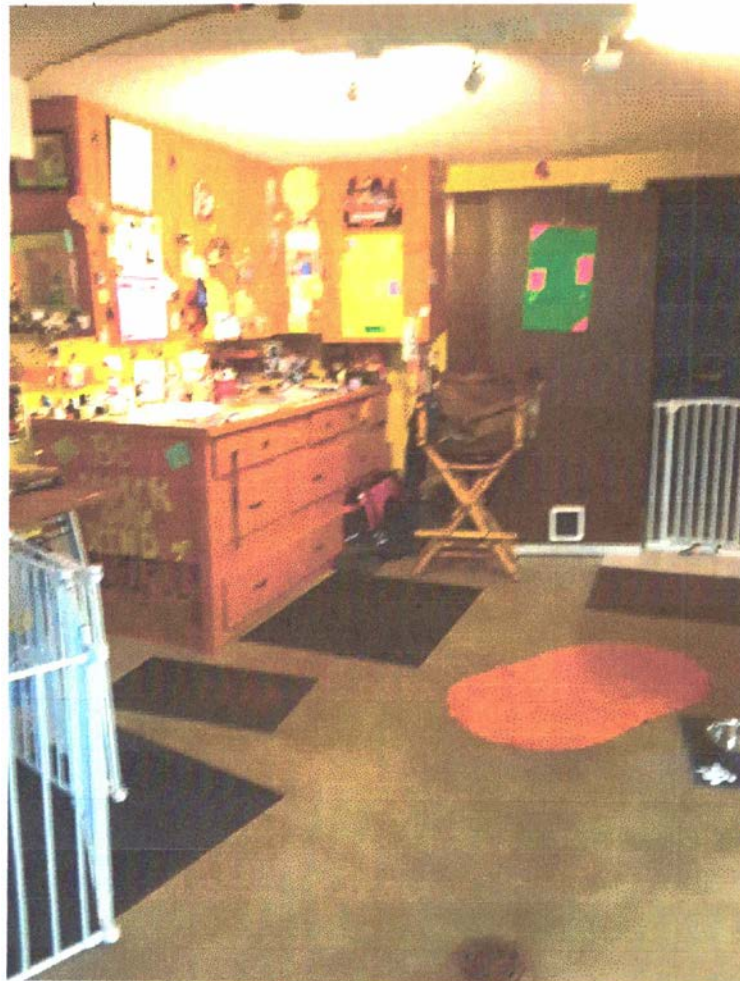
hydraulic grooming table

6-2020

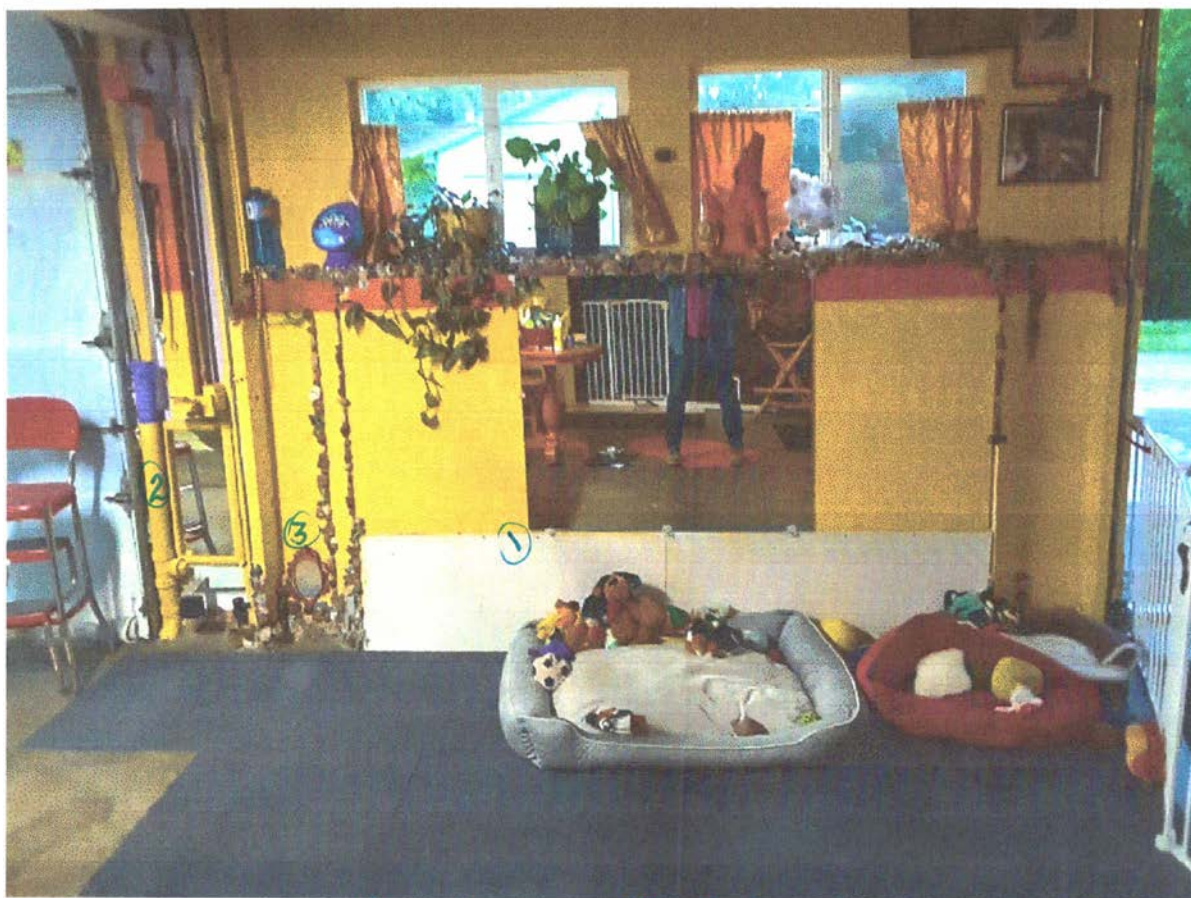


treat's & fresh water station





front desk; Check in & out here



8

the Dogs enjoy toys & really like to look at themselves  
 in the mirrors; Big dogs (middle mirror) Medium dogs; Left oblong  
 Tiny but Mighty the middle smallest mirror

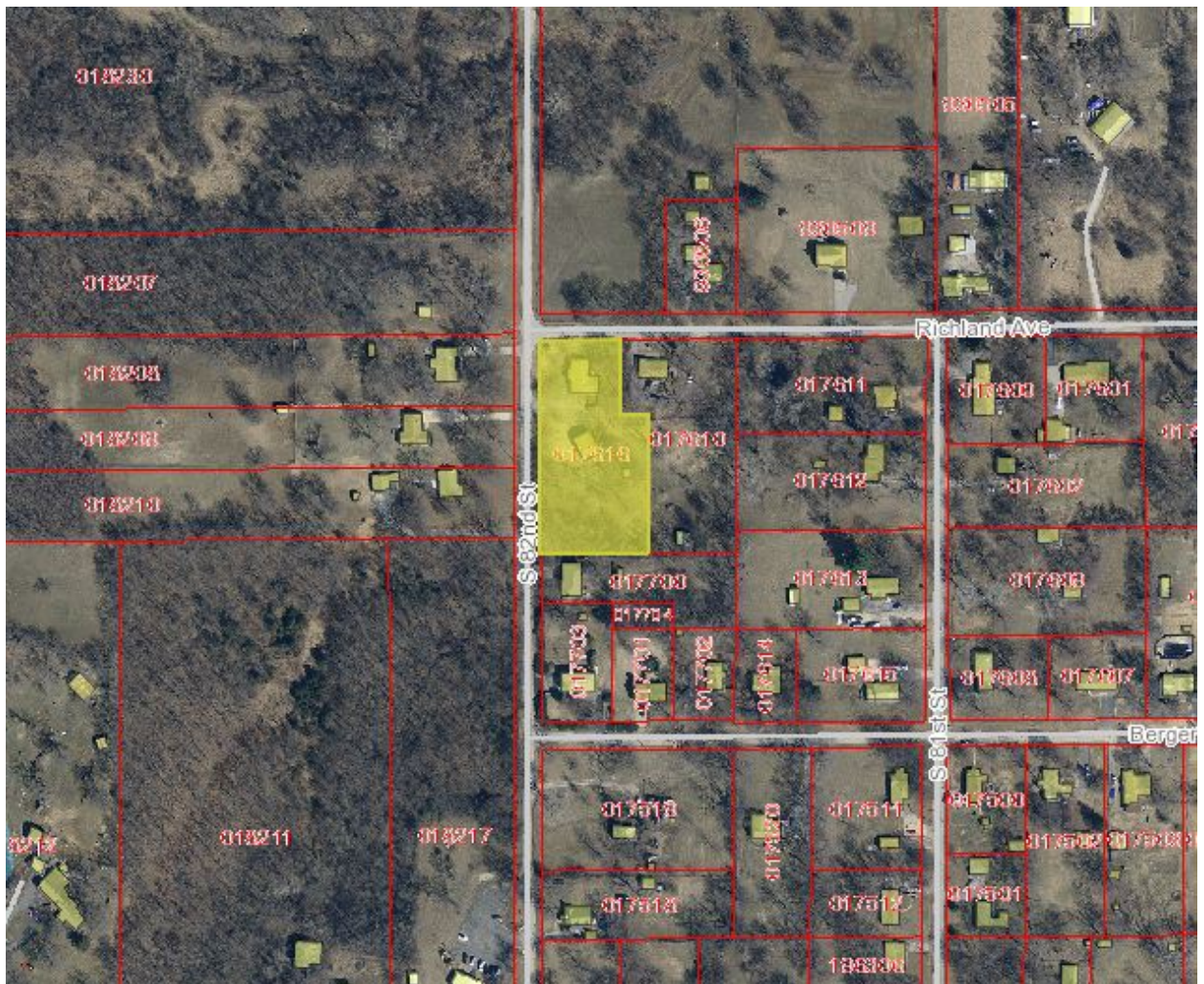


Customer's can sit & watch the  
grooming process if they like.





Kennels are here in case of emergency to keep everyone safe; Mural is painted so life like some dogs have to be shown <sup>that</sup> it's only a picture on the wall.







## Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners  
**From:** Planning and Urban Design Staff  
**Date:** August 27, 2020  
**Re:** Petition #SP-2020-69

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### GENERAL INFORMATION

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**Applicant:**

Robert Dimond Jr., AIA

**Status of Applicant:**

Representative  
D.A. Group, Incorporated  
5400 Johnson Drive #149  
Mission, KS 66205

**Requested Action:**

Renewal of a Special Use Permit  
(SP-2018-67 expires 8/30/20).

**Date of Application:**

June 25, 2020

**Purpose:**

To operate an automotive repair business  
(Anders Automotive).

**Property Location:**

1017 Merriam Lane



**Commission Districts:**

Commissioner At Large: Tom Burroughs  
District Commissioner: Christian Ramirez

**Existing Zoning:** C-3 Commercial District

**Adjacent Zoning:** **North:** C-3 Commercial District  
**South:** C-3 Commercial District  
**East:** C-3 Commercial District  
**West:** C-3 Commercial District

**Adjacent Uses:** **North:** Commercial Use  
**South:** Commercial Use  
**East:** Commercial Use  
**West:** Commercial Use

**Total Tract Size:** 0.28 Acre

**Master Plan Designation:** The City-Wide Master Plan designates this property as Business Park.

**Major Street Plan:** The Major Street Plan designates Merriam Lane as a Class C Thoroughfare.

**Advertisement:** The Wyandotte Echo – July 16, 2020  
Letters to Property Owner – July 16, 2020 and August 21, 2020

**Public Hearings:** August 10, 2020 and August 27, 2020

**Public Support:** Ron Quick, the property owner at 1007 Merriam Lane has expressed his support for the applicant.

**Public Opposition:** None to date.

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**PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Robert Dimond Jr., is requesting the renewal of Special Use Permit SP-2018-67 (expires 8/30/20) to operate an automotive repair business. The applicant has received no Notices of Violation since their previous approval. The proposed use does not conform to the goals and aspirations of the Rosedale Master Plan. The applicant has requested approval for five (5) years.

City Ordinance Requirements: 27-592 through 27-606

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## FACTORS TO BE CONSIDERED

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**1. *The Character of the Neighborhood.***

This neighborhood is primarily commercial in nature and many of the surrounding properties are like uses. This section of Merriam Lane is in the Rosedale neighborhood. It is a mixed-use, urban neighborhood with commercial, residential, and entertainment uses (Rosedale Drive-In Theater). Southwest Boulevard and Merriam Lane have received significant public investment, including new bike lanes and sidewalks.

**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 proposed is like adjacent uses, it does not conform with the goals of the Rosedale Master Plan and therefore is not considered to be 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 proposed use of an automotive repair business suits this property given its adjacent uses. The removal of restrictions has the ability to detrimentally affect nearby properties, which is why the proposed use requires a Special Use Permit.

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

The property is not vacant but is an existing business in a built-out commercial corridor.

**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 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 not reasonably necessary for the convenience nor welfare of the public and stands in opposition to the goals of the Rosedale Master Plan. There are multiple automotive service businesses in this particular area. The

proposed use has the potential to substantially or permanently injure the marketability of nearby properties and the redevelopment of the Rosedale neighborhood.

**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, dust, and illumination are normally associated with automotive repair businesses a cause for concern give. the duration and intensity of the proposed use. If managed properly, the proposed use should not create problems for near-by property.

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

The proposed use has the potential to pollute the air, land and water as hazardous runoff is a concern. If spills are contained and cleaned quickly and surfaces are in good repair without cracks, the proposed use should not be a source of pollution.

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

This is not applicable as the proposed use is an existing business in a built-out commercial corridor.

**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 need to find a new tenant. The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal.

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

The proposed use has the potential to both result in the overcrowding of land and the undue concentration of population. If managed properly the proposed use should not cause such problems.

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## **PREVIOUS ACTIONS**

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SP-2018-67 (expires 8/30/20)

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## NEIGHBORHOOD MEETING

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The applicant held a neighborhood meeting on July 27, 2020. There were no attendees apart from the property owner and the applicant however Ron Quick the property owner at 1007 Merriam Lane did contact the applicant voicing his support for the application.

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## KEY ISSUES

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Runoff  
Noise  
Vibration  
Dust  
Illumination  
Conformance with Rosedale Master Plan

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #**SP-2020-69**, subject to:

1. As parking and striping degrades, the lot must be resurfaced;
2. All cars in lot must be operable;
3. No outside storage of automotive parts or materials;
4. Noise level not to exceed 65 decibels with doors closed;
5. The parking lot shall be striped and resurfaced, as the paving materials become degraded;
6. In order to have legitimate signage, a sign permit must be filed with the Planning and Urban Design Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department;
7. No displays on the sidewalk, including signs, pennants, attention-attracting devices, etc.;
8. Must conform with the Commercial Design Guidelines;
9. Must maintain a business license with the Business Licensing Department;
10. Special Use Permit is approved for five (5) years;
11. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.
12. 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 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; and



13. 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 Planning and Urban Design Department 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.

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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-2020-69 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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August 10, 2020 City Planning Commission Minutes  
Neighborhood Meeting Information  
Responses to Staff Comments and Suggestions  
Photographs Provided by the Applicant  
Parking and Building Floor Plan  
Photographs Provided by Staff Dated 7/14/20  
Aerial View

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | August 10, 2020     | August 27, 2020               |
| Special Use    | Approval            |                               |

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**STAFF CONTACT:** Jacob Pellegrino  
[jpellegrino@wycokck.org](mailto:jpellegrino@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2020-69 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-2020-69**, 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.

**August 10, 2020 City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION #SP-2020-69 – ROBERT DIMOND JR., WITH D.A. GROUP, INC. – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2018-67 – expires 8/30/2020) for an automotive repair operation at 1017 Merriam Lane. ***Detailed Outline of Requested Action:*** The applicant, Robert Dimond Jr., is requesting the renewal of Special Use Permit SP-2018-67 (expires 8/30/20) to operate an automotive repair business. The applicant has received no Notices of Violation since their previous approval. The proposed use does not conform to the goals and aspirations of the Rosedale Master Plan. The applicant has requested approval for five (5) years.

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?” Planning Commissioner Miller stated that he spoke with Commissioner Kane on Piper Lake North Plat. Chairman Carson stated that he had contact with Commissioner Kane and Dennis Hays regarding Piper Lake North Plat.

“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 August 10, 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. Planning Director Hand requested that Special Use Permit Application #SP-2020-59 be removed from the Consent Agenda. Mr. David Schapker requested that Piper Lake North Final Plat be removed from the Consent Agenda.

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

|                                         |                    |
|-----------------------------------------|--------------------|
| <b>Carson</b>                           | <b>Chairman</b>    |
| <b>Armstrong</b>                        | <b>Aye</b>         |
| <b>Cho</b>                              | <b>Not Present</b> |
| <b>Connelly</b>                         | <b>Not Present</b> |
| <b>Ernst</b>                            | <b>Aye</b>         |
| <b>Huey</b>                             | <b>Aye</b>         |
| <b>Jones</b>                            | <b>Aye</b>         |
| <b>Miller</b>                           | <b>Aye</b>         |
| <b>Mohler</b>                           | <b>Aye</b>         |
| <b>Pauley</b>                           | <b>Aye</b>         |
| <b>Reasons</b>                          | <b>Not Present</b> |
| <b>Motion to APPROVE Passed: 7 to 0</b> |                    |
| <b>Subject to:</b>                      |                    |

**Planning and Urban Design Comments:**

1. Provide updated photographs of your site.
2. Provide a scaled site plan indicating stock, customer, and employee parking.
3. Provide a floor plan of your business.
4. The Commercial Design Guidelines must be complied with. Details what steps were taken per your previous application to conform with the Commercial Design Guidelines. Landscaping? Façade improvements?

***Applicant Response:*** Landscaping is intended to be installed as part of the parking lot replacement. The building has been painted, the service doors have been re-built, a wood privacy fence has been installed and all overgrown vegetation on the property has been removed.

5. Do you maintain a sign permit for all current signage?

***Applicant Response:*** There is some confusion regarding this item as signage is existing and has been in place for many years. The building owner has made several inquiries to the City and has not received any responses as of the date of this letter.

***Staff Response:*** Staff found that Anders Automotive and its signage predate the current sign code and therefore do not require permitting.

Should Anders Automotive implement new signage in the future beyond a reface or regular maintenance, a sign permit will be required.

**6. What are your hours of operation?**

***Applicant Response:*** The business hours of operations are Mon-Fri 8 am-5 pm and Sat 9 am-1 pm.

**7. Please detail how you attend to spills of potentially hazardous material.**

***Applicant Response:*** All spills are contained with absorbent materials and disposed of properly per State and local requirements.

**8. Please detail how you have complied with the conditions from your previous approval:**

- The parking lot shall be striped and resurfaced, as the paving materials become degraded;

***Applicant Response:*** Refer to item #9 below.

- In order to have legitimate signage a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department; and

***Applicant Response:*** Refer to item #5 above.

- No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.

***Applicant Response:*** This requirement is being complied with.

**9. As parking striping degrades, the lot must be resurfaced.**

***Applicant Response:*** The building owner has solicited bids to replace the existing parking lot and is in the process of obtaining a construction loan for this work.

**10. All cars in lot must be operable.**

***Applicant Response:*** All vehicles are brought to this business for repairs and are stored inside the building after hours as required by the insurer.

**11. No outside storage of automotive parts or materials.**

***Applicant Response:*** This requirement is being complied with.

**12. Noise level not to exceed 65 decibels with doors closed.**

***Applicant Response:*** This requirement has not been tested.

**13. Special Use Permit is approved for five (5) years.**

**14. 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 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.**

**15. 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 Planning and Urban Design Department 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 of Approval:**

- 1. As parking and striping degrades, the lot must be resurfaced;**
- 2. All cars in lot must be operable;**
- 3. No outside storage of automotive parts or materials;**
- 4. Noise level not to exceed 65 decibels with doors closed;**
- 5. The parking lot shall be striped and resurfaced, as the paving materials become degraded;**
- 6. In order to have legitimate signage, a sign permit must be filed with the Planning and Urban Design Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department;**
- 7. No displays on the sidewalk, including signs, pennants, attention-attracting devices, etc.;**
- 8. Must conform with the Commercial Design Guidelines;**
- 9. Must maintain a business license with the Business Licensing Department;**
- 10. Special Use Permit is approved for five (5) years;**



- 11. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.**
- 12. 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 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; and**
- 13. 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 Planning and Urban Design Department 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.**



**D A Group, Incorporated**  
architecture + interiors

#### MEETING MINUTES

The purpose of the Neighborhood Meeting is for sharing information on the planned development at  
1017 Merriam Lane, Kansas City, Kansas 66103

Application for: Department of Urban Planning and Land Use #SP-2020-69

Date: July 27, 2020

Location: Anders Automotive, 1017 Merriam Lane, Kansas City, Kansas 66103

Meeting was called to order at 6:00 PM

2 people were in attendance (list is attached)

The purpose for the neighborhood meeting is that it is required by the City for the renewal of the Special Use Permit.

There were no other attendees or questions so the meeting was adjourned at 6:20 PM

#### Phone Calls:

Ron Quick who is the property owner 1007 Merriam Lane called the Architect's office on July 20, 2020. He wanted to be on the record in support of the SUP renewal. He commented that Hardy Christensen is a 'fantastic neighbor' and that the property 'is the cleanest that it has been in years'. He stated that he has owned the 1007 Merriam Lane property for over 50 years.

Meeting notes respectfully submitted by:

Robert Dimond, Jr AIA – Architect

\\Server1\\shared\\data\\Projects\\DA0632\\SUP Renewal-2020\\M-07272020-NeighborhoodMeetingMinutes.doc

5400 Johnson Drive #149  
PH: 913.789.8665

Mission, Kansas 66205  
FAX: 913.492.2745

**D A Group, Incorporated**  
architecture + interiors

**Sign Up Sheet**

July 27, 2020

Re: Neighborhood Meeting for:  
Special Use Permit #SP-2020-69  
1017 Meriam Lane, Kansas City, Kansas 66103

NAME: Robert Dimond Jr  
ADDRESS: 5400 Johnson Dr #149, Mission KS 66205  
PHONE: 913.789.8665

NAME: Hardy Christensen  
ADDRESS: 6330 Floyd op KS 66202  
PHONE: 913-406-6884

NAME :

ADDRESS :

PHONE :

NAME :

ADDRESS :

PHONE :

NAME :

ADDRESS :

PHONE :

NAME :

ADDRESS :

PHONE :

5400 Johnson Drive #149  
PH: 913.789.8665

Mission, Kansas 66205  
FAX: 913.492.2745



D A Group, Incorporated  
architecture + interiors

July 14, 2020

To: All Neighboring Property Owners

Re: Neighborhood Meeting for:  
Anders Automotive Special Use Permit Renewal  
Petition #SP-20402-00054  
1017 Merriam Lane  
Kansas City, Kansas 66103

Our office has filed an application with the Department of Urban Planning and Land Use for the Renewal of a Special Use Permit #SP-2028-67 which expires on August 30, 2020 requesting a five (5) year renewal for an automotive repair operation; Anders Automotive, related to the following address:  
1017 Merriam Lane, Kansas City, Missouri 66103.

A neighborhood meeting is scheduled on Monday, July 27th at 6 p.m. at the following address:  
1017 Merriam Lane, Kansas City, Missouri 66103.

The purpose of this meeting is to explain the proposed SUP renewal application and to answer any questions and/or concerns you may have.

This meeting will be conducted in compliance with the current social distancing orders.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address or phone number listed below. I will be available to answer any questions that you may have.

Sincerely,

Robert L. Dimond, Jr. AIA  
Architect

Ph: 913-789-8665

\\Server1\shared\data\Projects\DA0632\SUP Renewal-2020\L-07142020-AndersAuto-mtgnotification.doc

5400 Johnson Drive #149  
PH: 913.789.8665

Mission, Kansas 66205  
FAX: 913.492.2745

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas )  
 ) SS:  
COUNTY OF Johnson )

Comes now Robert L. Dimond, Jr. of lawful age, sound mind and upon his/her oath states as follows:

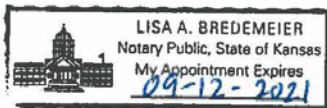
1. That I am the petitioner for Petition #SP-2020-69
2. That I conducted a neighborhood meeting on July 27, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

  
\_\_\_\_\_  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28<sup>th</sup> day of July, 2020.

My commission expires \_\_\_\_\_ of \_\_\_\_\_, 200\_.  
12 Sept 2021



  
\_\_\_\_\_  
Notary Public





D A Group, Incorporated  
architecture + interiors

July 24, 2020

Jacob Pellegrino  
Development Review Coordinator | Department of Urban Planning and Land Use  
701 North 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101

Re: SP-2020-69

The following are responses to the staff comments and suggestions:

**Urban Planning and Land Use Comments:**

1. Provide updated photographs of your site.

***Applicant Response:*** Photographs taken on 07.22.2020 are attached.

2. Provide a scaled site plan indicating stock, customer, and employee parking.

***Applicant Response:*** A site plan with noted parking spaces is attached.

3. Provide a floor plan of the business.

***Applicant Response:*** A floor plan of the building is attached.

4. The Commercial Design Guidelines must be complied with. Detail what steps were taken per your previous application to conform with the Commercial Design Guidelines. Landscaping? Façade Improvements?

***Applicant Response:*** Landscaping is intended to be installed as part of the parking lot replacement. The building has been painted, the service doors have been re-built, a wood privacy fence has been installed and all overgrown vegetation on the property has been removed.

5. Do you maintain a sign permit for all current signage?.

***Applicant Response:*** There is some confusion regarding this item as the signage is existing and has been in place for many years. The building Owner has made several inquiries to the City and has not received any responses as of the date of this letter.

6. What are your hours of operation?.

***Applicant Response:*** The business hours of operation are Mon-Fri 8am-5 pm and Sat 9am-1pm.

7. Detail how you attend to spills of potentially hazardous material.

***Applicant Response:*** All spills are contained with absorbent material and disposed of properly per State and local requirements.

8. Detail how you have complied with the conditions from your previous approval:

- The parking lot shall be striped and resurfaced, as the paving materials become degraded;

***Applicant Response:*** Refer to Item 9 below.

5400 Johnson Drive #149

Mission, Kansas 66205  
PH: 913.789.8665

• In order to have legitimate signage a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department;

***Applicant Response:*** Refer to Item 5 above.

• No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.

***Applicant Response:*** This requirement is being complied with.

9. As parking and striping degrades, the lot must be resurfaced.

***Applicant Response:*** The building Owner has solicited bids to replace the existing parking lot and is in the process of obtaining a construction loan for this work.

10. All cars in lot must be operable.

***Applicant Response:*** All vehicles are brought to this business for repairs and are stored inside the building after hours as required by the Insurer.

11. No outside storage of automotive parts or materials.

***Applicant Response:*** This requirement is being complied with.

12. Noise level not to exceed 65 decibels with doors closed.

***Applicant Response:*** This requirement has not been tested.

13. Proof of proper disposal of tire waste is required to be maintained at the management office and provided to any enforcement staff upon request.

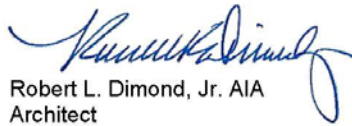
***Applicant Response:*** This service is not offered at this location.

14. Special Use Permit is approved for two (2) years

***Applicant Response:*** The building Owner is requesting that this permit be approved for five (5) years.

Please contact our office with any questions or if additional information is required.

Sincerely,



Robert L. Dimond, Jr. AIA  
Architect

Enclosures

Cc: Hardy Christensen

\\Server1\shared\data\Projects\DA0632\SUP Renewal-2020\L-07242020-AndersAuto-Staff Comment Response.doc

5400 Johnson Drive #149  
PH: 913.789.8665

Mission, Kansas 66205  
FAX: 913.492.2745

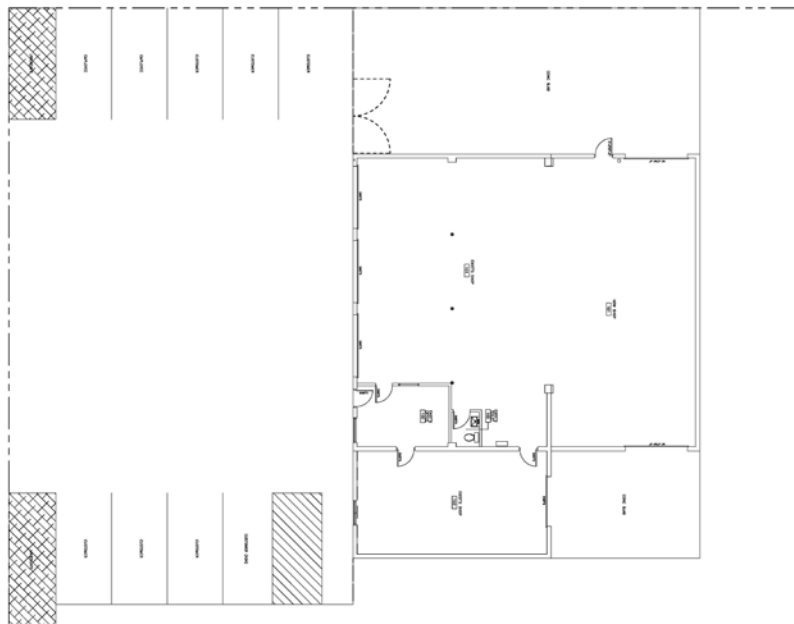












**1 PARKING-FLOOR PLAN**  
1/8" = 1'-0"

SUP RENEWAL APPLICATION SP-2020-69

A100

DATE: 08/27/2020  
BY: [Signature]  
PROJECT: 1017 MERRIAM LANE  
SHEET: 1 OF 1

PROJECT NO: DAD0632  
SHEET: 1 OF 1



**ANDERS AUTOMOTIVE**

1017 MERRIAM LANE  
KANSAS CITY, KANSAS

5400 Johnson Drive #140  
Kansas City, MO 64110  
Tel: 816.788.8888  
www.dagraphics.com













# Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)  
[www.wycokck.org/planning](http://www.wycokck.org/planning)

Phone: (913) 573-5750  
Fax: (913) 573-5796

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** August 27, 2020

**Re:** Change of Zone Petition #3227 and #SP-2020-70

## GENERAL INFORMATION

**Applicant:**  
Veronica Wesselhoft

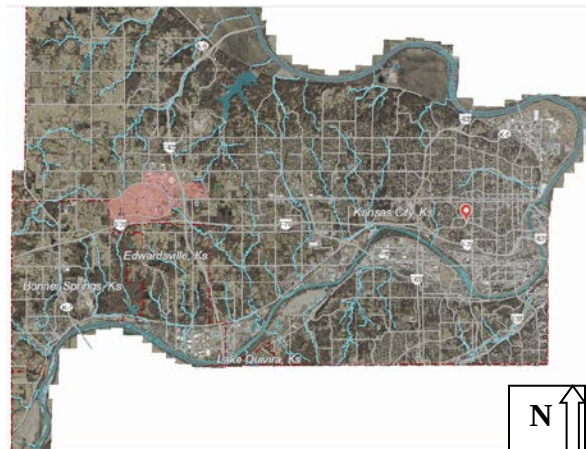
**Status of Applicant:**  
Owner  
2120 Park Drive  
Kansas City, Kansas 66102

**Requested Actions:**  
Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District.

Special Use Permit to operate a used automotive dealership.

**Date of Application:**  
June 26, 2020

**Purpose:**  
To rezone the property and an accompanying Special Use Permit to operate a used car lot.





**Property Location:** 2120 Park Drive

**Commission Districts:** Commissioner At Large: Melissa Bynum  
District Commissioner: Harold Johnson

**Existing Zoning:** C-1 Limited Business 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 (across Riverview Avenue)  
**South:** Clifton Park (across Park Drive)  
**East:** Gas station  
**West:** Single family homes (across South 22<sup>nd</sup> Street)

**Total Tract Size:** 0.39 Acre

**Master Plan Designation:** The City-Wide Master Plan classifies this property as Urban Residential.

**Major Street Plan:** The Major Street Plan classifies Park Drive as a Class C Thoroughfare and Riverview Avenue and 22<sup>nd</sup> Street are classified as Local Streets.

**Required Parking:** Four (4) spaces per 1,000 square feet of total floor area. The building is 2,280 square feet, so nine (9) spaces are required for customers for the existing office spaces and proposed office space required for auto sales.

**Advertisement:** The Wyandotte Echo – July 16, 2020  
Letters to Property Owners – July 16, 2020 and August 21, 2020

**Public Hearings:** August 10, 2020 and August 27, 2020

**Public Support:** None to date.

**Public Opposition:** None to date.

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## PROPOSAL

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**Detailed Outline of Requested Action:** The applicant, Veronica Wesselhoft, wants to rezone the property from C-1 Limited Business District to CP-2 Planned General Business District and obtain a Special Use Permit to operate a used car lot with an existing car insurance and multi-service businesses operating within the building at 2120 Park Drive.

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

Code Enforcement Action: Zoning Enforcement Case #18217-00044 was opened on July 24, 2018 for suspicion of operating a used car dealer. Police call resulting in tagging multiple cars for 10-day tow.

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## **FACTORS TO BE CONSIDERED**

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***1. Neighborhood character.***

The neighborhood is predominantly residential in nature. It is a mix of single-family, two-family lots and a large neighborhood park (Clifton Park) south of Park Drive, with a few commercial properties in the neighborhood and a mixed-use commercial corridor a few blocks away on Central Avenue.

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

The immediate surrounding properties to the north and west are residential dwellings and a large neighborhood park (Clifton Park), south, across Park Drive. There is a gas station abutting the property to the east. There are other businesses zoned for greater commercial intensity (C-3) within 1,000 feet of the property located along 18<sup>th</sup> Street and Central Avenue, an established mixed-use commercial corridor. Overall, the proposed use is not compatible with the residential properties.

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

The property as zoned is restricted to allow sales of automotive related accessories, but not auto sales. Rezoning the property to CP-2 General Business District would allow for more intensive commercial uses other than a used car lot. Removal of the restrictions could affect nearby property because in the past, the building has operated in a capacity similar to an office building rather than a commercial or retail establishment.

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

The property is not vacant, but is an existing building and lot currently operating as an insurance business and office space.

***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.***

This use is not a necessary convenience to the public, nor adds to the public welfare. Having a used car lot in the neighborhood is not often an expected or anticipated convenience for residents. The appropriate buffer between more intense uses such as C-2 General Business and C-3 Commercial Districts and single-family homes is C-0 Nonretail Business and C-1 Limited Business Districts because the performance standards restrict business hours and outside storage.

The proposed use will substantially and permanently injure the visual quality of nearby property based on the site visit by staff as there are vehicles in various states of disrepair being repaired on site directly across the street from single-family homes.

**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 parking demand in ways that would adversely affect road capacity, safety, or create parking problems because there are 26 spaces on site, however, there may be increased traffic to the site because ingress and egress is on South 21<sup>st</sup> Street.

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

Special Use Permits are not addressed in the Master Plan, however, car lots are a discouraged use in Urban 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 because used car lots typically do not have issues with disposal of fluids or leaks for vehicles that infiltrate the ground water, but if on-site repair occurs as evidenced by staff's photographs, the appropriate infrastructure (i.e. sand-oil separator) is not installed to conduct such service.

**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 East Patrol, District #114.

**e. Fire**

Fire service is provided by Station #9.

**f. Transit**

Kansas City ATA does not provide service to this property, however there is transit service along Central Avenue, Route #102 with the closest stop approximately three (3) blocks east on 18th Street and Central Avenue.

**g. Schools**

Public education is provided by Kansas City, Kansas USD 500.

**h. Streets**

Park Drive is classified as a Class C Thoroughfare and 21<sup>st</sup> Street is classified as a Local Street. Park Drive is capable of meeting the anticipated traffic from the proposed use.

**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.**

With proper plans, 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 property is already zoned for limited business use; a change in intensity will have a detrimental effect on the nearby landowners and public. Since there is already two businesses on the property, the if the rezoning or Special Use Permit were denied, the landowner can still continue operations, sell the property or find another site that is more conducive for auto sales that is not in close proximity to established single family neighborhood in a C-2/CP-2 zoned or higher property.

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## NEIGHBORHOOD MEETING

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The applicant held a neighborhood meeting on July 21, 2020. According to the applicant, there were two (2) attendees at the meeting as shown on their sign-in sheet. Neighborhood meeting minutes were not provided.

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## KEY ISSUES

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Traffic

Compliance with the Commercial Design Guidelines and Sec. 27-594(b)(19)

Planning Engineering Comments

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 0 to recommend **DENIAL** of Change of Zone Application #**3227** and Special Use Permit Application #**SP-2020-70** for the following reasons:

- 1) Rezoning this property to sell used cars is not the best and highest use of the property. This property abuts a gas station to the east, which is a more intense commercial use, albeit zoned C-1 Limited Business District. The building is occupied as multi-tenant office space, which has a low traffic impact and visual impact for the single-family homes adjacent to the west, across South 22<sup>nd</sup> Street. Office space is a natural transition between greater intensive uses such as a gas station and an established single-family neighborhood;
- 2) The barbed wire is not permitted in C-1 and must be removed immediately;
- 3) Tow truck may not be parked on site.

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## STAFF COMMENTS AND SUGGESTIONS

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

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## STAFF RECOMMENDATION

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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 Petitions #**3227** and #**SP-2020-70** subject to all comments and suggestions outlined in the staff report and the reasons listed by the City Planning Commission.



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## ATTACHMENTS

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August 10, 2020 City Planning Commission Minutes  
Applicant Response Letter  
Criteria for Used Car/Truck Lots and Light Automotive Service and Maintenance  
Site Plan  
Site Photographs Provided by Staff dated July 14, 2020

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>  | <u>Planning Commission</u> | <u>Unified Government Board of Commissioners</u> |
|----------------|----------------------------|--------------------------------------------------|
| Public Hearing | August 10, 2020            | August 27, 2020                                  |
| Rezoning       | Denial                     |                                                  |
| Public Hearing | August 10, 2020            | August 27, 2020                                  |
| SUP            | Denial                     |                                                  |

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**STAFF CONTACT:**        **Byron Toy, AICP**  
                                     [btoy@wycokck.org](mailto:btoy@wycokck.org)

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## MOTIONS

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### Change of Zone

I move the Unified Government Board of Commissioners **DENY** Petition #3227, 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 #3227 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. \_\_\_\_\_.

### Special Use Permit

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2020-70, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

COZ 3227 and SP-2020-70

August 27, 2020

**OR**

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2020-70** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

**August 10, 2020 City Planning Commission Minutes:**

**Hearing starts at 2:08:10:**

**CHANGE OF ZONE APPLICATION #3227 – VERONICA WESSELHOFT –**  
**SYNOPSIS:** Change of Zone from C-1 Limited Business District to C-2 General Business District for automotive sales at 2120 Park Drive.

**SPECIAL USE PERMIT APPLICATION #SP-2020-70 – VERONICA WESSELHOFT,** Special Use Permit for automotive sales at 2120 Park Drive.

**Detailed Outline of Requested Action:** The applicant, Veronica Wesselhoft, wants to rezone the property from C-1 Limited Business District to CP-2 Planned General Business District and obtain a Special Use Permit to operate a used car lot with an existing car insurance and multi-service businesses operating within the building at 2120 Park Drive.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 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:**

- Veronica Wesselhoft, applicant, 2120 Park Drive, Kansas City, Kansas 66102
- Hilda Gardea, Interpreting for Ms. Wesselhoft

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:11:42:** Planning Director Hand stated that the staff recommends denial of this request from C-1 Limited Business District to C-2 General Business District, which is a more intensive zoning. This property is on a “triangle” just north of Clifton Park in a predominantly residential neighborhood. While some of these spot commercial properties add to the neighborhood character along Park Drive, staff believes that intensifying the zoning for an automobile use is inappropriate. There are also some issues with the property. In the staff’s site visit, there was a tow truck on the site, as well as an automobile being serviced on the site. Servicing of an automobile on this site is not allowed in a C-1 zoned district. The property also has a barbed wire fence, which is not allowed in C-1 zoning. The property is essentially an office building with a large parking lot in the rear. Staff does not believe that the proposed use is appropriate in a single-family area with a park and recommends denial.

**Motion and Vote starts at 2:13:36:**

On motion by Mrs. Jones, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **DENIAL** of **Change of Zone Application #3227**:

|                  |                    |
|------------------|--------------------|
| <b>Carson</b>    | <b>Chairman</b>    |
| <b>Armstrong</b> | <b>Aye</b>         |
| <b>Cho</b>       | <b>Not Present</b> |
| <b>Connelly</b>  | <b>Not Present</b> |
| <b>Ernst</b>     | <b>Aye</b>         |
| <b>Huey</b>      | <b>Aye</b>         |
| <b>Jones</b>     | <b>Aye</b>         |
| <b>Miller</b>    | <b>Aye</b>         |
| <b>Mohler</b>    | <b>Aye</b>         |
| <b>Pauley</b>    | <b>Aye</b>         |
| <b>Reasons</b>   | <b>Nor Present</b> |

**Motion to recommend DENIAL Passed: 7 to 0**

**For the following reasons:**

- 1) Rezoning this property to sell used cars is not the best and highest use of the property. This property abuts a gas station to the east, which is a more intense commercial use, albeit zoned C-1 Limited Business District. The building is occupied as multi-tenant office space, which has a low traffic impact and visual impact for the single-family homes adjacent to the west, across South 22<sup>nd</sup> Street. Office space is a natural transition between greater intensive uses such as a gas station and an established single-family neighborhood;**

- 2) The barbed wire is not permitted in C-1 and must be removed immediately;
- 3) Tow truck may not be parked on site.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **DENIAL** of **Special Use Permit Application #SP-2020-70** based on the reasons for denial of the Change of Zone Application:

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

Motion to recommend **DENIAL** Passed: 7 to 0

Planning and Urban Design Comments:

In response to the comments. The tow truck that is parked on site as well as the other vehicles were personal and employee use only. My son has recently purchased the tow truck and I was allowing him to park the vehicle there only (not towing vehicles to or from that location). At no time were we aware that this was not permitted and that was our negligence.

The one-time on-site repair that was being done on the vehicle was not for business but for personal vehicle as well as a last-minute emergency.

Our proposed days and hours of operation are Monday through from 9:00am-6:00pm and Saturdays from 10:00am to 3:00 pm

We would like to be able to purchase vehicles from the auctions and sell only through an online basis with scheduled appointment. We do not wish to purchase any broke down or salvage vehicles therefore no mechanic or towing would be necessary.



- 
2. The parcel listed is owned by the same entity.
  3. The vehicles that will be parked and sold at this site will not be crashed/wrecked vehicles. All vehicles will be bought at an auction and will be running cars. No mechanic will be done at the property.
  4. The vehicles will not be delivered by a truck but driven in. All cars purchased from auction will be running vehicles.

Additionally, I will only be selling the vehicles online and through scheduled appointments only.

(19) Used car/truck lots and light automotive service and maintenance only in C-2 general business district, C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:

- a. *Repurposing of structure(s) for used car/truck lots or light automotive service and maintenance.*
  1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
  2. Landscaping, screening, and façade improvements to meet commercial design guidelines.
- b. *Signage.*
  1. Following all permanent sign requirements under section 27-727.
  2. Following all special event display requirements under section 27-734.
  3. No display on sidewalks.
- c. *Façade, landscaping, and screening.*
  1. For new buildings:
    - i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
    - ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
  2. For existing structures:
    - i. Such modifications as:
      - A. Restoring original brick.
      - B. Any necessary repair of the facade.
      - C. New doors or windows if existing fixtures are in disrepair.

- D. Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed and tuck pointed.
- E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.
- d. *Condition of automobiles/trucks.*
  - 1. Automobiles/trucks available for sale, rent or lease must not be inoperable, ruined, dismantled or wrecked.
- e. *Parking.*
  - 1. The display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.
  - 2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
  - 3. Each automobile shall be in a striped, designated parking space.
- f. *Install/repair sidewalks per Code.*
- (20) Heavy automotive/truck service, repair, and mechanics only in C-3 commercial district, M-1 light industrial and industrial park district, M-2 general industrial district, and M-3 heavy industrial district subject to the following criteria:
  - a. *Repurposing of structure(s) for heavy automotive/truck service, repair, and mechanics.*
    - 1. Upgrade parking, including striping and/or resurfacing of parking lots, if deemed necessary by staff.
    - 2. Landscaping, screening, and façade improvements to meet commercial design guidelines.
  - b. *Signage.*
    - 1. Following all permanent sign requirements under section 27-727.
    - 2. Following all special event display requirements under section

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27-734.

3. No displays on sidewalks.
- c. *Façade, landscaping, and screening.*
  1. For new buildings:
    - i. All commercial design guidelines and district regulations shall be upheld in C-3 commercial districts including, but not limited to, the creation of quality development with respect to site planning, architectural design and landscaping.
    - ii. Commercial uses in industrial districts shall be subject to commercial design guidelines.
  2. For existing structures:
    - i. Such modifications as:
      - A. Restoring original brick.
      - B. Any necessary repair of the facade.
      - C. New doors or windows if existing fixtures are in disrepair.
      - D. Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed and tuck pointed.
      - E. For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required.
- d. *Parking.*
  1. Parking of the automobiles under heavy service, repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by sections 27-466 through 27-470.
  2. Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening.
  3. Each automobile shall be in a striped, designated parking space.
- e. *Install/repair sidewalks per Code.*

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**Figure 1. Site photograph of 2120 Park Drive looking north (provided by Planning Staff).**



**Figure 2. Site photograph 2120 Park Drive looking northeast (provided by Planning Staff).**





**Figure 3. Site photograph of the parking lot at 2120 Park Drive (provided by Planning Staff).**



**Figure 4. Site photograph of the parking lot at 2120 Park Drive (provided by Planning Staff).**





# Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** August 27, 2020

**Re:** Petition #SP-2020-71

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## GENERAL INFORMATION

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**Applicant:**  
Joseph Collins

**Status of Applicant:**  
Representative  
Strawberry Hill Brewing  
340 North 16<sup>th</sup> Street  
Kansas City, KS 66102

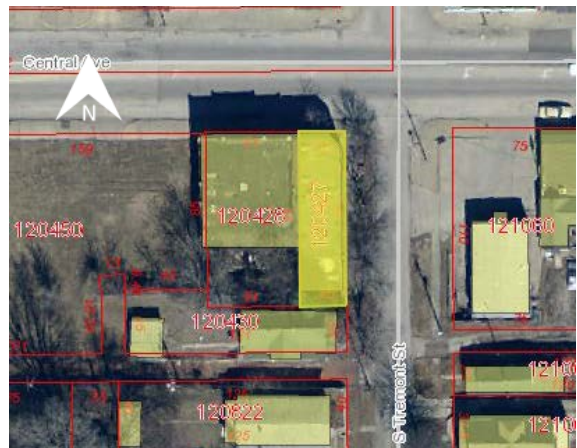
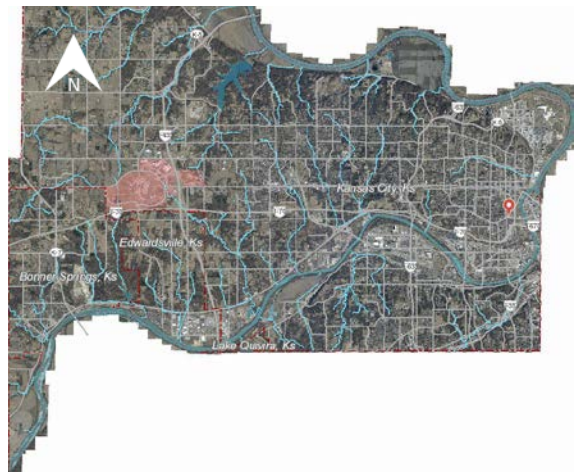
**Requested Action:**  
Renewal of a Special Use Permit  
(SP-2018-65 expires 8/30/20).

**Date of Application:**  
June 26, 2020

**Purpose:**  
To operate a microbrewery/drinking  
establishment.

**Property Location:**  
601 Central Avenue

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



|                                 |                                                                                                                                                                                                           |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing Zoning:</b>         | C-3 Commercial District                                                                                                                                                                                   |
| <b>Adjacent Zoning:</b>         | <b>North:</b> C-3 Commercial District<br><b>South:</b> C-3 Commercial District<br><b>East:</b> C-3 Commercial District<br><b>West:</b> C-3 Commercial District                                            |
| <b>Adjacent Uses:</b>           | <b>North:</b> Vacant Lot<br><b>South:</b> Single Family Residence<br><b>East:</b> Commercial Use<br><b>West:</b> Commercial Use                                                                           |
| <b>Total Tract Size:</b>        | 0.05 Acre                                                                                                                                                                                                 |
| <b>Master Plan Designation:</b> | The City-Wide Master Plan designates this property as Business Park.                                                                                                                                      |
| <b>Major Street Plan:</b>       | The Major Street Plan designates Central Avenue as a Class C Thoroughfare.                                                                                                                                |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – July 16, 2020<br>Letters to Property Owner – July 16, 2020 and August 21, 2020.                                                                                               |
| <b>Required Parking:</b>        | In 2018, a variance (#2290) was approved exempting this property from their otherwise required parking requirements. This business instead takes advantage of the on-street parking along Central Avenue. |
| <b>Public Hearings:</b>         | August 10, 2020 and August 27, 2020.                                                                                                                                                                      |
| <b>Public Support:</b>          | None to date.                                                                                                                                                                                             |
| <b>Public Opposition:</b>       | None to date.                                                                                                                                                                                             |

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## **PROPOSAL**

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Detailed Outline of Requested Action: The applicant, Joseph Collins, is requesting the renewal of a Special Use Permit SP-2018-65 (expires 8/30/20) to operate a microbrewery/drinking establishment. The applicant stated that there are no changes to their operation. Future plans include completing the building and beginning operations. The applicant has stated that there is no intention for live music but may implement a limited menu within a few months of opening. The applicant anticipates 30 to 40 customers at any given time but anticipates no more than three (3) employees working at any given time for the foreseeable future. The applicant has received no Notices of Violation since their previous approval.

City Ordinance Requirements: 27-592 through 27-606

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## FACTORS TO BE CONSIDERED

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**1. *The Character of the Neighborhood.***

This neighborhood along Central Avenue is primarily commercial in nature although the greater area is a mix of commercial, residential and civic uses.

**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 commercial nature of the area and the uses of nearby properties, 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 microbrewery suits the ground-floor of the mixed-use property. The removal of restrictions would not detrimentally affect nearby properties and should not be the source of issues if managed properly.

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

The property is not vacant but is an existing mixed-use building currently undergoing renovation on the ground floor and being utilized as a rental unit on the second floor.

**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 Class C Thoroughfare. The applicant requested a parking variance in conjunction with SP-2018-65 and was approved. The variance exempts the applicant's proposed use from all parking requirements as the proposed use will take advantage of the on-street parking along Central 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 is not reasonably necessary for the convenience nor welfare of the public. The proposed use will not substantially or permanently injure the



appropriate use, visual quality, or marketability of adjoining property as this is a commercial area populated by restaurants and other drinking establishments.

**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 concern that would normally be associated with such a use. The applicant has indicated hours of operation that comply with City Code and does not plan to have live entertainment. The second floor of the building is also used as a rental unit and may be the source of noise. If managed properly the proposed use should not be the source of problems for near-by property.

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

The proposed use will not pollute the air, land or water because it is a commercial use in a built-out commercial corridor.

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

This is not applicable as the proposed use takes place in an existing mixed-use building in a built-out commercial corridor.

**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 would need to find a new tenant. The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal.

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

The applicant's property is small in size. Due to its size a parking variance was obtained to accommodate a lack of parking on site. As a commercial space and drinking establishment the proposed use is expected to lead to an increase in population to the area during hours of operation. The existing building's floor area includes the entire site, so there is no additional overcrowding of land.

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## **PREVIOUS ACTIONS**

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SP-2018-67 (expires 8/30/20)  
BOZA #2290

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## NEIGHBORHOOD MEETING

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The applicant held a neighborhood meeting on July 27, 2020 and received no responses.

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## KEY ISSUES

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Noise  
Vibration  
Illumination  
Parking  
Safety

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-71, subject to:

1. Hours of operation shall not exceed 11 am-2 am M-F and 9 am-2 am 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. Must comply with City Codes related to security;
5. If live entertainment (karaoke, comedy, bands) is ever added, a Special Use Permit for live entertainment must be obtained prior to events;
6. Must maintain business license with Business Licensing Department;
7. Must obtain a sign permit for all signage;
8. 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 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; and
9. 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 Planning and Urban Design Department 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.

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## STAFF COMMENTS AND SUGGESTIONS

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

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## STAFF RECOMMENDATION

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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-2020-71 subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

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## ATTACHMENTS

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August 10, 2020 City Planning Commission Minutes  
Neighborhood Meeting Information  
Responses to Staff Comments and Suggestions  
Operation/Security Plan  
Floor Plan  
Photographs Provided by Applicant  
Photographs Provided by Staff Dated 7/14/20  
Aerial View

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## REVIEW OF INFORMATION AND SCHEDULE

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| Action         | Planning Commission | Unified Government Commission |
|----------------|---------------------|-------------------------------|
| Public Hearing | August 10, 2020     | August 27, 2020               |
| Special Use    | Approval            |                               |

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**STAFF CONTACT:**            **Jacob Pellegrino**  
                                         [jpellegrino@wycokck.org](mailto:jpellegrino@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #SP-2020-71 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-2020-71, 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.

**August 10, 2020 City Planning Commission Minutes:**

**SPECIAL USE PERMIT APPLICATION #SP-2020-71 – JOSEPH COLLINS WITH STRAWBERRY HILL BREWING COMPANY – SYNOPSIS:** Renewal of a Special Use Permit (#SP-2018-65 – expires 8/30/2020) for a microbrewery/drinking establishment at 601 Central Avenue. **Detailed Outline of Requested Action:** The applicant, Joseph Collins, is requesting the renewal of a Special Use Permit SP-2018-65 (expires 8/30/20) to operate a microbrewery/drinking establishment. The applicant stated that there are no changes to their operation. Future plans include completing the building and beginning operations. The applicant has stated that there is no intention for live music but may implement a limited menu within a few months of opening. The applicant anticipates 30 to 40 customers at any given time but anticipates no more than three (3) employees working at any given time for the foreseeable future. The applicant has received no Notices of Violation since their 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?" Planning Commissioner Miller stated that he spoke with Commissioner Kane on Piper Lake North Plat. Chairman Carson stated that he had contact with Commissioner Kane and Dennis Hays regarding Piper Lake North Plat.

"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 August 10, 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. Planning Director Hand requested that Special Use Permit Application #SP-2020-59 be removed from the Consent Agenda. Mr. David Schapker requested that Piper Lake North Final Plat be removed from the Consent Agenda.

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

|                                         |                    |
|-----------------------------------------|--------------------|
| <b>Carson</b>                           | <b>Chairman</b>    |
| <b>Armstrong</b>                        | <b>Aye</b>         |
| <b>Cho</b>                              | <b>Not Present</b> |
| <b>Connelly</b>                         | <b>Not Present</b> |
| <b>Ernst</b>                            | <b>Aye</b>         |
| <b>Huey</b>                             | <b>Aye</b>         |
| <b>Jones</b>                            | <b>Aye</b>         |
| <b>Miller</b>                           | <b>Aye</b>         |
| <b>Mohler</b>                           | <b>Aye</b>         |
| <b>Pauley</b>                           | <b>Aye</b>         |
| <b>Reasons</b>                          | <b>Not Present</b> |
| <b>Motion to APPROVE Passed: 7 to 0</b> |                    |
| <b>Subject to:</b>                      |                    |

**Planning and Urban Design Comments:**

**1. Provide updated photographs.**

***Applicant Response:*** See previously attached architectural drawings for recent pictures and the most up to date floor plan. That plan does not include any significant changes since the previous approval.

**2. Detail what steps you have taken to accommodate parking.**

***Applicant Response:*** No steps have been taken on the property to accommodate parking, since the property is entirely filled by the building. I received a parking variance in 2018 at the same time as the original Special Use Permit. I pay close attention to traffic and parking when I am in the area and Central Avenue and Tremont on the North side of Central nearly always have plenty of available public parking outside of peak lunch hours at Slap's BBQ.

**3. What is the use of the second floor?**

***Applicant Response:*** The second floor is an apartment occupied by the landowner's son.

**4. What is the use of the garage in the rear?**

***Applicant Response:*** The garage is associated with the second-floor apartment and is currently used for storage.

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



- A variance for parking will be required to operate this business. This application has been submitted with zoning variance petition #2290 for the number of parking spaces;

***Applicant Response:*** Obtained parking variance in June 2018.

- See information related to hours, security, and operations of the business in the additional information attached to this report;
- Must comply with City Codes related to security; and

***Applicant Response:*** We will comply with the security plan and other operational requirements presented in SP-2018-65.

- If live entertainment (karaoke, comedy, bands) is ever added, a special use permit for live entertainment must be obtained prior to events.

***Applicant Response:*** We have no plans for live entertainment and understand that additional permit is required if we choose to do so.

**6. What is your projected opening date?**

***Applicant Response:*** Projected opening by the end of the year, dependent on finalizing renovations and anticipated COVID restrictions.

**7. Hours of operation (tentative).**

***Applicant Response:*** Monday and Tuesday: Closed  
Wednesday and Thursday: Closed  
Friday: 2 pm-1 am  
Saturday: 11 am-1 am  
Sunday: 11 am-9 pm

**8. Security plan provided.**

**9. Hours of operation shall not exceed 11 am-2 am M-F and 9 am-2 am Saturday and Sunday.**

**10. 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.**

**11. The business must use an ID card reader starting at 10 PM.**

**12. Must maintain a Business License with the Business Licensing Department.**

**13. Must obtain a sign permit for all signage.**

14. 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 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.
15. 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 Planning and Urban Design Department 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 of Approval:**

1. Hours of operation shall not exceed 11 am-2 am M-F and 9 am-2 am 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. Must comply with City Codes related to security;
5. If live entertainment (karaoke, comedy, bands) is ever added, a Special Use Permit for live entertainment must be obtained prior to events;
6. Must maintain business license with Business Licensing Department;
7. Must obtain a sign permit for all signage;
8. 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 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; and

- 9. 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 Planning and Urban Design Department 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.**

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS:

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

1. That I am the petitioner for Petition # SP-2020-71.
2. That I conducted a neighborhood meeting on 7-27-20.
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 \_\_\_\_\_, 200\_.

My commission expires \_\_\_\_\_ of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
Notary Public

SP-2020-71

7/28/20

Neighborhood Meeting Notes/Attendance

No one attended the neighborhood meeting, held virtually on 7-27-20 at 7 PM, and no one contacted me by phone or email with any comments or questions.



SP-2020-71

7/24/20

Response to Draft Staff Report

Planning and Urban Design Comments:

1. See the previously attached architectural drawings for recent pictures and the most up to date floor plan. That plan does not include any significant changes since the previous approval.
  2. No steps have been taken on the property to accommodate parking, since the property is entirely filled by the building. I received a parking variance in 2018 at the same time as the original special use permit. I pay close attention to traffic and parking when I am in the area, and Central Avenue and Tremont on the north side of Central nearly always have plenty of available public parking outside of peak lunch hours at Slaps BBQ.
  3. The second floor is an apartment occupied by the landowner's son.
  4. The garage is associated with the second floor apartment and is currently used for storage.
  5. Previous conditions:
    - a. Obtained parking variance in June 2018
    - b. We will comply with the security plan and other operational requirements presented in SP-2018-65
    - c. We have no plans for live entertainment and understand that an additional permit is required if we choose to do so.
  6. Projected opening by the end of the year, dependent on finalizing renovations and anticipated COVID restrictions.
- 9-16. I understand and agree to the conditions required.

Attachment to special use permit SP-2018-65 Renewal for 601 Central Avenue, Kansas City, KS

**Renewal Update June 2020**

There are no changes to our original operating plan described in the first application in June 2018. Future plans include completing build out and beginning actual operations. Since we have not yet opened, we have no issues to report.

**Legal Description:**

WHIPPLES ADD, S10, T11, R25, ACRES 0.06, E 25FT L38 LS N 10FT & E 25FT L39 TO L41

**Hours of Operation:**

Tentative schedule:

M: Closed

T: Closed

W: 2 PM to 9 PM

Th: 2 PM to 9PM

F: 2 PM to 1 AM

S: 11 AM to 1 AM

Sun: 11 am to 9 PM

**Security Plan:**

The overall safety of our customers, employees, and the general public is of great importance us. We will be operating our establishment in such a way that encourages responsible choices and the safety of all.

Any customer we feel is too rude or verbally abusive will be asked to leave. Any violence or threats of violence will result in the customer being banned from the premises. Special care will be taken to not overserve any customers and anyone we believe is unable to drive will have a cab or Uber called for them.

There will be security cameras covering the entire interior of the building, with emphasis on the cash register. Cameras will also cover all sides of the exterior building and the sidewalks, which will be well lit by streetlights and additional lighting to be installed on the east exterior wall.

**Other notes:**

We anticipate no more than three employees working at any given time for the foreseeable future.

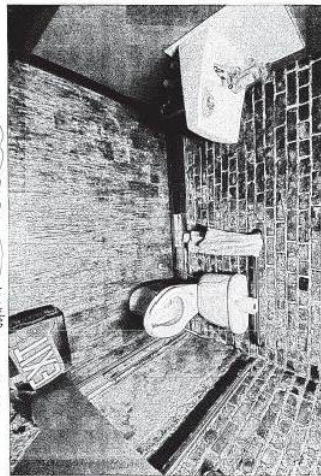
We expect to serve no more than 30 to 40 customers at any given time.

We have no plans for live music.

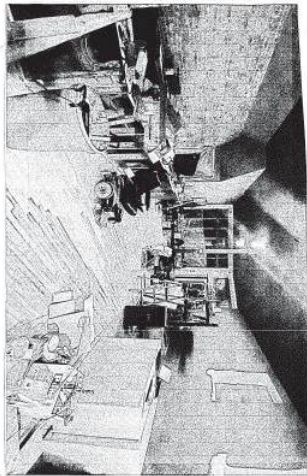
We do not plan to have food at the time of opening, but plan to implement a limited menu within a few months.



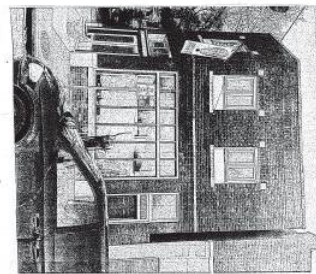
## INTERIOR PERSPECTIVE



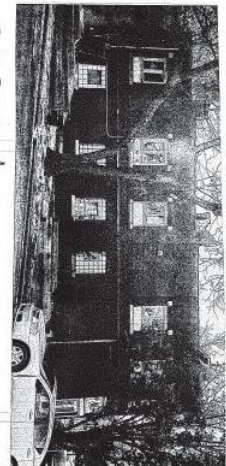
UPGRADE NEWS + WOMEN'S AG (add part + service - file w/ads form) (2.)



INTERIOR PERSPECTIVE LOOKING NORTH-TOWARD ENTRANCE (1.)



NORTH ELEVATION



EAST ELEVATION

[illegible][illegible]

STRAWBERRY HILL BREW  
601 CENTRAL AVENUE  
KANSAS CITY, KS 66101

2020[illegible][illegible][illegible]

| CODE | ANALYSIS                       |
|------|--------------------------------|
| D1   | DEPT. OF AG.                   |
| D2   | DEPT. OF EDUC.                 |
| D3   | DEPT. OF ENVIRONMENTAL AFFAIRS |
| D4   | DEPT. OF HEALTH                |
| D5   | DEPT. OF JUSTICE               |
| D6   | DEPT. OF LABOR                 |
| D7   | DEPT. OF LAND AND NATURAL RES. |
| D8   | DEPT. OF TRANSPORTATION        |
| D9   | DEPT. OF TREASURY              |
| D10  | DEPT. OF WAR                   |
| D11  | DEPT. OF WELFARE               |
| D12  | DEPT. OF WORK                  |
| D13  | DEPT. OF YOUTH                 |
| D14  | DEPT. OF ZONING                |
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August 27,

[illegible]

A hand-drawn floor plan of a building. The plan shows a rectangular main area with a porch on the left side. The porch has a set of stairs leading down, labeled 'DOWN'. The main area has a door labeled 'DOOR' and a window labeled 'WINDOW'. The porch has a door labeled 'DOOR' and a window labeled 'WINDOW'. The plan is drawn with simple lines and includes labels for 'DOOR', 'WINDOW', and 'DOWN'.

[illegible]0-71

## ELECTRICAL PANEL SCHEDULE

FLOOR PLAN of ELECTRICAL, MECHANICAL & PLUMBING

531.2221-ARKITLC35@AOL.COM·KC·MO020

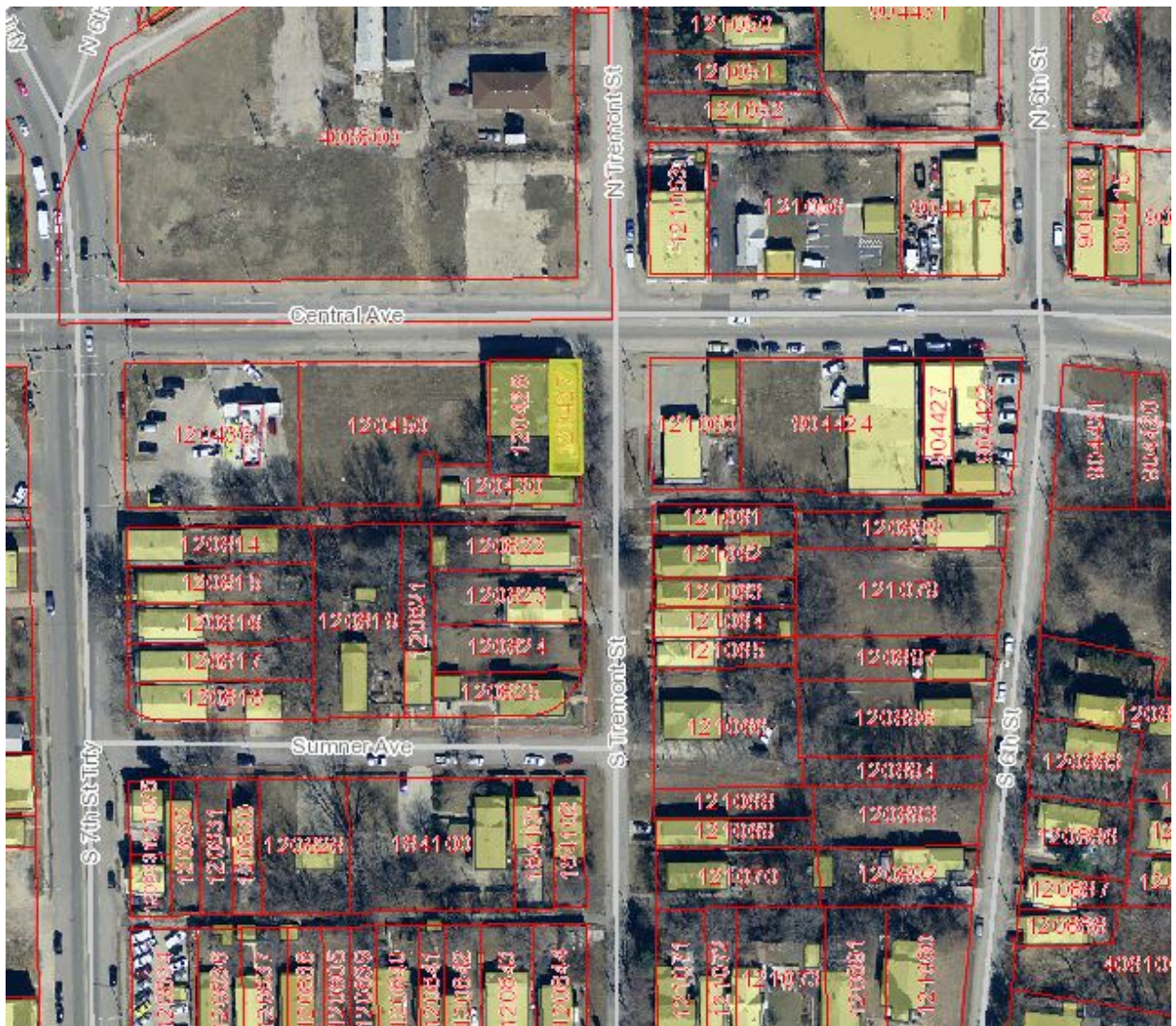
#SP-2020-71











(Published in *The Wyandotte Echo* on \_\_\_\_\_, 2020)

**ORDINANCE NO. O-\_\_\_\_-20**

**AN ORDINANCE AUTHORIZING CITY-WIDE MASTER PLAN AMENDMENT  
MP-2020-6 PURSUANT TO CHAPTER 27 OF THE UNIFIED GOVERNMENT CODE.**

**WHEREAS**, pursuant to Section 27-213 of the Unified Government Code, the Governing Body of the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") has the power to amend the comprehensive plan, neighborhood plans, corridor plans, area plans or other functional plans and relevant maps following receipt of a recommendation by the Planning Commission; and

**WHEREAS**, Ryan Cronk, on behalf of KC The Yards 2, LLC, a Kansas limited liability company ("Applicant"), submitted an application to the UG to request the City-Wide Master Plan be amended from Industrial to Mixed Use for property generally located at 200 South James Street in Kansas City, Wyandotte County, Kansas, as legally described on **Exhibit A** attached hereto (the "Property"); and

**WHEREAS**, on August 10, 2020, the Planning Commission held a properly-noticed public hearing on the Applicant's request for the City-Wide Master Plan amendment and considered the matters set forth in Section 27-213(g)(5) of the Unified Government Code; and

**WHEREAS**, the Planning Commission submitted a recommendation of approval of the Applicant's request for the City-Wide Master Plan amendment and the reasons therefore to the Governing Body; and

**WHEREAS**, on August 27, 2020, the Governing Body considered the matters set forth in Section 27-213(g)(5) of the Unified Government Code, reviewed all testimony and evidence submitted for the request, and adopted the Planning Commission's recommendation to approve the City-Wide Master Plan Amendment MP-2020-6 for the Property.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

**Section 1. City-Wide Master Plan Amendment.** The Governing Body hereby adopts MP-2020-6 and amends the City-Wide Master Plan for the Property from Industrial to Mixed Use.

**Section 2. Take Effect.** This Ordinance shall take effect as of the date of its publication as provided by law.

**PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 27TH DAY OF AUGUST,  
2020.**

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David Alvey, Mayor/CEO

Attest:

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Unified Government Clerk

## **EXHIBIT A**

### **Legal Description of the Property**

A PORTION OF LOT 1 OF FRACTIONAL SECTION 14, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AS LOCATED BY SILAS ARMSTRONG, ACCORDING TO THE OFFICIAL GOVERNMENT PLAT FILED IN THE DISTRICT LAND OFFICE AT LECOMPTON, KANSAS TERRITORY IN FEBRUARY 1858; SAID LAND ALSO BEING PORTIONS OF TRACTS 1, 2, 3 AND 4 AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 911 IN 1867 AND A PORTION OF THE NORTH 40 ACRE TRACT AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 1066 IN 1869, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: BEARINGS STATED IN THE FOLLOWING DESCRIPTION ARE ORIENTED TO GRID NORTH, MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM 1983.

BEGINNING AT A POINT ON THE KANSAS/MISSOURI STATE LINE, SAID POINT BEING 2162.94 FEET SOUTH OF THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION 14 AND 1016.21 NORTH OF THE SOUTHWEST CORNER OF FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN KANSAS CITY, JACKSON COUNTY, MISSOURI, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF GATEWAY 2000 - KANSAS, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 87 DEGREES 58 MINUTES 19 SECONDS WEST 835.11 FEET, ALONG THE SOUTH LINE OF SAID GATEWAY 2000 - KANSAS, TO A POINT ON THE UNITED STATES HARBOR LINE WHICH IS A CURVE CONCAVE TO THE EAST AND TO WHICH POINT A RADIAL LINE BEARS NORTH 66 DEGREES 17 MINUTES 58 SECONDS EAST; THENCE SOUTHERLY 149.84 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE LEFT HAVING A RADIUS OF 2570.20 FEET AND A CENTRAL ANGLE OF 3 DEGREES 20 MINUTES 25 SECONDS; THENCE SOUTH 27 DEGREES 02 MINUTES 27 SECONDS EAST 314.59 FEET, ALONG SAID HARBOR LINE, TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY 1021.96 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5729.68 FEET AND A CENTRAL ANGLE OF 10 DEGREES 13 MINUTES 10 SECONDS; THENCE SOUTH 16 DEGREES 49 MINUTES 25 SECONDS EAST 262.70 FEET, ALONG SAID HARBOR LINE, TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY 288.90 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1910.08 FEET AND A CENTRAL ANGLE OF 8 DEGREES 39 MINUTES 69 SECONDS, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD (NOW ABANDONED); THENCE SOUTH 87 DEGREES 27 MINUTES 18 SECONDS EAST 98.27 FEET, ALONG SAID NORTH RIGHT-OF-WAY LINE, TO A POINT ON THE KANSAS/MISSOURI STATE LINE AND THE WEST RIGHT-OF-WAY LINE OF AMERICAN ROYAL DRIVE, AS NOW ESTABLISHED; THENCE NORTH 00 DEGREES

17 MINUTES 16 SECONDS EAST 854.18 FEET, ALONG SAID STATE LINE, TO THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST; THENCE NORTH 00 DEGREES 17 MINUTES 41 SECONDS EAST 1016.21 FEET, ALONG SAID STATE LINE, TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED.





## Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners  
**From:** Planning and Urban Design Staff  
**Date:** August 27, 2020  
**Re:** MP-2020-6

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### GENERAL INFORMATION

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**Applicant:**  
Ryan Conk

**Status of Applicant:**  
Representative  
KC The Yards 2, LLC  
One Indiana Square, Suite 3000  
Indianapolis, Indiana 46202

**Requested Actions:**  
Master Plan Amendment from Industrial to Mixed Use.

**Date of Application:**  
June 26, 2020

**Purpose:**  
To amend the City-Wide Master Plan Land Use designation from Industrial to Mixed Use in order to allow for future mixed-use development.

**Property Location:**  
200 South James Street



|                                 |                                                                                                                                                                                                                                                                                     |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Districts:</b>    | District Commissioner: Brian McKiernan<br>Commissioner At Large: Tom Burroughs                                                                                                                                                                                                      |
| <b>Existing Zoning:</b>         | M-3 Heavy Industrial District                                                                                                                                                                                                                                                       |
| <b>Adjacent Zoning:</b>         | <b>North:</b> M-3 Heavy Industrial District<br><b>South:</b> M-3 Heavy Industrial District<br><b>East:</b> Kansas City, Missouri<br><b>West:</b> Kansas River                                                                                                                       |
| <b>Adjacent Uses:</b>           | <b>North:</b> Business campus parking<br><b>South:</b> Industrial business<br><b>East:</b> Parking lots and garage (Missouri)<br><b>West:</b> Kansas River                                                                                                                          |
| <b>Total Tract Size:</b>        | 17.37 Acres                                                                                                                                                                                                                                                                         |
| <b>Master Plan Designation:</b> | The City-Wide Master Plan designates this property as Industrial.                                                                                                                                                                                                                   |
| <b>Major Street Plan:</b>       | The Citywide Master Plan designates James Street as a Class B Thoroughfare. However, the applicant property can only be accessed by a portion of State Line Road that lies completely in Kansas City, Jackson County, Missouri.                                                     |
| <b>Required Parking:</b>        | Section 27-470(f) requires no less than one (1) space per 500 square feet of building area provided. However, more specific parking requirements will be determined by the Director of Planning after receipt of a summary of parking needs and characteristics from the applicant. |
| <b>Advertisement:</b>           | <u>The Wyandotte Echo</u> – July 16, 2020<br>Letters to Property Owners – July 16, 2020 and August 21, 2020.                                                                                                                                                                        |
| <b>Public Hearings:</b>         | August 10, 2020 and August 27, 2020                                                                                                                                                                                                                                                 |
| <b>Public Support:</b>          | None to date.                                                                                                                                                                                                                                                                       |
| <b>Public Opposition:</b>       | None to date.                                                                                                                                                                                                                                                                       |

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## PROPOSAL

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Detailed Outline of Requested Action: Applicant, Ryan Conk with KC The Yard 2, LLC, has requested a Master Plan Amendment to the City-Wide Master Plan Land Use designation from Industrial to Mixed Use in order to allow for mixed-use development in connection with the proposed establishment of the Riverfront Tax Increment Financing

(TIF) District. The first phase of the development contemplates the construction of approximately 225-240 unit market-rate multi-family residential development, with potential for a retail/restaurant/commercial component on the first floor, surface parking, courtyards, landscaping, lighting, utilities, and other infrastructure.

City Ordinance Requirements: Article VI, Section 27-213, Sections 27-210 – 27-216

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## **FACTORS TO BE CONSIDERED**

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### ***1. Neighborhood character***

The neighborhood includes properties across the Kansas state border into Missouri. While the entire area has been traditionally industrial, heavy commercial, distribution, and stockyards—as dictated by the area’s proximity to the downtowns of Kansas City, Kansas and Kansas City, Missouri, regional and national highways, and the Kansas and Missouri Rivers—there has been more recent mixed-use development, mainly multi-family residential and light commercial, on the Missouri side of the West Bottoms District. The applicant property lies at the southern edge of this emerging mixed-use district.

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

Because development is in the initial stages, the applicant has not provided a development plan. There is an adjacent parking structure, a surface lot to the north, and additional parking adjacent to Hy-Vee (formerly Kemper) Arena. As State Line Road is the only point of access to the property, and as State Line Road itself ends at Butler Way/Genesee Street to the north and at American Royal Drive to the south, a future traffic study will be necessary to address issues caused by such limited access to the property. Mixed uses on the property will require a mix of transportation and parking options, which should be creatively designed and highlighted in a future Plan Review application.

### ***3. The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.***

Sanitary sewer lines run along the northern boundary and the north portion of the western boundary. Such lines would need to be expanded to accommodate a greater intensity of high-density development. Furthermore, stormwater lines may need to be expanded to account for both the increase in impermeable surfaces that future development will inevitably bring and the property’s proximity to a floodplain, levee, and the Kansas River. Likewise, electric and gas lines need to be run to the property with a capacity to serve a dense, mixed-use development that will require differing levels of service throughout the day and week. The applicant property is served by the Police Station South District #333 and Fire Station #3, but both stations are located west of the Kansas River and have limited routes to access the property. Site designs for the property should include

open space within the development as well as pedestrian access to the Kansas River riverfront.

#### **4. The difference between the existing and proposed Master Plan.**

The existing land use designation for the property in the City-Wide Master Plan is Industrial. The Industrial land use designation allows uses such as manufacturing, warehouse, salvage, and limited related commercial services (e.g. truck stops and convenience stores); the Industrial designation discourages all residential uses. This was consistent for the property and the properties around it, due to geography and historic use. The amendment proposes a change of the land use designation to Mixed-Use. The Mixed-Use land use designation allows uses such as specialty retail, sit-down restaurants, professional and office services, open spaces, and mixed-density residential uses; the Mixed-Use designation discourages industrial uses, business parks, drive-through restaurants, and car lots.

#### **5. Analysis of the impact on surrounding properties.**

Development of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times, and risk of standing water or runoff. The exact impact of these changes on surrounding properties cannot be completely known at this time—especially without more detailed development plans—but Staff does recognize there will be issues that will need to be addressed. Therefore, the applicant should be aware that additional studies (traffic, floodplain, soil conservation) may need to be conducted before future planning actions can be approved.

#### **6. Estimate the future costs and revenues to the Unified Government and property owner and Market Impact.**

The applicant property is linked to a proposed Riverfront TIF District. A Redevelopment Project Plan has been created to address, among other considerations, the financial feasibility and projections of the proposed development. The Plan states:

“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, creating a 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.”

Excerpts from “Redevelopment Project Plan for Project Area 1 of Riverfront Redevelopment District” can be found in the “Attachments” section of this report.

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## PREVIOUS ACTIONS

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None

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## NEIGHBORHOOD MEETING

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Applicants held a virtual neighborhood meeting at 5:00 PM on July 23, 2020. Due to precautionary measures allowed by the Unified Government and the Department of Planning and Urban Design, the requirement for a physical neighborhood meeting has been suspended. Applicant held the meeting via Zoom for all neighbors who were interested; neighbors received a link for the Zoom meeting in the neighborhood meeting letter. Meeting minutes show that five (5) parties were in attendance, but it appears that four (4) of the individuals were affiliated with the project and one (1) individual was attending the meeting as a member of the public. The minutes shows that the attending neighbor asked several questions about future plans and appeared to be satisfied by the applicant's answers.

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## KEY ISSUES

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Open Space  
Traffic  
Utilities and Public Services  
Stormwater and Flooding

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment #MP-2020-6, subject to:

- 1) **When development is ready, the applicant or another representative party must apply for all planning actions necessary for such development.**

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## STAFF COMMENTS AND SUGGESTIONS

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Staff concurs with the recommendation of the City Planning Commission.

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## STAFF RECOMMENDATION

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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 **MP-2020-6**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.



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## ATTACHMENTS

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August 10, 2020 City Planning Commission Minutes  
Photos of Property Provided by Staff, July 13, 2020  
Site Plan Provided by Applicant  
Map of Property with Floodplain Overlay  
Documents from Neighborhood Meeting, July 23, 2020  
Excerpts from "Redevelopment Project Plan for Project Area 1 of Riverfront  
Redevelopment District"

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>                            | <u>Planning Commission</u>  | <u>Board of Commissioners</u> |
|------------------------------------------|-----------------------------|-------------------------------|
| Public Hearing:<br>Master Plan Amendment | August 10, 2020<br>Approval | August 27, 2020               |

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**STAFF CONTACT:**      **Michael Farley**  
                                 [mfarley@wycokck.org](mailto:mfarley@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **APPROVE** Petition #**MP-2020-6**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Unified Government Board of Commissioners **DENY** Petition #**MP-2020-6**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## **August 10, 2020 City Planning Commission Minutes:**

### **Hearing starts at 3:27:45:**

**MASTER PLAN AMENDMENT APPLICATION #MP-2020-6 – RYAN CRONK WITH KC THE YARDS 2, LLC. – SYNOPSIS:** Master Plan Amendment from Industrial to Mixed Use at 200 South James Street. **Detailed Outline of Requested Action:** Applicant, Ryan Conk with KC The Yard 2, LLC, has requested a Master Plan Amendment to the City-Wide Master Plan Land Use designation from Industrial to Mixed Use in order to allow for mixed-use development in connection with the proposed establishment of the Riverfront Tax Increment Financing (TIF) District. The first phase of the development contemplates the construction of approximately 225-240 unit market-rate multi-family residential development, with potential for a retail/restaurant/commercial component on the first floor, surface parking, courtyards, landscaping, lighting, utilities, and other infrastructure.

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 August 10, 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 July 16, 2020; and,
7. The Notices to property owners dated July 16, 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:**

- Ryan Cronk, applicant, KC The Yards 2, LLC
- Aaron March, attorney representing the applicant, Rouse Frets White Goss Gentile Rhodes, 4510 Belleview, Suite 300, Kansas City, Missouri 64111

### **Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:31:55:** Planning Director Hand stated that typically when the staff sees a Master Plan Amendment, it is accompanied with a development plan. With this application, hence the applicant has submitted a detailed description and staff is comfortable moving this application forward. He stated that the Master Plan Amendment better reflects the changing environment of the West Bottoms area and the development happening next to the Hy-Vee Arena; it reflects the highest and best use of the land. He further stated that the UG is raising the levees and adding other enhancements that is supportive of this land use change. The UG has submitted an

application that when the U.S. Army Corps of Engineers is done with their work, the UG will put in other amenities such as trails, etc. Staff recommends approval.

**Motion and Vote starts at 3:13:32:**

On motion by Mr. Mohler, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment Application #MP-2020-6:**

|                  |                    |
|------------------|--------------------|
| <b>Carson</b>    | <b>Chairman</b>    |
| <b>Armstrong</b> | <b>Aye</b>         |
| <b>Cho</b>       | <b>Not Present</b> |
| <b>Connelly</b>  | <b>Not Present</b> |
| <b>Ernst</b>     | <b>Aye</b>         |
| <b>Huey</b>      | <b>Aye</b>         |
| <b>Jones</b>     | <b>Aye</b>         |
| <b>Miller</b>    | <b>Aye</b>         |
| <b>Mohler</b>    | <b>Aye</b>         |
| <b>Pauley</b>    | <b>Aye</b>         |
| <b>Reasons</b>   | <b>Not Present</b> |

**Motion to recommend APPROVAL Passed: 7 to 0**

**Condition of Approval:**

- 1) When development is ready, the applicant or another representative party must apply for all planning actions necessary for such development.**

PHOTOS OF PROPERTY PROVIDED BY STAFF, JULY 13, 2020



**Top:** West view of property, from State Line Road.

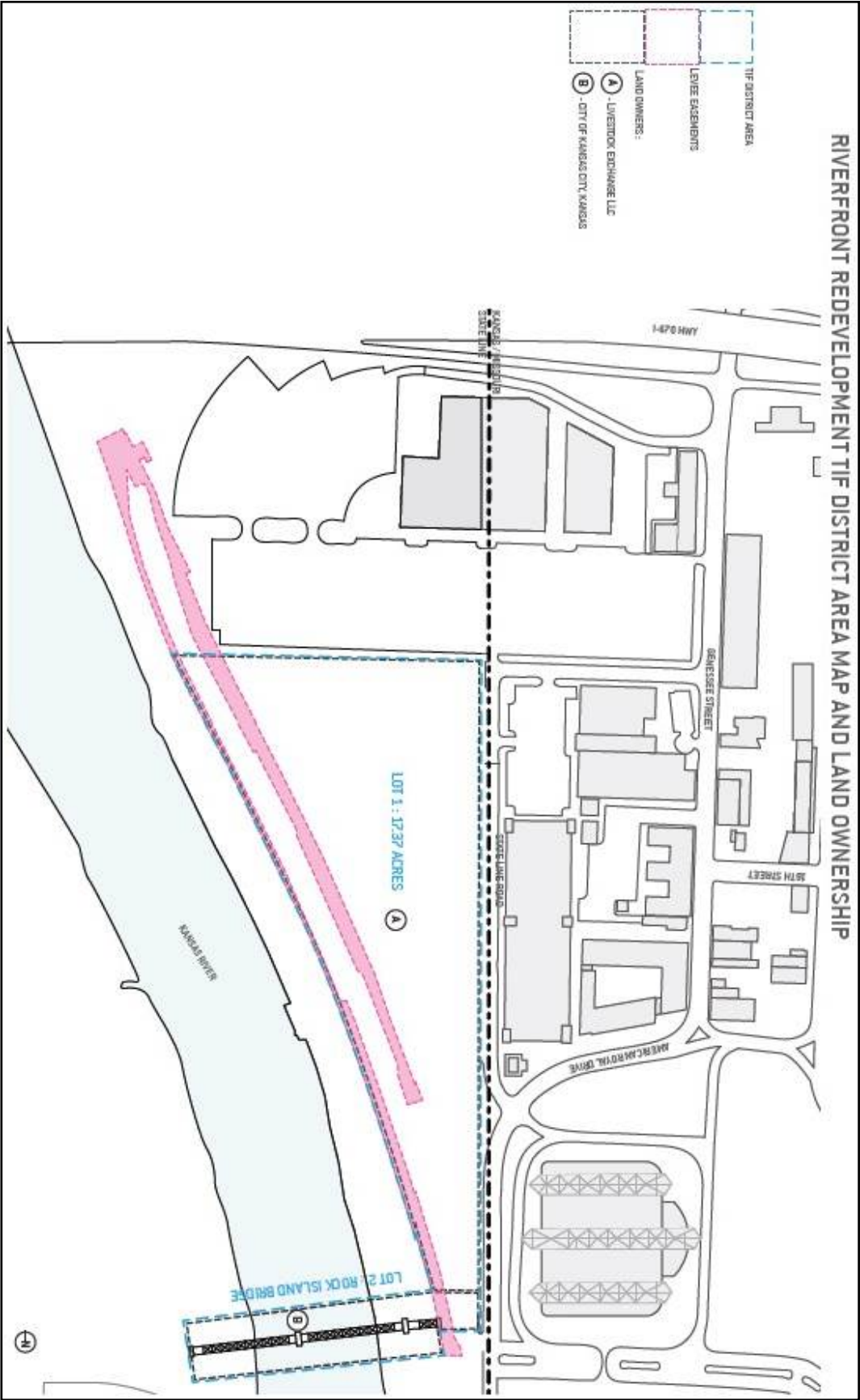
**Above:** East view of campus across State Line Road from the applicant property.

**Upper Right:** Northwest view of parking structure serving Hy-Vee Arena and southern portion of the West Bottoms District.

**Right:** Northeast view, of the property, facing south on State Line Road.







MAP OF



PROPERTY WITH FLOODPLAIN OVERLAY



## DOCUMENTS FROM NEIGHBORHOOD MEETING, JULY 23, 2020

Case #MP-20409-00005, Riverfront Redevelopment Master Plan Amendment  
Neighborhood Meeting  
Thursday, July 23, 2020  
Held via Zoom

### Attendees:

- Paul King, American Crane & Tractor Parts
- Ryan Cronk, KC The Yards 2, LLC
- Brad Satterwhite, KEM Studio
- Aaron March, Rouse Frets White Goss Gentile Rhodes, P.C.
- Kellee Madinger, Paralegal with Rouse Frets White Goss Gentile Rhodes, P.C.

Meeting called to order at 5:00

Aaron March introduced the team and stated the meeting was required per the City's application process. The application requests an amendment to the City Wide Master Plan for 17 acres owned by Bill Haw related entities. The Yards II is proposed on 3.3 acres of the 17 acres. The first phase of the The Yards was developed on the Missouri side. Bill Haw envisions a mixed use development (office, retail, commercial, residential uses) on the remaining 14 acres. The City Wide Master Plan currently shows industrial use and this application proposes amending to mixed use to allow for the anticipated mixed use development. A future application will be submitted to rezone the property, but this is the first step.

Paul King said he had talked to Bill Haw regarding the proposal. Mr. King asked about the future plans.

Ryan Cronk said the current plan is for the second phase of The Yards for approximately 225-240 units on the three acres. There are currently no other concrete plans. A concept study is under way for future uses of the area.

Aaron March shared the Master Plan exhibit on Zoom, attached. He identified the area in blue, marked with a 1, as the proposed residential use and the area shown in red as parking and retail. He also pointed out on the exhibit the existing Yards units and the garage. He talked about the vision for the levy as a recreational amenity and the bridge, owned by Kanas City, Missouri, as mixed use. March added that MarkOne originally planned to be part of the master plan amendment, but is not included.

Paul King asked for more information about the levy. Aaron March stated it is a concept plan to raise the levy. Brad Satterwhite added the Corp of Engineers want to raise the levy 3-4 feet. The back slope would also be adjusted. The area could be used as an outdoor active area. There are also talks of upgrading the trail. A tiered ramp could be included as a boat ramp for kayaks and KC Crew. Cronk added the levy would be improved as a park, somewhat public or portions private.

Aaron March said this vision of the master plan is the ultimate buildout if rezoning occurs.

King asked about timing for the improvements. March responded that this is the first step. Construction of The Yards II is expected to begin next spring which would get the ball rolling for the area, but it depends on the economy. Cronk added construction of The Yards II would take 18-20 months and could start in March or April. He hopes additional phases of residential would occur in the future with a third phase as early as 2024 with an additional 200 units.

King asked how leasing was going on The Yards I. Cronk responded that the building opened on May 1. Renting during COVID has been challenging; it is currently 27% leased (60 units) which they are pleased with, averaging 6 units per month. Pre-leasing began in January/February and now occurs virtually. Without COVID, leasing between 20-30 per month would be successful. King said it is a beautiful building. Cronk invited him to take a tour with Brad Sadatterwhite if he would like. March provided King with his telephone number if he has additional questions.

Meeting adjourned at 5:17

Minutes taken by Kellee Madinger, Paralegal

RIVERFRONT REDEVELOPMENT TIF DISTRICT AREA MAP AND LAND OWNERSHIP



RIVERFRONT REDEVELOPMENT PROJECT AREA MAP



EXCERPTS FROM "REDEVELOPMENT PROJECT PLAN FOR PROJECT AREA 1 OF RIVERFRONT  
REDEVELOPMENT DISTRICT"

**B) Redevelopment Project**

KC THE YARDS 2, LLC, an Indiana limited liability company (the "**Developer**"), is pleased to present this Redevelopment Project Plan for Project Area 1 of the Riverfront Redevelopment District (the "**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**").

The Redevelopment Plan contemplates the redevelopment of Project Area 1 of the District, which is comprised of approximately three (3) acres of real property generally located west of State Line Road, east of the Kansas River, north of Kansas Avenue, and south of Interstate 670 in the historic West Bottoms in Kansas City, Kansas. The redevelopment project for Project Area 1 contemplates the construction of an approximately 225-240 unit market rate multi-family residential development, with potential for a retail/restaurant/commercial component on the first floor, surface parking, courtyards, landscaping, lighting, utilities, and other infrastructure (collectively, the "**Project**"). A site plan depicting the general development concept of the Project is attached hereto as **Exhibit A**.



EXCERPTS FROM "REDEVELOPMENT PROJECT PLAN FOR PROJECT AREA 1 OF RIVERFRONT  
REDEVELOPMENT DISTRICT", CONT.

**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**

As set out on **Exhibit E**, the total estimated cost to complete the Project, including land acquisition, site development, building construction, and soft costs (not including financing costs), is approximately \$41 million.

2. **Eligible Costs**

"TIF Eligible Expenses" shall consist of all costs eligible for TIF financing and reimbursement under the TIF Act, including the costs of public infrastructure within the District.

As set out on **Exhibit E**, the Developer estimates that only \$6.34 million of the total estimated Project costs are TIF Eligible Expenses. Although, not set out on **Exhibit F**, "TIF Eligible Expenses" also includes Interest as defined in and provided by Section 4.3 of the Development Agreement. The Redevelopment Plan contemplates that, to the full extent permissible under the TIF Act, 100% of available Project Area 1 TIF Revenues (after payment of the UG's TIF Administrative Fee) will be made available to reimburse TIF Eligible Expenses. All reimbursement to the Developer of TIF Eligible Expenses will be subject always to the terms, conditions and limitations of the Development Agreement.

4. **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, creating a 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.

5. **Sufficiency of TIF Revenues Compared to Projects Costs**

The total of the TIF Eligible Expenses that can be financed under the TIF Act are limited by the amount of Project Area 1 TIF Revenues actually generated. The amount of TIF Eligible Expenses to be reimbursed to the Developer are further subject to the \$11,000,000 TIF Cap (the "TIF Cap," as further set forth in the Development Agreement). Based on the Redevelopment Plan's estimates of: (1) TIF Eligible Expenses and (2) Project Area 1 TIF Revenues, the Project Area 1 TIF Revenues are expected to be sufficient to pay for the TIF Eligible Expenses as contemplated under the TIF Act. Other funds needed to construct the Project will be provided by private debt and equity.

|                                |                       |
|--------------------------------|-----------------------|
| <b>Est. Project Costs</b>      | <b>\$41,132,310 *</b> |
| <b><u>Sources of Funds</u></b> | <b><u>Amount</u></b>  |
| TIF Revenue                    | \$ 6,341,283          |
| Private Debt/Equity            | \$34,791,027          |
| <b>TOTAL</b>                   | <b>\$41,132,310</b>   |

\* Does not include interest or finance costs.

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.



EXCERPTS FROM "REDEVELOPMENT PROJECT PLAN FOR PROJECT AREA 1 OF RIVERFRONT  
REDEVELOPMENT DISTRICT", CONT.

**Exhibit F**

TIF Revenue Projections

| The Yards Phase II                                                                       |                               |                                 |                        |                            |                                                    |
|------------------------------------------------------------------------------------------|-------------------------------|---------------------------------|------------------------|----------------------------|----------------------------------------------------|
| Projected Incremental Tax Revenues                                                       |                               |                                 |                        |                            |                                                    |
|                                                                                          |                               |                                 |                        |                            | <b>Base Value</b>                                  |
|                                                                                          | <b>Annual Value Increase</b>  | <b>Assessment Rate</b>          |                        |                            | <b>\$ 123,100</b>                                  |
|                                                                                          | <b>2.0%</b>                   | <b>11.5%</b>                    |                        |                            |                                                    |
|                                                                                          |                               |                                 |                        | <b>Value of TIF</b>        |                                                    |
| <b>Year</b>                                                                              | <b>Estimated Actual Value</b> | <b>Estimated Assessed Value</b> | <b>Total Mill Levy</b> | <b>Mill Levy Captured*</b> | <b>Estimated Incremental Property Tax Revenues</b> |
| 1                                                                                        | \$ 1,070,435                  | \$ 123,100                      | 181.77                 | 152.27                     | \$ -                                               |
| 2                                                                                        | \$ 23,913,154                 | \$ 2,750,013                    | 181.77                 | 152.27                     | \$ 400,000                                         |
| 3                                                                                        | \$ 36,762,184                 | \$ 4,227,651                    | 181.77                 | 152.27                     | \$ 625,000                                         |
| 4                                                                                        | \$ 37,497,427                 | \$ 4,309,742                    | 181.77                 | 152.27                     | \$ 637,500                                         |
| 5                                                                                        | \$ 38,247,376                 | \$ 4,309,742                    | 181.77                 | 152.27                     | \$ 637,500                                         |
| 6                                                                                        | \$ 39,012,323                 | \$ 4,393,475                    | 181.77                 | 152.27                     | \$ 650,250                                         |
| 7                                                                                        | \$ 39,792,570                 | \$ 4,393,475                    | 181.77                 | 152.27                     | \$ 650,250                                         |
| 8                                                                                        | \$ 40,588,421                 | \$ 4,478,882                    | 181.77                 | 152.27                     | \$ 663,255                                         |
| 9                                                                                        | \$ 41,400,190                 | \$ 4,478,882                    | 181.77                 | 152.27                     | \$ 663,255                                         |
| 10                                                                                       | \$ 42,228,194                 | \$ 4,565,998                    | 181.77                 | 152.27                     | \$ 676,520                                         |
| 11                                                                                       | \$ 43,072,757                 | \$ 4,565,998                    | 181.77                 | 152.27                     | \$ 676,520                                         |
| 12                                                                                       | \$ 43,934,213                 | \$ 4,654,856                    | 181.77                 | 152.27                     | \$ 690,051                                         |
| 13                                                                                       | \$ 44,812,897                 | \$ 4,654,856                    | 181.77                 | 152.27                     | \$ 690,051                                         |
| 14                                                                                       | \$ 45,709,155                 | \$ 4,745,491                    | 181.77                 | 152.27                     | \$ 703,852                                         |
| 15                                                                                       | \$ 46,623,338                 | \$ 4,745,491                    | 181.77                 | 152.27                     | \$ 703,852                                         |
| 16                                                                                       | \$ 47,555,805                 | \$ 4,837,939                    | 181.77                 | 152.27                     | \$ 717,929                                         |
| 17                                                                                       | \$ 48,506,921                 | \$ 4,837,939                    | 181.77                 | 152.27                     | \$ 717,929                                         |
| 18                                                                                       | \$ 49,477,059                 | \$ 4,932,236                    | 181.77                 | 152.27                     | \$ 732,287                                         |
| 19                                                                                       | \$ 50,466,600                 | \$ 4,932,236                    | 181.77                 | 152.27                     | \$ 732,287                                         |
| 20                                                                                       | \$ 51,475,932                 | \$ 5,028,419                    | 181.77                 | 152.27                     | \$ 746,933                                         |
| <b>Total Value</b>                                                                       |                               |                                 |                        |                            | <b>\$ 12,715,218</b>                               |
| * Excludes 21.5 mills for state school levy; excludes 8 mills capital outlay for school. |                               |                                 |                        |                            |                                                    |

*Note: Base value shown is the base value of the District. Base value of Project Area 1 will be used for purposes of calculating the actual Project Area 1 TIF Revenues.*

(First published \_\_\_\_\_)

#3224

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** rezoning property hereinafter described located at approximately 1908 South 74<sup>th</sup> Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to MP-2 Planned General Industrial 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 May 29, 2020, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to MP-2 Planned General Industrial 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:

PART OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 11 SOUTH, RANGE 24 EAST, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST RIGHT OF WAY LINE OF 74TH STREET, SAID POINT BEING 20 FEET WEST OF THE EAST LINE AND 188.00 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHWEST 1/4, AS MEASURED AT RIGHT ANGLES TO SAID EAST LINE AND NORTH LINE; THENCE SOUTH ON A LINE PARALLEL TO AND 20 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 710.00 FEET; THENCE NORTH 89 DEGREES, 43 MINUTES, 37 SECONDS WEST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 614.00 FEET; THENCE NORTH ON A LINE PARALLEL TO THE EAST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 710.00 FEET TO A POINT 188.00 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE SOUTH 89 DEGREES, 43 MINUTES, 37 SECONDS EAST ON

A LINE PARALLEL TO AND 188.00 FEET SOUTH OF SAID NORTH LINE, 614.00 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES.

LESS AND EXCEPT THAT PART DESCRIBED AS FOLLOWS:  
ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 11 SOUTH, RANGE 24 EAST, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 28; THENCE SOUTH 0 DEGREES WEST, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 543.16 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 37 SECONDS WEST, ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 20 FEET TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT, SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF 74TH STREET, AS NOW ESTABLISHED; THENCE CONTINUING NORTH 89 DEGREES 43 MINUTES 37 SECONDS WEST, ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 614 FEET; THENCE SOUTH 0 DEGREES WEST, ALONG A LINE PARALLEL WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 355 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 37 SECONDS EAST, ALONG A LINE PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 614 FEET TO A POINT 20 FEET WEST OF THE EAST LINE THEREOF; SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF SAID 74TH STREET; THENCE NORTH 0 DEGREES EAST, ALONG A LINE 20 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28 AND ALONG THE WEST RIGHT OF WAY LINE OF SAID 74TH STREET, A DISTANCE OF 355 FEET TO THE TRUE POINT OF BEGINNING.  
GROSS AREA = ±5.0048 ACRES / ±218,009 SQ.FT,

located at approximately 1908 South 74<sup>th</sup> Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to MP-2 Planned General Industrial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-469, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for MP-2 Planned General Industrial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2020.

UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS

BY: \_\_\_\_\_  
DAVID ALVEY  
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK

(First published \_\_\_\_\_)

#3225

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** rezoning property hereinafter described located at approximately 2914 South 74<sup>th</sup> Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to AG Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF  
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on May 29, 2020, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to AG Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

The Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  also described as the North 40 acres of the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  in Section 33, Township 11, Range 24, Kansas City, Wyandotte County, Kansas, less that part taken or used for road purposes: Also less the part conveyed to Wyandotte County, Kansas, in Book 1762, page 311; Also less the following: A tract of land in the Northeast Quarter of the Southwest Quarter of Section 33, Township 11 South, Range 24 East, of the Sixth Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Note: For bearing orientation, the East line of the Southwest Quarter of said Section 33 is assumed North 00 00' 00" West. Commencing at the South Quarter corner of said Section 33: thence North 00 00' 00" West 1326.60 feet, along the East Line of the Southwest Quarter of said Section 33, to the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 33, being the true point of beginning; thence North 89 32' 40" West 840.01 feet, along the South line of the Northeast Quarter of the Southwest Quarter of said Section 33, to a  $\frac{1}{2}$  in reinforcing bar ser



with "LS-533" survey cap; thence North 26 39' 10" East 178.31 feet to a ½ reinforcing bar set; thence North 38 30' 27" East 273.04 feet to a ½ inch reinforcing bar set; thence South 89 32' 40" East 590.02 feet, along a line parallel with the South line of the Northeast Quarter of the Southwest Quarter of said Section 33, to a point on the East line of the Southwest Quarter of said Section 33; thence South 00 00' 00" East 375.01 feet, along said East line, to the true point of beginning, less that part taken or used for road purposes.

Also, less the following: All the part lying East of that part conveyed to Wyandotte County, Kansas in Book 1762, page 311.

Located at approximately 2914 South 74<sup>th</sup> Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to AG Agriculture District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for AG Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2020.

UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS

BY: \_\_\_\_\_  
DAVID ALVEY  
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK

(First published \_\_\_\_\_)

#3226

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** rezoning property hereinafter described located at approximately 9700 Leavenworth Road in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture and CP-2 Planned General Business Districts to CP-1 Planned Limited Business and MP-2 Planned General Industrial Districts.

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 May 29, 2020, by the owners of property to have the zoning of said property changed from its present zoning of A-G Agriculture and CP-2 Planned General Business Districts to CP-1 Planned Limited Business and MP-2 Planned General Industrial Districts.

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:

**Rezoning Description** – C-1

All of that part of Woodlands East Commercial Development, a subdivision in Kansas City, Wyandotte County, Kansas, together with all that part of Leavenworth Road right of way and 99th Street right of way, together with all that part of an unplatted tract, all lying in the Southwest Quarter of Section 25, Township 10 South, Range 23 East, described as follows:

BEGINNING at the Southwest corner of the Southwest Quarter of Section 25, Township 10 South, Range 23 East; thence North 01 degree 18 minutes 05 seconds West, on the West line of said Southwest Quarter, a distance of 681.80 feet to a point; thence North 88 degrees 41 minutes 55 seconds East, departing said West line, a distance of 84.48 feet to a point of curvature; thence in an Easterly and Southeasterly direction, on a curve to the right, having a radius of

205.00 feet, through a central angle of 47 degrees 32 minutes 39 seconds, an arc distance of 170.11 feet to a point of tangency; thence South 43 degrees 45 minutes 26 seconds East a distance of 38.67 feet to a point of curvature; thence in a Southeasterly and Easterly direction, on a curve to the left, having a radius of 145.00 feet, through a central angle of 48 degrees 14 minutes 23 seconds, an arc distance of 122.08 feet to a point of tangency; thence North 88 degrees 00 minutes 11 seconds East a distance of 784.19 feet to a point; thence South 01 degree 59 minutes 35 seconds East a distance of 535.08 feet to a point on the South line of said Southwest Quarter; thence South 88 degrees 00 minutes 25 seconds West, on said South line, a distance of 1161.24 feet to the POINT OF BEGINNING, containing 654,000 Square Feet or 15.0138 Acres, more or less.

### **Rezoning Description** – M-2

All that part of Woodlands East Commercial Development, a subdivision in Kansas City, Wyandotte County, Kansas, together with all that part of Leavenworth Road right of way, 99th Street right of way, and 91st Street right of way, together with all that part of an unplatted tract, all lying in Section 25, Township 10 South, Range 23 East, described as follows:

COMMENCING at the Southwest corner of the Southwest Quarter of Section 25, Township 10 South, Range 23 East; thence North 01 degree 18 minutes 05 seconds West, on the West line of said Southwest Quarter, a distance of 681.80 feet to the POINT OF BEGINNING; thence North 01 degree 18 minutes 05 seconds West, continuing on said West line, a distance of 1964.50 feet to the Northwest corner of said Southwest Quarter, said corner also being the Southwest corner of the Northwest Quarter; thence North 01 degree 17 minutes 30 seconds West, on the West line of said Northwest Quarter, a distance of 1618.81 feet to a point on the Westerly extension of the South line of Hurrelbrink Road right of way, as now established; thence North 87 degrees 56 minutes 32 seconds East, departing said West line, on said Westerly extension and on said South line, a distance of 2744.02 feet to a point; thence South 46 degrees 33 minutes 33 seconds East, continuing on said South line, a distance of 188.91 feet to a point; thence South 42 degrees 33 minutes 33 seconds East, continuing on said South line, a distance of 402.09 feet to a point; thence South 80 degrees 03 minutes 33 seconds East, continuing on said South line, a distance of 106.66 feet to a point; thence South 85 degrees 03 minutes 33 seconds East, continuing on said South line, a distance of 179.74 feet to a point; thence South 70 degrees 03 minutes 33 seconds East, continuing on said South line, a distance of 219.46 feet to a point; thence South 22 degrees 03 minutes 33 seconds East, continuing on said South line, a distance of 70.14 feet to a point; thence South 50 degrees 48 minutes 33 seconds East, continuing on said South line, a distance of 237.57 feet to a point; thence South 59 degrees 03 minutes 33 seconds East, continuing on said South line, a distance of 261.98 feet to a point; thence South 76 degrees 53 minutes 33 seconds East, continuing on said South line, a distance of 355.47 feet to a point; thence South 01 degree 41 minutes 11 seconds East, departing

said South line, a distance of 592.99 feet to a point on the North line of the Southeast Quarter of said Section 25, Township 10 South, Range 23 East; thence South 46 degrees 08 minutes 12 seconds East, departing said North line, a distance of 864.95 feet to a point; thence North 47 degrees 41 minutes 35 seconds East a distance of 88.07 feet to a point; thence North 09 degrees 50 minutes 28 seconds East a distance of 150.22 feet to a point; thence North 32 degrees 58 minutes 28 seconds East a distance of 134.78 feet to a point; thence South 52 degrees 58 minutes 32 seconds East a distance of 129.17 feet to a point on the East line of said Southeast Quarter; thence South 01 degree 40 minutes 27 seconds East, on said East line, a distance of 443.21 feet to a point; thence North 85 degrees 25 minutes 58 seconds West, departing said East line, a distance of 118.58 feet to a point; thence South 52 degrees 56 minutes 10 seconds West a distance of 105.84 feet to a point; thence South 01 degree 38 minutes 12 seconds East a distance of 61.44 feet to a point; thence North 88 degrees 31 minutes 26 seconds East a distance of 204.20 feet to a point on said East line of said Southeast Quarter; thence South 01 degree 40 minutes 27 seconds East, on said East line, a distance of 267.56 feet to a point; thence North 77 degrees 38 minutes 22 seconds West, departing said East line, a distance of 206.40 feet to a point; thence South 04 degrees 06 minutes 00 seconds West a distance of 303.48 feet to a point; thence North 87 degrees 17 minutes 08 seconds East a distance of 230.80 feet to a point on said East line of said Southeast Quarter; thence South 01 degree 40 minutes 27 seconds East, on said East line, a distance of 1.38 feet to a point; thence South 85 degrees 21 minutes 01 second West, departing said East line, a distance of 824.74 feet to a point; thence South 01 degree 40 minutes 31 seconds East a distance of 1155.39 feet to a point on the South line of said Southeast Quarter; thence South 87 degrees 59 minutes 57 seconds West, on said South line, a distance of 1828.63 feet to the Southwest corner of said Southeast Quarter, said corner also being the Southeast corner of said Southwest Quarter; thence South 88 degrees 00 minutes 25 seconds West, on the South line of said Southwest Quarter, a distance of 1490.82 feet to a point; thence North 01 degree 59 minutes 35 seconds West, departing said South line, a distance of 535.08 feet to a point; thence South 88 degrees 00 minutes 11 seconds West a distance of 784.19 feet to a point of curvature; thence in a Westerly and Northwesterly direction, on a curve to the right, having a radius of 145.00 feet, through a central angle of 48 degrees 14 minutes 23 seconds, an arc distance of 122.08 feet to a point of tangency; thence North 43 degrees 45 minutes 26 seconds West a distance of 38.67 feet to a point of curvature; thence in a Northwesterly and Westerly direction, on a curve to the left, having a radius of 205.00 feet, through a central angle of 47 degrees 32 minutes 39 seconds, an arc distance of 170.11 feet to a point of tangency; thence South 88 degrees 41 minutes 55 seconds West a distance of 84.48 feet to the POINT OF BEGINNING, containing 18,153,164 Square Feet or 416.7393 Acres, more or less. Located at approximately 9700 Leavenworth Road, Kansas City, Kansas,

be changed from its present zoning of A-G Agriculture and CP-2 Planned General Business Districts to CP-1 Planned Limited Business and MP-2 Planned General Industrial Districts as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-469, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-1 Planned Limited Business and MP-2 Planned General Industrial Districts. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2020.

UNIFIED GOVERNMENT OF  
WYANDOTTE COUNTY/KANSAS CITY,  
KANSAS

BY: \_\_\_\_\_  
DAVID ALVEY  
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

\_\_\_\_\_  
UNIFIED GOVERNMENT CLERK



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-2020-38, commonly known as 2824 North 99<sup>th</sup> Terrace, Kansas City, Kansas, legally described as:

Lot 42, NORALEE ESTATES, a subdivision in Kansas City, Kansas, Wyandotte County, Kansas, Parcel No.286641, located at approximately 2824 North 99<sup>th</sup> Terrace, Kansas City, Kansas

**Section 2.** That the real property hereinabove described shall hereafter be granted a Home Occupation 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) 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.

**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-2020-49, commonly known as 1401 State Avenue, Kansas City, Kansas, legally described as:

LOTS 2-7, Block 3 of West Lawn a subdivision in Kansas City, Wyandotte County, Kansas, located at 1401 State Avenue, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use permit for a car staging area and storage of used cars.

**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. **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 (2) 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.**

**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 \_\_\_\_\_)

#SP-2020-50

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-2020-50, commonly known as 1300 Meadowlark Lane, Kansas City, Kansas, legally described as:

Parcel Number: 920111, BEG 40FT W & 299.1FT S OF NE COR SW1/4 SE1/4; S 427.62FT, S07W-65.76FT, W 611.97FT, N 492.9FT, E 620.01FT TO POB CONTG, Located at approximately 1300 Meadowlark Lane, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use permit for administrative office, warehouse of parts and appliances, appliance repair, carpentry shop and materials storage, minor auto repair and maintenance.

**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) 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 (6)-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 (2) 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.

**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-2020-57, commonly known as 2230 State Line Road, Kansas City, Kansas, legally described as:

BEG NE COR L1: BUNKERS, W A SUB; W 458.77FT, NELY CUR LT-216.39FT, E 169.67FT, N 47.81FT, E85.8FT, N 20.5FT, E24.67F, BOOK PAGE: 2014R-14778, located at approximately 2330 State Line Road, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use permit for the sale of semi-trailers.

**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. 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.

**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-2020-62, commonly known as 6135 Sloan Avenue, Kansas City, Kansas, legally described as:

The South 105 feet of the North 130 feet of Lot 51 and the South 105 feet of the North 130 feet of the West 12.5 feet of lot 52, in FRIEDBERG HEIGHTS, now in and a part of Kansas City, Wyandotte County, Kansas, located at approximately 6135 Sloan Avenue, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use permit for a gym and personal training.

**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) 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.**

**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-2020-63, commonly known as 452 South 26<sup>th</sup> Street, Kansas City, Kansas, legally described as:

Commencing at a point 214.3 feet south of the south line of the south alley in block 5, McAlpine as platted in the record in Wyandotte County, Kansas, and 30 feet west of the north and south of the centerline of section 17, township 11, range 25; thence west 378 feet; thence north and parallel with the north and south centerline of section 17, 140 feet; thence south 85 degrees 00 minutes 24 seconds east, 379.44 feet; thence south along the west line of 26<sup>th</sup> street and being 30 feet west and parallel to the north and south centerline of section 17, a distance of 107 feet to the point of beginning, in the city of Kansas City, Wyandotte County, Kansas, located at approximately 452 South 26<sup>th</sup> Street, Kansas City, Kansas.

**Section 2.** That the real property hereinabove described shall hereafter be granted a Special Use Permit for the Temporary Use of Land for a modular office.

**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) 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.

**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



## Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners

**From:** Planning and Urban Design Staff

**Date:** August 27, 2020

**Re:** Vacation Petition #A-2020-10

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### GENERAL INFORMATION

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**Applicant:**  
Wil Anderson

**Status of Applicant:**  
Representative  
BHC Rhodes  
712 State Avenue  
Kansas City, Kansas 66101

**Requested Action:**  
Approval to vacate an alley

**Date of Application:**  
June 26, 2020

**Purpose:**  
To vacate an alley in which a residence has been built.

**Property Location:**  
1521 South 40<sup>th</sup> Street



|                                      |                                                                                                                                                                                                      |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commission Districts:</b>         | District Commissioner: Christian Ramirez<br>Commissioner At Large: Tom Burroughs                                                                                                                     |
| <b>Existing Zoning:</b>              | R-1(B) Single-Family District                                                                                                                                                                        |
| <b>Adjacent Zoning:</b>              | <b>North:</b> R-1(B) Single-Family District<br><b>South:</b> R-1(B) Single-Family District<br><b>East:</b> R-1(B) Single-Family District<br><b>West:</b> Right-of-way; R-1(B) Single-Family District |
| <b>Adjacent Uses:</b>                | <b>North:</b> Single-family residence<br><b>South:</b> Single-family residence<br><b>East:</b> Vacant lot<br><b>West:</b> Right-of-way; Single-family residence                                      |
| <b>Neighborhood Characteristics:</b> | The character of the neighborhood is comprised of single-family residences on small, narrow lots, with some small commercial properties on Metropolitan Avenue.                                      |
| <b>Total Tract Size:</b>             | 0.07 Acres (Parcel #169749);<br>0.18 Acres (applicant right-of-way)                                                                                                                                  |
| <b>Master Plan Designation:</b>      | The City-Wide Master Plan designates property as Low-Density Residential.                                                                                                                            |
| <b>Major Street Plan:</b>            | The Major Street Plan classifies South 40 <sup>th</sup> Street as a local residential street.                                                                                                        |
| <b>Advertisement:</b>                | <u>The Wyandotte Echo</u> – July 16, 2020<br>Letters to Property Owner – July 16, 2020 and August 21, 2020                                                                                           |
| <b>Public Hearings:</b>              | August 10, 2020 and August 27, 2020.                                                                                                                                                                 |
| <b>Public Support:</b>               | There was one (1) person in support at the meeting.                                                                                                                                                  |
| <b>Public Opposition:</b>            | None to date.                                                                                                                                                                                        |

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## PROPOSAL

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*Detailed Outline of Requested Action:* The applicant, Wil Anderson of BHC Rhodes, is requesting to vacate the portion of Silver Avenue measuring 125 feet east to west and 60 feet north to south. The requested vacation, totaling approximately 7,500 square feet, is to be platted as an addition to the Gibb's & Payne's 2<sup>nd</sup> Addition Replat. This vacation is being requested by the applicant on behalf of his client, who resides at 1521 South 40<sup>th</sup> Street, a residence that lies within the current right-of-way (and proposed vacation area).



## **FACTORS TO BE CONSIDERED**

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

The applicant property is already located within the undeveloped right-of-way. The location of the residence creates a T-shaped intersection between South 40<sup>th</sup> Street and Silver Avenue but cutting off Silver Avenue to the east of South 40<sup>th</sup> Street. Such T-shaped intersections are common and do not present any issues related to fire, so long as the streets are built to allow for a firetruck to engage in 90-degree maneuvers. No other issues related to health, flooding, erosion, excessive noise, or any other adversity is present.

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

**a. Water service**

Available

**b. Sanitary sewer service**

Available

**c. Storm water control**

Available

**d. Police**

Police service provided by the South Patrol, District #331.

**e. Fire**

Fire service provided by Station #7.

**f. Transit**

KCATA serves the property by Route #104 (Argentine), approximately one-quarter (1/4) mile north of the applicant property.

**g. Schools**

Public education is provided by New Stanley Elementary School, Argentine Middle School, and Harmon High School, under Kansas City, Kansas USD 500.

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

No streets are being planned as a part of the vacation. In fact, vacation of the requested property would ensure that the portion of Silver Avenue west of South 40<sup>th</sup> Street would not be able to connect to Silver Avenue west of South 38<sup>th</sup> Street. South of Metropolitan Avenue, which is one (1) block north of the applicant property, no other street intersects South 40<sup>th</sup> Street from the east before it ends at Douglas Avenue. Best practices would require more east-west streets in the neighborhood to connect with South 40<sup>th</sup> Street from the east.

- 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.**

If the proposed vacation were to be approved, it would leave a remainder of undeveloped right-of-way between the applicant property to the west and Silver Avenue to the east. This leftover portion will need to be addressed as its presence may cause problems in the future, primarily because of its inability to accommodate a through street from 38<sup>th</sup> Street to 40<sup>th</sup> Street.

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

This is not applicable. The property in question was built in 1955. Neither the applicant nor the homeowner has given an indication that a vacation would lead to further development on the property.

- 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 applicant right-of-way is directly north of the parcel that holds the Shawnee Prophet's Grave and White Feather Springs National Historic Landmark. This memorial and open space holds great cultural and historical significance and all recommendations made by Staff should reflect the dignity of the historic landmark.

- 7. Vacation will not create utility conflicts.**

A storm sewer line currently runs through Parcel #169749, then enters the right-of-way east of the applicant residence, while the sanitary sewer line runs under South 40<sup>th</sup> Street, well out of the way of the proposed vacation area. The Public Works Department has expressed concern for the location of the utilities on both the current right-of-way and Parcel #169749.

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## PREVIOUS ACTIONS

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None

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## NEIGHBORHOOD MEETING

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A neighborhood meeting is not required for a vacation.

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## KEY ISSUES

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Remaining Undeveloped Right-of-Way  
Shawnee Prophet's Grave and White Feather Springs National Historic Landmark

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## PLANNING COMMISSION RECOMMENDATION

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The Planning Commission voted 6 to 1 to recommend **DENIAL** of Alley Vacation Application #**A-2020-10** for the reasons outlined by staff.

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## STAFF RECOMMENDATION

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Staff concurs with the recommendation of the City Planning Commission.

### Planning and Urban Design Comments:

1. Staff notes the presence of the Shawnee Prophet's Grave and White Feather Springs National Historic Landmark to the southeast of the applicant property.
2. Staff notes the seriousness and finality of vacating a public right-of-way. Vacating a public right-of-way to a private individual removes land from the Unified Government's possession—land which could be used in the future to connect Silver Avenue, given as park space, or sold for future development. Vacation of a pre-planned (albeit undeveloped) right-of-way should not be made lightly. Other options to address the situation must be explored first.
3. K.S.A. Section 12-506 states that "...streets, [or] alleys...vacated shall revert to the owners of the real estate immediately abutting thereon, according to the frontage of such real estate thereon....". The vacation plat provided by the applicant shows the entire portion being allotted to property owner of Parcel #169479, but by state law the northern half of the vacation should revert to the property owner of Parcel #169750. The applicant's client must produce a notarized agreement with adjacent property owner to the north that, at a minimum, grants enough of the vacation to the applicant and his client for the residence addressed as 1521 South 40<sup>th</sup> Street may exist on its own parcel in compliance with all zoning codes, including parcel size and building setbacks.

*Staff Response: Staff spoke with the applicant on July 30 regarding this comment. The applicant told staff that the property owner and neighborhood*

*have a verbal agreement for the entirety of the vacated right-of-way to be owned by the applicant's client and platted as part of 1521 South 40<sup>th</sup> Street. However, Staff has not received a written agreement yet.*

4. Utilities (storm sewer and stormwater lines) run through the vacated right-of-way and have access points within the boundaries. Applicant should be aware of applicable utility easements.
5. The applicant property lies within the environs for the Shawnee Prophet's Grave and White Feather Springs Historic Landmark. Any future exterior development, expansion, or renovation of the property will be subject to a staff environs review. A building permit will not be issued until approval has been granted through such a review letter from Planning and Urban Design staff.
6. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners meeting. The right-of-way will not be officially vacated until the ordinance is published in the *Wyandotte Echo*.

#### **Planning Engineering Comments:**

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
  - 1) It appears the existing building is within the right of way of Silver Avenue. Following discussions with UG Public Works, they are not in support of the vacation because there are utilities i.e. 24" RCP storm sewer line within the right of way. Further discussion with staff is required.
- A) 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.

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#### **STAFF RECOMMENDATION**

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Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **#A-2020-10** subject to all comments and suggestions outlined in this staff report.

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#### **ATTACHMENTS**

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August 10, 2020 City Planning Commission Minutes  
Photos of Property and Right-of-Way Provided by Staff, Dated July 13, 2020  
Vacation Survey  
Map of 1521 South 40<sup>th</sup> Street and Shawnee Prophet's Grave and White Feather Springs National Historic Landmark  
Map of Sewer and Curb Inlets

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>  | <u>Planning Commission</u> | <u>Unified Government Commission</u> |
|----------------|----------------------------|--------------------------------------|
| Public Hearing |                            |                                      |
| Vacation       | August 10, 2020            | August 27, 2020                      |
|                | Denial                     |                                      |

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**STAFF CONTACT:** Michael Farley  
[mfarley@wycokck.org](mailto:mfarley@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **DENY** Petition #A-2020-10, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #A-2020-10 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.



## **August 10, 2020 City Planning Commission Minutes:**

### **Hearing starts at 2:17:33:**

**ALLEY VACATION APPLICATION #A-2020-10 – WIL ANDERSON WITH BHC RHODES – SYNOPSIS:** Vacation of an alley at 1521 South 40<sup>th</sup> Street. **Detailed Outline of Requested Action:** The applicant, Wil Anderson of BHC Rhodes, is requesting to vacate the portion of Silver Avenue measuring 125 feet east to west and 60 feet north to south. The requested vacation, totaling approximately 7,500 square feet, is to be platted as an addition to the Gibb's & Payne's 2<sup>nd</sup> Addition Replat. This vacation is being requested by the applicant on behalf of his client, who resides at 1521 South 40<sup>th</sup> Street, a residence that lies within the current right-of-way (and proposed vacation 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 August 10, 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 July 16, 2020; and
7. The Notices to property owners dated July 16, 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:**

- Wil Anderson, applicant, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101
- Cheryl Marquis, owner of the property, 1521 South 40<sup>th</sup> Street, Kansas City, Kansas
- Fran Sutton

### **Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 2:26:07:** Planning Director Hand stated that the staff recommends denial without the summary statements in the staff report. There cannot be conditions attached to a denial. It was mentioned that Public Works has some issues with the property regarding underlying utilities that effectively go around the existing home. The staff did not find any building permits in its research for this house; it is therefore not a legal non-conforming use. It is a non-permitted house and structure. The staff recommends that the Unified Government maintain the existing right-of-way in the event that Silver Avenue is ever extended. He stated that the current lot is 0.07 acre and the right-of-way being requested to be vacated is 0.1 acre. There is very little

of the existing house that was built on the lot. This property is close to the Shawnee Prophet and White Feather Springs historic site.

**Motion and Vote starts at 2:41:08:**

On motion by Mr. Miller, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **DENIAL** of **Alley Vacation Application #A-2020-10** for the reasons outlined by the staff:

**Carson Chairman**

**Armstrong Aye**

**Cho Not Present**

**Connelly Not Present**

**Ernst Aye**

**Huey Aye**

**Jones Aye**

**Miller Aye**

**Mohler No**

**Pauley Aye**

**Reasons Not Present**

**Motion to recommend DENIAL Passed: 6 to 1**



**Upper Left:** East view of residence from the intersection of South 40<sup>th</sup> Street and Silver Avenue.

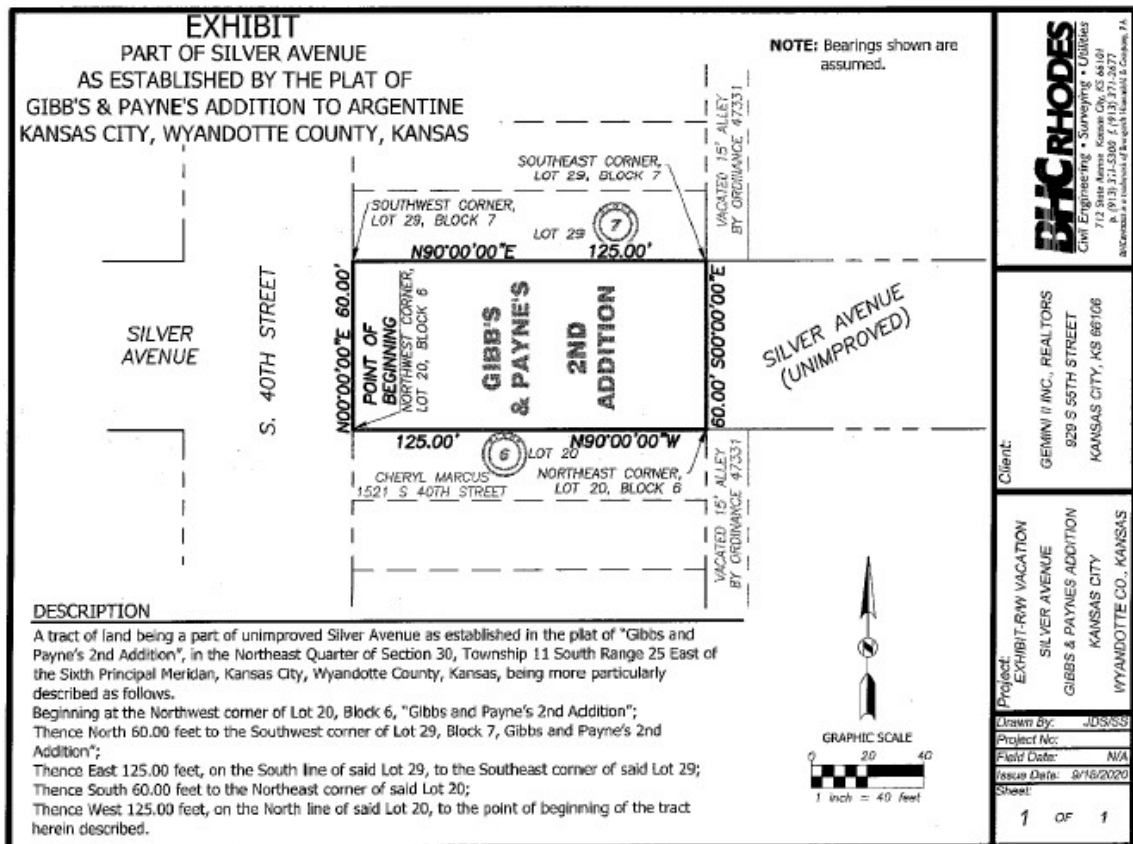
**Lower Left:** East view of Parcel #169749 (the parcel that is addressed as 1521 South 40<sup>th</sup> Street), with a partial view of the current residence to the north. Almost the entirety of the residence is within the current right-of-way designated for the westward extension of Silver Avenue from South 38<sup>th</sup> Street.



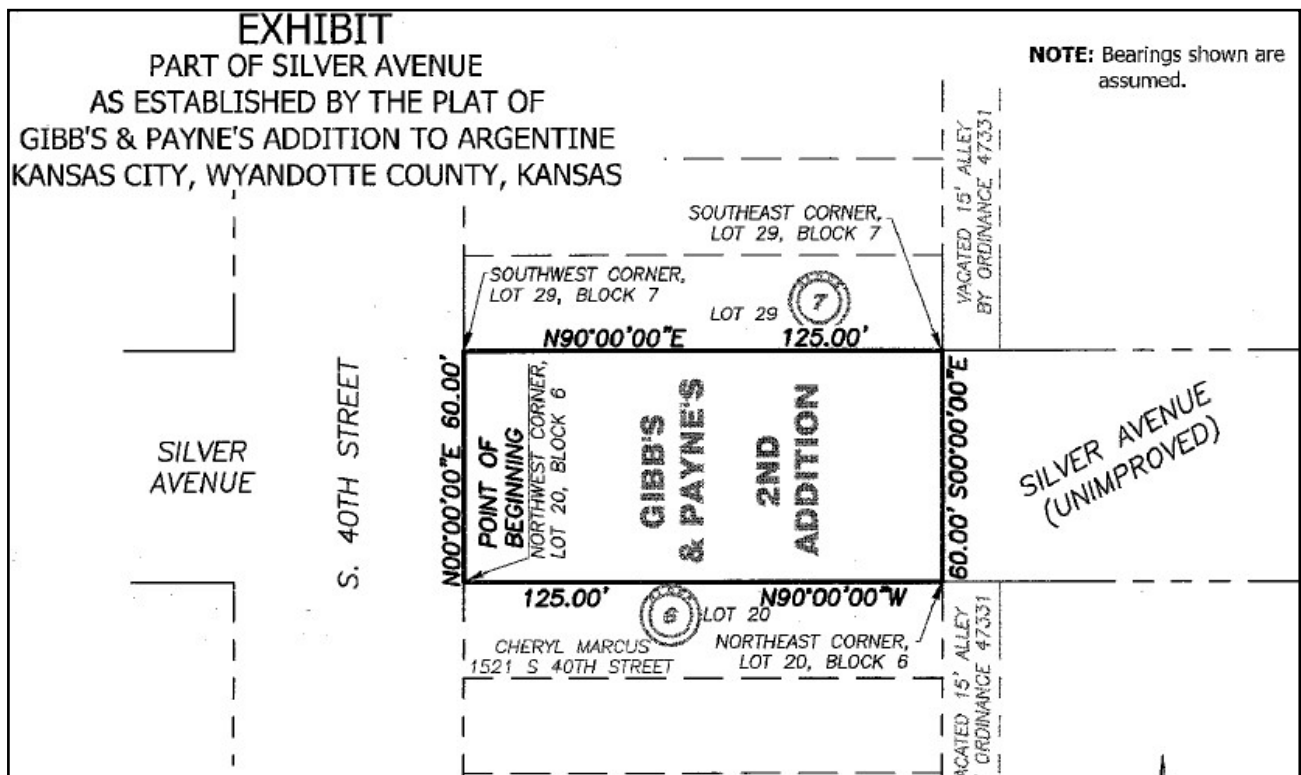
**Below:** View of the ridge running along the right-of-way, up to the area that is effectively rear yard of the residence.



# VACATION SURVEY

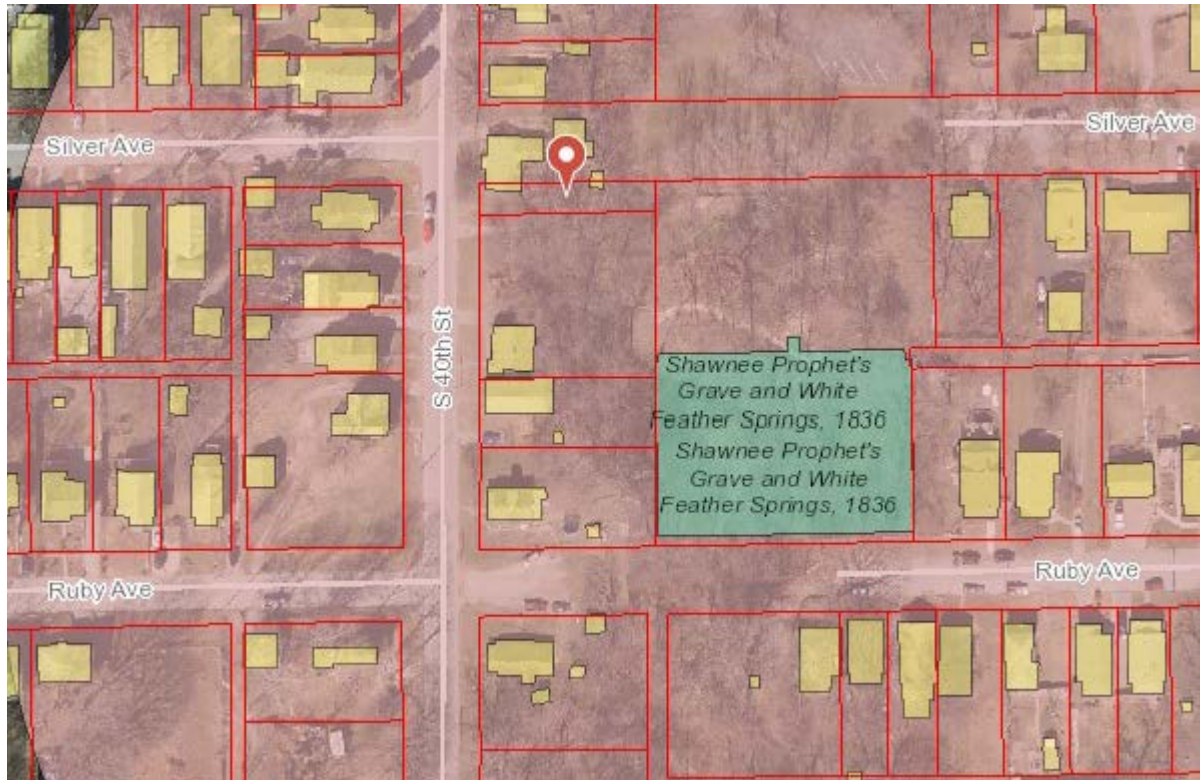


**Above:** Full vacation plat, as submitted by the applicant.  
**Below:** Close-up insert of vacation plat.



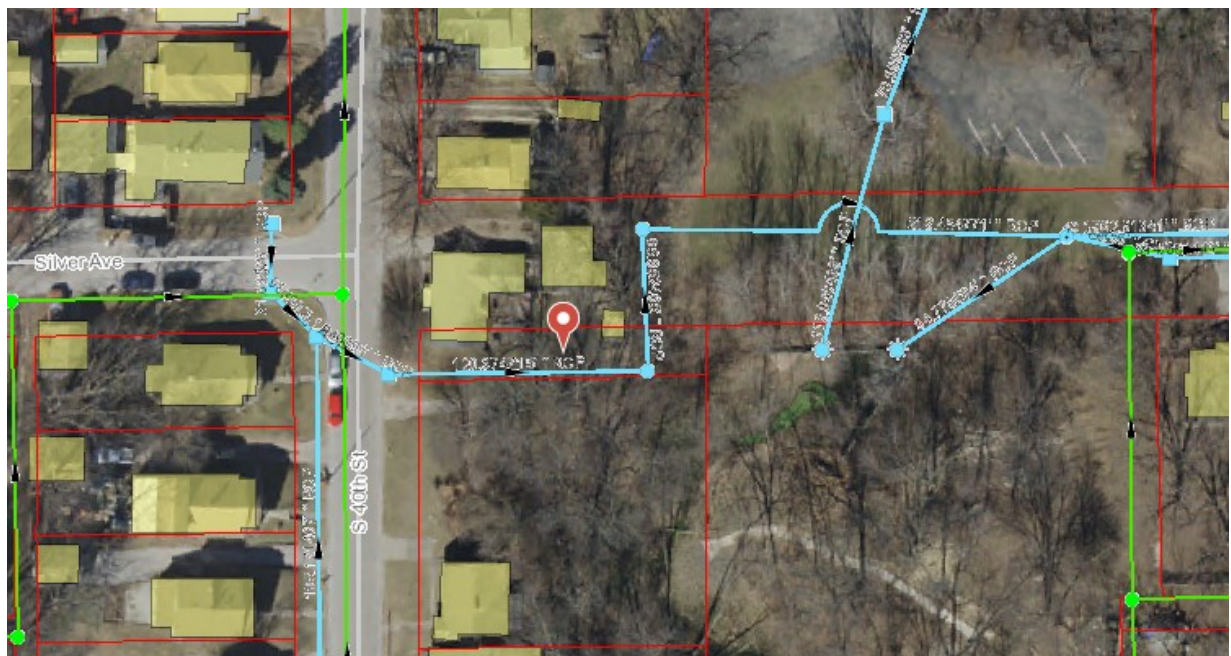


MAP OF 1521 SOUTH 40<sup>TH</sup> STREET AND  
SHAWNEE PROPHET'S GRAVE AND WHITE FEATHER SPRINGS NATIONAL HISTORIC LANDMARK



The right-of-way proposed to be vacated is adjacent to property owned by the Eastern Shawnee Tribe. This property includes the Shawnee Prophet's Grave and White Feather Springs, one (1) of two (2) national historic landmarks in Wyandotte County.

MAP OF STORM SEWER AND STORMWATER UTILITY LINES







# Planning and Urban Design

701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

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

**To:** Unified Government Board of Commissioners  
**From:** Planning and Urban Design Staff  
**Date:** August 27, 2020  
**Re:** Petition #PR-2020-17

## GENERAL INFORMATION

**Applicant:**  
Doug Clements, USD 500

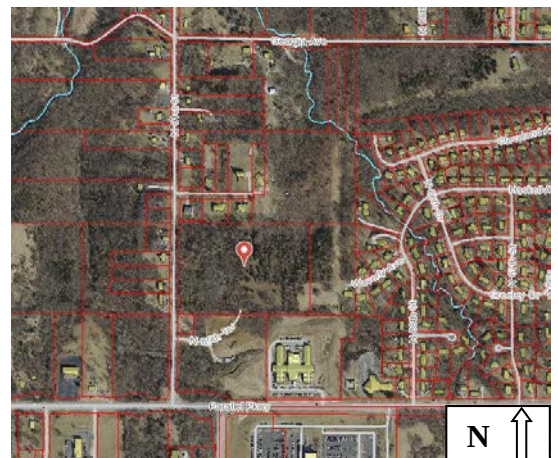
**Status of Applicant:**  
Representative  
Brian Hill, P.E. with MKEC Engineering, Inc.  
11827 West 112<sup>th</sup> Street, Suite 200  
Overland Park, KS 66210

**Requested Action:**  
Approval of a Preliminary and Final Plan Review.

**Date of Application:**  
June 26, 2020

**Purpose:**  
To amend an approved condition requiring a sidewalk from Waverly Avenue to the Lowell Brune elementary school.

**Property Location:**  
2200 North 89<sup>th</sup> Terrace



|                                 |                                                                                                                                    |                                                |  |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|--|
| <b>Commission Districts:</b>    | Commissioner At Large: Melissa Bynum<br>District Commissioner: Michael (Mike) Kane                                                 |                                                |  |
| <b>Existing Zoning:</b>         | R-1 Single Family District                                                                                                         |                                                |  |
| <b>Surrounding Zoning:</b>      | <b>North:</b>                                                                                                                      | R-1 Single Family District                     |  |
|                                 | <b>South:</b>                                                                                                                      | R-1 Single Family District                     |  |
|                                 | <b>East:</b>                                                                                                                       | R-1 Single Family District                     |  |
|                                 | <b>West:</b>                                                                                                                       | A-G Agriculture District                       |  |
| <b>Existing Uses:</b>           | <b>North:</b>                                                                                                                      | Single family homes                            |  |
|                                 | <b>South:</b>                                                                                                                      | Single family homes and senior living facility |  |
|                                 | <b>East:</b>                                                                                                                       | Single family homes                            |  |
|                                 | <b>West:</b>                                                                                                                       | Single family homes                            |  |
| <b>Total Tract Size:</b>        | 14.77 Acres                                                                                                                        |                                                |  |
| <b>Master Plan Designation:</b> | The City-Wide Master Plan designates this property as Low Density Residential.                                                     |                                                |  |
| <b>Major Street Plan:</b>       | The Major Street Plan classifies Parallel Parkway as a Class A Thoroughfare and 91 <sup>st</sup> Street as a Class B Thoroughfare. |                                                |  |
| <b>Required Parking:</b>        | The City Planning Commission establishes the required parking for elementary schools.                                              |                                                |  |
| <b>Advertisement:</b>           | Property Owner Letters – July 16, 2020 and August 21, 2020.<br><u>Wyandotte Echo</u> – None Required                               |                                                |  |
| <b>Public Hearings:</b>         | August 10, 2020 and August 27, 2020.                                                                                               |                                                |  |
| <b>Public Support:</b>          | None to date                                                                                                                       |                                                |  |
| <b>Public Opposition:</b>       | No one appeared at the meeting but staff has attached an email from Christie Lee in opposition.                                    |                                                |  |

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## PROPOSAL

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Detailed Outline of Requested Action: The applicant, Doug Clements with USD 500 wants to amend a previously approved condition from #PR-2018-31 requiring the construction of a sidewalk from Waverly Avenue to the new elementary school which bisects the property of 8833 Waverly Avenue.

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

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## FACTORS TO BE CONSIDERED

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**1. *Neighborhood character.***

The surrounding neighborhood is primarily a single-family, low-density residential neighborhood.

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

The proposed use will increase traffic along 91<sup>st</sup> Street in ways that would affect the road capacity. Streets are in the process of being constructed so as to provide a safe, convenient and functional system for vehicular traffic, and have such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

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

The proposed use conforms to the Master Plan.

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

**a. *Water service***

Available

**b. *Sanitary sewer service***

Available

**c. *Storm water control***

To be designed to meet City Code.

**d. *Police***

Police service provided by West #222.

**e. *Fire***

Fire service provided by Station #6.

**f. *Transit***

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

***g. Schools***

Public education is provided by Kansas City, Kansas USD 500.

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

The proposed use is capable of meeting applicable ordinance and other requirements.

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**NEIGHBORHOOD MEETING**

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The applicant held a virtual neighborhood meeting on July 23, 2020. According to the applicant, there were eight (8) attendees. Property owners expressed concern about the safety of the children walking to school through the wooded area, encountering coyotes and other wildlife, and the lack of sidewalks in the Indian Hills neighborhood.

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**KEY ISSUES**

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Walkability to Lowell Brune Elementary School

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**PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission voted 6 to 1 to recommend **DENIAL** of Plan Review Application #**PR-2020-17** for the reasons outlined by staff and the comments of the maker of the motion.

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**STAFF COMMENTS AND SUGGESTIONS**

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

**Planning and Urban Design Comments:**

1. The purpose of the sidewalk connection from the school to Waverly Avenue was to provide a safe, walkable option for school children that live in the neighborhood as two (2) elementary schools have been closed in order to build the new Lowell Brune Elementary.

The sidewalk allows children to safely walk through their local, neighborhood street network without them having to walk along Parallel Parkway, a Class A Thoroughfare, then 90<sup>th</sup> Street to make it safely to school.

Staff understands the school district's concern about the student's safety regarding dense woods, vegetation and topography, but the precedent set at Gloria Willis Elementary is applicable at Lowell Brune even if the sidewalk is not built. Parents will and can park their vehicles at the entrance to Indian Wood

subdivision at the intersection of 88<sup>th</sup> Street and Parallel Parkway, which can invariably cause the same traffic congestion and circulation issues that occurred at Gloria Willis Elementary.

*Applicant Response: If the sidewalk is not constructed across the adjoining property to Lowell Brune Elementary, the situation would not be similar to Gloria Willis Middle School as mentioned in the comment above. Waverly Avenue is located 325 feet from the east school property line and a student would need to traverse grass, trees, and steep terrain. This condition would not encourage drop off and pickup from Waverly. If the sidewalk is built, that would encourage parent drop off and pickup, similar to Gloria Willis Middle School.*

*To add to the originally submitted waiver letter, USD 500 has revised their bussing policies and will be providing bussing to all students in the Waverly neighborhood.*

2. According to the applicant, the property owner at 8833 Waverly Avenue has refused to grant an access easement to Kansas City, Kansas USD 500 that provides access from Waverly Avenue to Lowell Brune Elementary. Additionally, the applicant, Kansas City, Kansas USD 500 has not used eminent domain to obtain the access easement, which the School District has the ability to do.

*Applicant Response: The landowner at 8833 Waverly Avenue has refused to grant an access easement to USD 500. The landowner is concerned about current impact to their property, future property viability, student safety, liability, lack of lighting, coyotes and snakes, and devaluing her property.*

*USD 500 does have the ability to use eminent domain, however, the District does not believe this is a necessary use of eminent domain due to pedestrian access being provided to the property from the south, as well as the other concerns noted for the sidewalk connection.*

### **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) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - 1) None.



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## STAFF RECOMMENDATION

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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 **DENY** Petition #PR-2020-17 subject to all comments and suggestions outlined in this staff report.

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## ATTACHMENTS

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August 10, 2020 City Planning Commission Minutes  
Applicant Waiver Letter  
Applicant Response Letter  
Neighborhood Meeting Minutes  
Site Plan  
Site Photographs Provided by Planning Staff dated July 14, 2020  
Letter from Doug Bach, County Administrator dated February 28, 2020  
Email in Opposition

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## REVIEW OF INFORMATION AND SCHEDULE

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| <u>Action</u>  | <u>Planning Commission</u> | <u>Unified Government Board of Commissioners</u> |
|----------------|----------------------------|--------------------------------------------------|
| Public Hearing |                            |                                                  |
| Plan Review    | August 10, 2020            | August 27, 2020                                  |
|                | Denial                     |                                                  |

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**STAFF CONTACT:**      **Byron Toy, AICP**  
                                 [btoy@wycokck.org](mailto:btoy@wycokck.org)

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## MOTIONS

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I move the Unified Government Board of Commissioners **DENY** Petition #PR-2020-17 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 #PR-2020-17 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

**August 10, 2020 City Planning Commission Minutes:**

**Hearing starts at 2:42:27:**

**PLAN REVIEW APPLICATION #PR-2020-17 – DOUG CLEMENTS WITH USD 500 – SYNOPSIS:** Preliminary and Final Plan Review to remove previously approved sidewalk stipulation for Lowell Brune Elementary School at 2220 North 89<sup>th</sup> Terrace.  
***Detailed Outline of Requested Action:*** The applicant, Doug Clements with USD 500 wants to amend a previously approved condition from #PR-2018-31 requiring the construction of a sidewalk from Waverly Avenue to the new elementary school which bisects the property of 8833 Waverly Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 10, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and
6. The Notices to property owners dated July 16, 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:**

- Doug Clements, applicant, USD 500
- Brian Hill, MKEC Engineering, 11827 West 112<sup>th</sup> Street, Overland Park, Kansas

**Present in Opposition:**

- No one appeared

**Staff Recommendation starts at 3:01:12:** Planning Director Hand stated that the applicant adequately explained their request in relation to their presentation. Staff is recommending denial of this request as this is a condition that was previously accepted by the applicant to the point that they built the school and are now requesting one (1) of their conditions be removed. Included in the staff report is a letter from the UG stating its willingness to use its power of eminent domain to acquire an access easement if USD 500 agreed to pay for it and they did not agree to do that. Staff also included an alternative to the current route that would utilize existing utility easements along the property boundaries. The staff realizes that there are issues with both alternatives. The discussions between the UG and USD 500 led to connecting 90<sup>th</sup> Street to 91<sup>st</sup> Street. Staff believes that providing a walkable environment for children to walk to school is still valid. There have also been improvements on Parallel Parkway. Director Hand stated that if either route is unacceptable to the Planning Commission there is an option of an in lieu fee whereby a Safe Routes to Schools on 91<sup>st</sup> Street up to Georgia could be

designated as a future project. He stated that the UG has submitted a Safe Routes to Schools application this round with the Federal Government. The next round will not happen for two (2) years. With these comments, the staff defers to the Planning Commission, but recommends denial of this application to remove the sidewalk condition.

The Planning Commission directed questions to staff.

Assistant Counsel Waters stated that this sidewalk condition did originate with the Planning Commission (in clarification to a comment by one of the members.)

**Motion and Vote starts at 3:08:51:**

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **DENIAL of Plan Review Application #PR-2020-17 for the reasons outlined by staff and the comments of Planning Commissioner Mohler in his comments:**

|                  |                    |
|------------------|--------------------|
| <b>Carson</b>    | <b>Chairman</b>    |
| <b>Armstrong</b> | <b>Aye</b>         |
| <b>Cho</b>       | <b>Not Present</b> |
| <b>Connelly</b>  | <b>Not Present</b> |
| <b>Ernst</b>     | <b>No</b>          |
| <b>Huey</b>      | <b>Aye</b>         |
| <b>Jones</b>     | <b>Aye</b>         |
| <b>Miller</b>    | <b>Aye</b>         |
| <b>Mohler</b>    | <b>Aye</b>         |
| <b>Pauley</b>    | <b>Aye</b>         |
| <b>Reasons</b>   | <b>Not Present</b> |

**Motion to recommend DENIAL Passed: 6 to 1**

**For the following reasons:**

- 1) There are no guarantees that all school aged children who attend Lowell Brune Elementary will use the bus. Given Indian Hills subdivision proximity to the school, older school aged children may indeed walk to school. The most direct route to the school is west across Waverly Avenue, rather than routing children to Parallel Parkway to North 90<sup>th</sup> Street to North 89<sup>th</sup> Terrace.**

**To lessen the burden by bisecting Ms. Lee's property at 8833 Waverly Avenue, a five (5) foot sidewalk can be constructed in the utility easement between 8833 Waverly Avenue and 8831 Waverly Avenue going south 200 feet, then west in the 10 foot utility easement between 8831 Waverly Avenue and 8900 Parallel Parkway (Skilled Nursing Facility) 313 feet to Lowell Brune Elementary school's property.**

**Criminal Prevention Through Environmental Design (CPTED) concepts shall be examined and instituted.**



## Maintenance Shop

2220 North 59<sup>th</sup> St.  
(913) 627-3850

Kansas City, KS 66104  
Fax: (913) 627-3894

WWW.KCKPS.ORG

June 26, 2020

Gunnar Hand, AICP  
Unified Government of Wyandotte County / Kansas City, Kansas  
Director of Urban Planning + Land Use  
701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, KS 66101

RE: Brune Elementary Sidewalk Stipulation  
Plan Review #PR-2018-18

Mr. Hand,

Kansas City, KS Public Schools (USD 500) received Unified Government Planning approval for the new Lowell Brune Elementary School. A preliminary plat / preliminary development plan and final plat / final development plan were submitted and the final approval was issued at the December 10, 2018 Planning Commission meeting.

A stipulation was added at the August 13, 2018 Planning Commission meeting for the preliminary plan that stated: *"The school district work with staff to attempt to find a solution for a sidewalk connection to be constructed that will connect to Waverly."* This stipulation was included with the September 27, 2018 Board of County Commissioners preliminary development plan approval.

Kansas City, KS Public Schools requests the removal of the sidewalk stipulation due to the following:

### Sidewalk Connectivity

Sidewalk connectivity is provided to the site via a public sidewalk as part of the 90<sup>th</sup> Street / 89<sup>th</sup> Terrace public roadway project. This project is a partnership between USD 500 and the Unified Government. The sidewalk provides a pedestrian connection from Brune Elementary to Parallel Parkway. A sidewalk along Parallel Parkway will provide continuous connection to the neighborhood at N. 88<sup>th</sup> Street. A missing section of sidewalk along Parallel Parkway has been recently added across the Immanuel Baptist Church property and now provides the continuous connection to N. 88<sup>th</sup> Street. See attached Exhibit A. The proposed and existing sidewalks satisfy the requirement to provide pedestrian connectivity to the school property.

### Property Ownership

The school property is not directly adjacent to Waverly Avenue. In order to provide a sidewalk connection to Waverly Avenue from the school property, the sidewalk would have to cross property USD 500 does not own. The adjacent property's address is 8833 Waverly. See Exhibit B for existing property and site conditions.

USD 500 representatives have engaged with the adjacent property owner multiple times via phone and in person to discuss granting an easement / property for a sidewalk connection to Waverly. An in-person

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meeting was held on January 4, 2019 with Ms. Peggy Serviss, her daughter-in-law, and two other neighbors on Waverly Avenue. Ms. Serviss and the other Waverly Avenue property owners were adamantly against the sidewalk and granting an easement.

USD 500 as a practice does not condemn property. Even if USD 500 did condemn property, this would not constitute a legitimate reason to condemn property, especially with a pedestrian connection already provided to the property.

**Safety**

The sidewalk path between Brune Elementary and Waverly Avenue is hidden from view with tall grasses, trees, and steep topography. The sidewalk would not provide a safe path for students. In addition, the sidewalk would connect students directly to a cul-de-sac and a neighborhood with no sidewalks.

**Feasibility**

The longitudinal slope of a direct sidewalk path between Brune Elementary and Waverly Avenue would not be ADA compliant due to steep existing topography. The sidewalk would need to be a serpentine pattern to achieve ADA. This would further negatively impact the viability of the property for future uses.

An existing driveway for 8833 Waverly Ave. accesses the end of the cul-de-sac. A proposed sidewalk would need to parallel the driveway on the north side. This will encourage pedestrian encroachment into the existing driveway and house area.

A sidewalk connection will also encourage parents to use the Waverly Avenue cul-de-sac to drop off and pick up students from school. This is a safety issue, as well as an inconvenience to the homeowners on Waverly. There is precedence for this condition at Gloria Willis Middle School. 64<sup>th</sup> Street dead-ends into the school property. A sidewalk connection was provided to the south property line as part of the new school. Parents now are using the dead-end road to drop off and pick up students, often driving on the grass of the district property.

The existing cul-de-sac on Waverly Avenue is only 63' in diameter. A typical cul-de-sac is 78' in diameter. Drop off and pick up will be problematic due to the size of the cul-de-sac, the proximity of the driveway at the end of the cul-de-sac, as well as a significant inconvenience to the property owners along Waverly Avenue.

USD 500 requests the removal of the sidewalk connection stipulation due to above stated reasons of connectivity being provided, safety, and feasibility.

Sincerely,



Doug Clements  
Kansas City Kansas Public Schools  
Director of Physical Properties  
2220 N. 59<sup>th</sup> St., Suite 229  
Kansas City, KS 66104

Exhibit A – Property Connectivity  
Exhibit B – Existing Waverly Conditions





July 24, 2020

Byron Toy  
Unified Government  
Planning/Engineering Division  
Urban Planning and Land Use Dept.  
701 North 7<sup>th</sup> Street, Room 423  
Kansas City, Kansas 66101

Reference: Lowell W. Brune Elementary School - PR-2020-17  
Preliminary Development Plan / Final Development Plan Comment Responses

Dear Mr. Toy:

This letter is in response to Unified Government Staff Draft Report comments provided on July 20, 2020. The following are our responses:

**Planning Comments**

**Comment #1:** The purpose of the sidewalk connection from the school to Waverly Avenue was to provide a safe, walkable option for school children that live in the neighborhood as two elementary schools have been closed in order to build the new Lowell Brune Elementary.

The sidewalk allows children to safely walk through their local, neighborhood street network without them having to walk along Parallel Parkway, a Class A Thoroughfare, then 90th Street to make it safely to school.

Staff understands the school district's concern about the student's safety regarding dense woods, vegetation and topography, but the precedent set at Gloria Willis Elementary is applicable at Lowell Brune even if the sidewalk is not built. Parents will and can park their vehicles at the entrance to Indian Wood subdivision at the intersection of 88th Street and Parallel Parkway, which can invariably cause the same traffic congestion and circulation issues as occurred Gloria Willis Elementary.

**Response:** *If the sidewalk is not constructed across the adjoining property to Lowell Brune Elementary, the situation would not be similar to Gloria Willis Middle School as mentioned in the above comment. Waverly Ave. is located 325' feet from the east school property line and a student would need to traverse grass, trees, and steep terrain. This condition would not encourage parent drop off and pickup from Waverly. If the sidewalk is built, that would encourage parent drop off and pickup, similar to Gloria Willis Middle School.*

**To add to the originally submitted waiver letter, USD 500 has revised their bussing policies and will be providing bussing to all students in the Waverly neighborhood.**

**Comment #2:** According to the applicant, the property owner at 8833 Waverly Avenue has refused to grant an access easement to Kansas City, Kansas USD 500 that provides access from Waverly Avenue to Lowell Brune Elementary.

Additionally, the applicant, Kansas City, Kansas USD 500 has not used eminent domain to obtain the access easement, which the School District has the ability to do.

**Response:** *The landowner at 8833 Waverly has refused to grant an access easement to USD 500. The landowner is concerned about current impact to their property, future property viability, student safety, liability, lack of lighting, coyotes & snakes, and devaluing her property.*

**USD 500 does have the ability to use eminent domain, however the District does not believe this is a necessary use of eminent domain due to pedestrian access being provided to the property from the south, as well as the other concerns noted for the sidewalk connection.**

11827 W. 112th St., Ste. 200 • Overland Park, KS 66210 • T 913.317.9390 • F 913.317.9385 • MKEC.COM



**Planning Engineering Comments**

**Comment #1:** Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

**Response:** *Comment acknowledged.*

Please let me know if you have any questions.

Sincerely,

**MKEC ENGINEERING, INC.**

A handwritten signature in blue ink, appearing to read 'B Hill', is positioned above the printed name of the signatory.

Brian Hill, P.E.  
Principal

## **Lowell Brune Elementary Neighborhood Meeting Minutes**

Unified Government Case PR-2020-17

A neighborhood meeting was held via GoTo Meeting due to the COVID-19 pandemic on July 23, 2020 at 6:00pm.

The following were the attendees:

- Doug Clements, USD 500
- Brian Hill, MKEC Engineering
- Brian Hochstein, MKEC Engineering
- Clayton Cowell, HTK Architects
- Christie Lee, 8833 Waverly
- Michael Lo, 8833 Waverly
- Theresa Henry, 8828 Waverly
- John Barbour, 8824 Waverly
- Don & Susan Brown, 8831 Waverly
- Yolanda Clark
- Melissa Bynum

The following is a summary of the meeting:

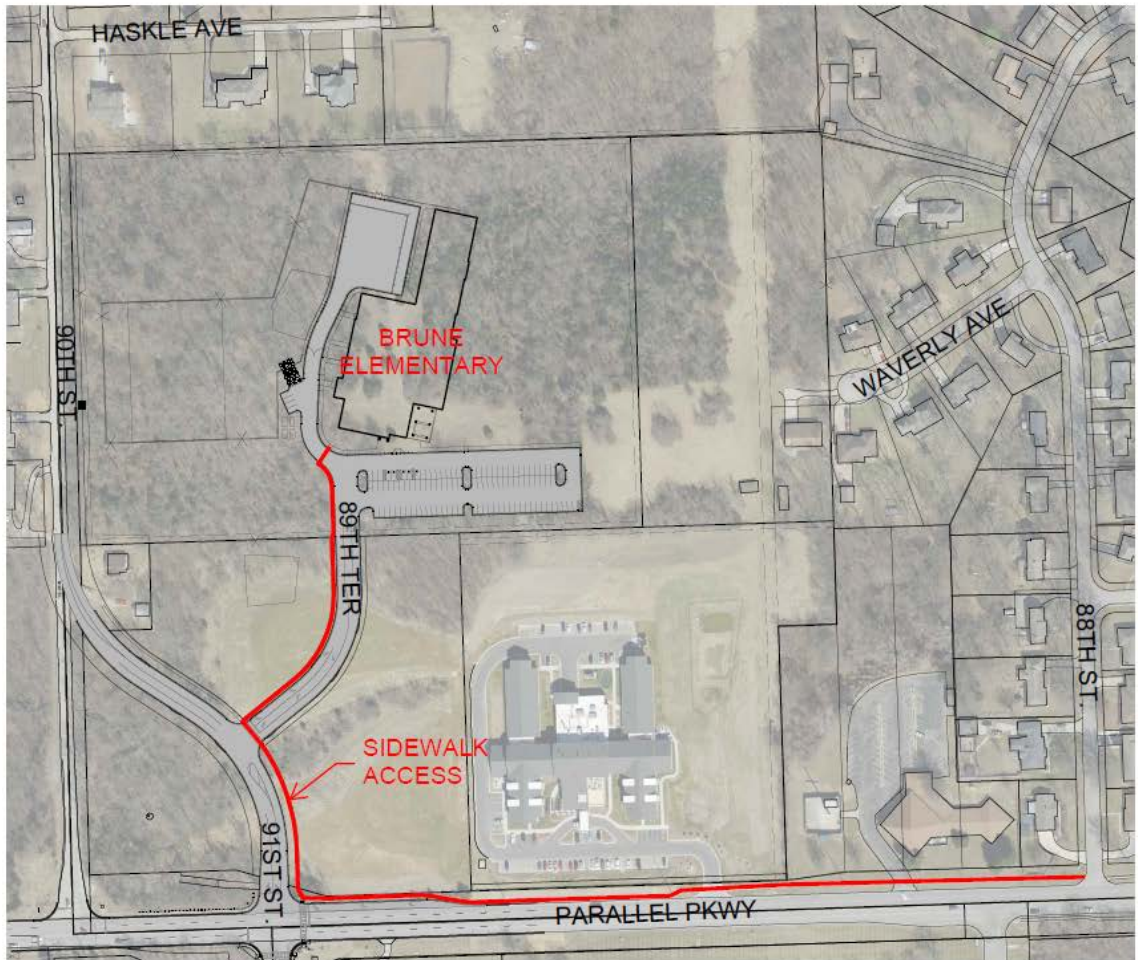
- Brian Hill with MKEC Engineering presented. The presentation included a history of the sidewalk stipulation, maps showing the school and adjacent properties, sidewalk connectivity provided from the south, and concerns regarding:
- Safety of elementary students, lack of sidewalk visibility, USD 500 not owning adjacent property where the sidewalk would be built, adjacent landowner opposition to the sidewalk, impact to adjacent property, existing terrain, lack of ADA compliance, lack of sidewalks in the neighborhood, impact to existing homeowner driveway, and encouraging parents to drop off and pick up students in the cul-de-sac.
- USD 500 will be providing bussing to all students in neighborhood.
- Next steps were discussed and dates provided for the upcoming Planning Commission and Board of County Commissioners meeting.

Meeting was opened up for questions and comments from attendees. The following is a summary:

- Christie Lee, adjacent landowner, expressed opposition to the sidewalk and concerns regarding safety of children, impacts to her property, wooded terrain, lack of lighting, coyotes & snakes on property, devaluing of her property, and liability concerns if a child were to be hurt.
- Theresa Henry expressed opposition to the sidewalk.

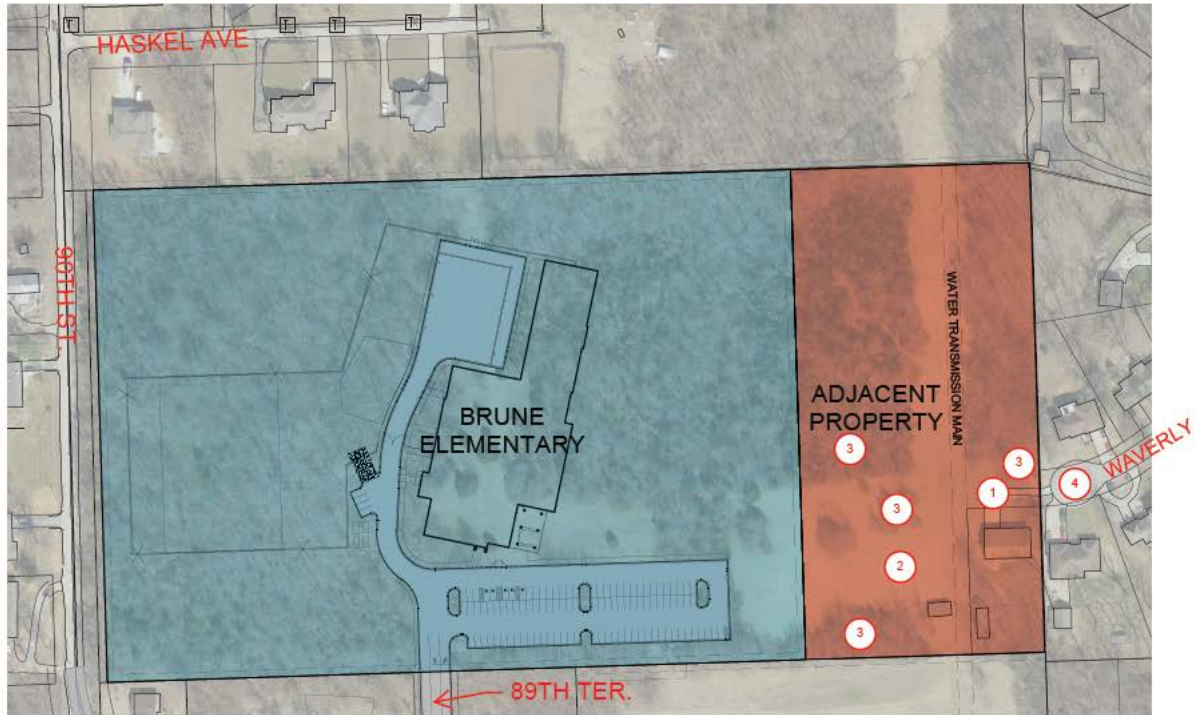
- Question: Yolanda Clark requested clarification if the sidewalk was a requirement.  
Answer: Sidewalk is a stipulation from previous UG planning approvals. Current UG planning submittal is to request removal of sidewalk stipulation.
- Question: Yolanda Clark requested the purpose of the meeting.  
Answer: Purpose of the meeting was to invite neighbors, surrounding property owners as part of UG planning process and receive questions/feedback.
- Susan Brown expressed her opposition to the sidewalk and concerns regarding cul-de-sac being a dead-end, no sidewalks in neighborhood, secluded area, and presence of coyotes & snakes.

## EXHIBIT A





## EXHIBIT B



### LEGEND

- ① EXISTING DRIVEWAY ACCESSES END OF CUL-DE-SAC. SIDEWALK WOULD BE ADJACENT TO DRIVEWAY. TREE OBSTRUCTIONS.
- ② STEEP EXISTING GRADE BETWEEN SCHOOL AND WAVERLY. OVER 30' OF FALL BETWEEN PARKING LOT AND WAVERLY.
- ② SIDEWALK WOULD BE DETERMENTIAL TO FUTURE USES OF PROPERTY, ESPECIALLY WITH WATER TRANSMISSION MAIN BISECTING THE PROPERTY.
- ③ VIEWS OF THE SIDEWALK RESTRICTED BY TREES AND SLOPE.
- ④ SIDEWALK WOULD CONNECT TO STREET. NO EXISTING SIDEWALKS. CONCERN OF USE AS DROP-OFF AND PICK-UP.

Exhibit B (cont.)



Views from Waverly looking west





Exhibit B (cont.)



Views from near school looking east





**Figure 1. Site Photograph of the 90th Street and Parallel Parkway intersection (provided by Planning Staff).**





**County Administrator's Office**  
**Douglas G. Bach, County Administrator**

701 North Seventh Street, Ste. 945  
Kansas City, Kansas 66101  
(913) 573-5030 • FAX (913) 573-5540

February 28, 2020

Dr. Charles Foust  
USD 500 Board of Education  
2010 N. 59<sup>th</sup> Street  
Kansas City, KS 66104

Dear Dr. Foust:

I am writing to you concerning an urgent matter which we have discussed a few times over the past several months relating to the new Brune Elementary School. More than a year ago, the Final Plat for the school was approved by the Unified Government Board of Commissioners (enclosed). The Final Plat contains all of the stipulations that USD 500 is required to comply with in constructing the school and developing the infrastructure in the surrounding area. These stipulations were not appealed and therefore are final and binding on the school district.

Please note that on the top of page 5 there is a stipulation that "A sidewalk is required to connect directly to the neighborhood to the east at approximately Waverly."

Before Brune Elementary can receive a temporary certificate of occupancy, this sidewalk must be constructed. The Unified Government has been trying to work out an agreement on how we can help USD 500 obtain the necessary land to construct the sidewalk but has thus far been unable to get sign-off from the District. The land acquisition process will take some time and so it is imperative that we reach an agreement very soon in order to get the sidewalk constructed this summer.

If USD 500 believes that, for some reason, it cannot comply with this stipulation, the only option at this point is to request that the stipulation be removed pursuant to a new final plan and final plat. The District would need to file a new application with our Planning Department and request that the Board of Commissioners reverse their earlier decision.

Our Director of Planning, Rob Richardson, would be happy to meet with you or any other officials that you believe should be involved if you think that would be helpful in getting a final agreement in place and starting construction. Please feel free to contact me should you have any questions.

Sincerely,

Douglas G. Bach  
County Administrator

Cc: Jose Hemberger, MVP Law  
Attachments



Dear Commissioner,

My name is Christie Lee, and I would like to thank you for taking the time to review this letter in such a challenging and unprecedented time. As schools and communities face difficult decisions amid evolving information, I feel confident that our leaders will remain dedicated to maintaining the health and safety of all residents. I reside at 8833 Waverly Avenue in District 5 of Wyandotte County and write to voice my opposition regarding the construction of a sidewalk that would run through my property to connect Waverly Avenue and Lowell Brune Elementary School. Such construction will jeopardize the safety of the students who would utilize the sidewalk and devalue the property in question.

My primary concern lies with the wellbeing of students who would potentially travel along the sidewalk at various hours of the day. According to the Kansas Bureau of Investigation, there are eighteen violent offenders, twenty-four drug offenders, and thirty-nine sex offenders—three of whom are categorized as non-compliant—within two miles of the proposed sidewalk construction. This area is heavily wooded and highly secluded with no lighting, presenting a prime environment for those who wish to harm children. In addition, coyotes can be heard each morning and evening. While the Urban Coyote Research Project recommends that people do not feed, run from, or create conflict with coyotes, can we trust that unsupervised children will not mistake coyotes for a dog, run away when they realize the animal is not a dog, or engage in fearful behaviors as a result of that realization? Will the coyotes attempt to protect their pups should a student cross their den? Moreover, I found six snakes shortly after I moved onto the property, all of which could pose a risk to students.

Although humans and wildlife both provide hazards to those utilizing the sidewalk, there is also a question of compliance with the Americans with Disability Act (ADA) of 1990. The U.S. Department of Transportation notes that “steep grades and cross slopes should be avoided where possible, ... [as] both powered and manual wheelchairs can become very unstable and/or difficult to control on sloped surfaces.” The ADA requires a slope of no more than two percent, as those with varying mobile abilities may become unstable. Therefore, a sidewalk through the land in question will not provide conditions suitable for ADA compliance due to the steep grade and slope of the terrain.

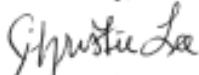
Furthermore, to whom does the responsibility fall to ensure the sidewalk is free from debris, ice, and other barriers for all children regardless of mobility? According to the Public Health Law Center at Mitchell Hamline School of Law, “Kansas State Law places responsibility for sidewalks on both local governments and the owner of any property adjacent to the sidewalk.” If a student should slip on an icy patch or stray from the path of the sidewalk, do I assume liability if that child is injured? For example, storms often cause branches to fall which could block the sidewalk. If a child should walk onto my property to navigate around a fallen branch and twist his or her ankle while doing so, am I responsible for the medical bills to treat the child? Will the child be able to call for help in the event of an injury, or will he or she be stranded in the seclusion of the area until found?

When I purchased this land in March of 2020, I was delighted to find my place in a wonderful community. Now, however, I worry that my personal sanctuary will become my personal nightmare. Not only will I fret for the children who would use the proposed sidewalk, but I will also be plagued with the notion that my property value will significantly decrease. Who will want to purchase my property in the future if they are required to help maintain the sidewalk or receive greater liability because of it? How am I to market a home with five acres, three of which would become land-locked, if it is blemished by a sidewalk that will be minimally traveled?

Therefore, I propose the following alternatives. In lieu of constructing a sidewalk through my property that would put students at great risk for harm and would devalue a property I have worked diligently to earn, students can utilize the sidewalk on Parallel Parkway that connects to our neighborhood, or they can be dropped off by a parent at a bus stop. While the USD 500 distance requirement for elementary students is 8/10 of a mile, a provision has been put in place stating that students attending Lowell Brune Elementary have the opportunity to ride the bus regardless of the distance between their home and the school. I believe these options will provide immensely safer alternatives to the proposed sidewalk through my property and, as a byproduct, will ensure that my property value is not significantly decreased.

I would like to invite you and the other commissioners to meet me at my property at your earliest convenience, so you can witness first hand the impracticality of the proposed sidewalk.

Respectfully,  
Christie Lee  
816-876-3180  
8833 Waverly Avenue  
Kansas City, Kansas 66109

  
7/17/2020

#### References

- Americans With Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990).
- Kansas Bureau of Investigation. (n.d.). *Geographic radius search*. Retrieved July 17, 2020, <https://www.kbi.ks.gov/registeredoffender/GeographicalSearch.aspx>
- Kansas City Kansas Public Schools. (n.d.). *Transportation Services*. Retrieved July 17, 2020, <https://kc.kps.org/buses-transportation-services/>
- Public Health Law Center at Mitchell Hamline School of Law. (n.d.). *Sidewalks in Kansas. Who is responsible for what?* Retrieved July 17, 2020, <https://www.publichealthlawcenter.org/sites/default/files/resources/phlc-fs-kansas-sidewalk-liability-web-2016.pdf>
- Urban Coyote Research Project. (n.d.). *How to avoid conflicts with coyotes*. Retrieved July 17, 2020, <https://urbancoyoteresearch.com/coyote-info/how-avoid-conflicts-coyotes>.
- U.S. Department of Transportation: Federal Highway Administration (2003). *Accessible sidewalks and street crossings: An informational guide*. [https://nacto.org/docs/usdg/accessible\\_sidewalks\\_and\\_street\\_crossings\\_boodlal.pdf](https://nacto.org/docs/usdg/accessible_sidewalks_and_street_crossings_boodlal.pdf)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE allowing for Outdoor Taverns and providing regulations associated therewith, amending **Sections 32-62, 32-101 to 32-103**, 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 through outdoor taverns may promote the public interest by contributing to an active and attractive pedestrian environment for businesses and customers, increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life; and

**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 32-62 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:

**32-62 – Definitions.**

*Special event* means:

- (1) The temporary use of public property, including, but not limited to, streets, sidewalks, beaches, parks, and harbors for the purpose of conducting a parade or any other special enterprise or event which significantly impacts or substantially restricts the public's normal, typical, or customary use, level or use, or ability to use such property; or
- (2) The temporary use of private property for the purpose of any of the following activities:
  - a. Animal shows. Exhibitions of domestic or large animals for a maximum of seven days.
  - b. Circuses and carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.
  - c. Religious assembly. Religious services conducted on a site that is not permanently occupied by religious assembly use, for a period of not more than 30 days.
  - d. Open air fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
  - e. Other activities interrupting traffic. Any other activity conducted on nonresidential property that substantially interrupts the safe and orderly movement of traffic or timely access by emergency vehicles. Such activities can include, but are not limited to, sporting events, concerts, rallies and festivals. Such activities do not include the use of streets as temporary open areas for recreational purposes as provided for Sections 32-380 and 32-381.

**Section 2.** That Chapter 32, Streets and Sidewalks, Article III, Sections 32-101 – 103 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:

### **32-101 - Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Where words and phrases used in this Article are defined by state law, such definitions shall apply to the use of such words and phrases in this Article and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this Section shall have the meanings set out in this Section.

*Alcohol* - means any beverage containing more than one-half of one percent (0.5%) of alcohol by volume including alcoholic liquor, wine, and beer.

*Building* – means any building or permanent structure in which the business in question regularly and primarily operates.

*Applicant* - a person who applies for a permit as provided in this Section.

*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.

*NACTO Standards* – the construction and design standards set forth in “Urban Street Design Guide”, published by the National Association of City Transportation Officials.

*Non-profit Organization* – an entity that is registered as a 501(c)(3) organization with the State of Kansas.

*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.

*Parklet* – an on-street public parking space converted to be used for public dining or sales purposes. A parklet is distinct from the adjacent right-of-way through the use of cones, visible barriers, or other methods of providing reasonable demarcation between the parklet and the sidewalk, additional on-street parking stalls, and especially between the parklet and any street subject to automobile travel.

*Parklet Elements* – all tables, chairs, fencing and other materials used for demarcating the parklet from the right-of-way, planters and plants, and any other privately-owned property comprising the parklet, which is approved for use in a parklet by this section.

*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.

*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.

*Pushcart* - any non-self-propelled wagon, cart, trailer, kiosk or similar wheeled container, not a vehicle, as defined in state statutes, from which food, beverage, merchandise or product is offered for sale to the public.

*Sidewalk Cafe* - an outdoor area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. Allowed sidewalk cafes must abide by the requirements and limitations as determined by the Unified Government and the Kansas Department of Revenue Alcoholic Beverage Control.

*Sidewalk Cafe Elements* – all tables, chairs, fencing and other materials used for demarcating the sidewalk café or outdoor tavern from the right-of-way, planters and plants, and any other privately-owned property comprising the sidewalk café or outdoor tavern, which is approved for use in a sidewalk café or outdoor tavern by this Ordinance.

*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).

*Outdoor Tavern* - an establishment which sells cereal malt and/or alcoholic beverages for consumption on the premises but outside of the structure in which the establishment resides; provided, however, this definition shall not include establishments whose sales of food for consumption on the premises exceed the sales of cereal malt and alcoholic beverages served.

*Vending Vehicle* - means a pushcart or a 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.

*Walk-up Market* - an outdoor vending area located contiguous to a building wherein a food establishment is located and where food and beverages are taken for consumption off-site by customers. Allowed walk-up markets must abide by the requirements and limitations as determined by the Unified Government and the Kansas Department of Revenue Alcoholic Beverage Control.

### **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, open tavern, 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,

open tavern, 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 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 (KSFMFO) jurisdiction over inspections of the food establishments, and the power to conduct such inspections has been granted by the KSFMFO 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,~~ and Outdoor Taverns

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.
- iii. Outdoor Taverns. For businesses that fulfill the following conditions, a permit is required to serve cereal malt and/or alcoholic beverages outside the building of the designated place of business. This ordinance applies to all businesses that:
  - A. Sells cereal malt and/or alcoholic beverages for consumption on the premises; and
  - B. Sales of food for consumption on the premises do not exceed the sales of cereal malt and alcoholic beverages served.
    - 1. For the purposes of this ordinance, sales on the premises may include allowable outdoor sales, which are defined in the Section 32-102.h.2 and Section 32-102.h.7.

2. Allowed Areas



- i. One or more of the following areas may be utilized for a food establishment or tavern as a sidewalk café or walk-up market and/or outdoor tavern:
  - 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; ~~and~~
    - 3. No yard abutting an adjacent residentially zoned property may be used as a sidewalk café, walk-up market and/or outdoor tavern without a Special Use Permit.
  - 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 the 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. All sidewalk cafes or outdoor taverns must:
  - A. Provide designated seating for all customers; and
  - B. Waitstaff or other employees for the food establishment or tavern must serve all food and drink to the customers at their designated seating.
- iii. All sidewalk cafes, walk-up markets, and outdoor taverns must comply with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
- iv. 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.
- v. No sightlines or sight distance triangles at street corners and intersections may be obstructed as per Code.
- vi. No sidewalk café, ~~or~~ walk-up market, or outdoor tavern 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.
- vii. 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 and Public Health

- i. All food establishments and outdoor taverns 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 and outdoor taverns 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 or consuming cereal malt and/or alcoholic beverages. 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/outdoor tavern or not.
  - D. Ensure that customers or parties of customers maintain at least six (6) feet from pedestrians using the public right-of-way.
- iii. All food establishments and taverns must maintain and promote clean and sanitary premises, especially the outdoor spaces that the general public may come in contact with. Failure to actively maintain and promote cleanliness and sanitation may result in the prohibition of a food establishment or tavern from operating a sidewalk café, walk-up market, or outdoor tavern.
  - A. The business property, or any public or private area utilized by the business for the purposes of a sidewalk café, walk-up market, and/or outdoor tavern, including but not limited to, the building-to-curb area, parklets, on-street parking, or off-street parking, shall be kept free of trash and debris at all times. Conformed reports of trash blowing off the property into other properties or the public right-of-way shall be prima facie evidence of the business's failure to comply with this ordinance.
  - B. Public urination by current or recent patrons of a food establishment or tavern, conducted in close proximity of time and distance to such business, may result in a prohibition of any sidewalk café, walk-up market, and/or outdoor tavern operated by the business.

#### 4. Structures

- i. Permanent/semi-permanent structures may 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 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. Weights 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 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.
      - 2. For an outdoor tavern, applicant must prove conformance with ABC regulations and demonstrate a safe and convenient path from the tavern building to the outdoor tavern if employees must pass through the public right-of-way while serving alcohol.
    - 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.~~
  - i. Food establishments shall not operate a sidewalk café or walk-up market outside of the business's published hours of operation.
  - ii. Taverns shall not operate an outdoor tavern outside of the business's published hours of operation. If the business's published hours of operation goes past 10PM, then the outdoor tavern must cease operations by no later than 10PM.
7. Alcohol Sales. ~~Sidewalk cafes~~ Establishments may serve alcohol under the following conditions:
  - i. ~~Sidewalk cafes. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.~~
    - A. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
    - B. All alcohol must be served to the customer in an open container.
    - C. Alcohol may only be sold or served to customers by a food establishment in the areas allowed by Section 32-102.h.2. Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
    - D. 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. If the business fails to qualify as a food establishment, then the Subsection regulating outdoor taverns applies.
  - ii. Outdoor Tavern. ~~All alcohol must be served to the customer in an open container.~~
    - A. No alcohol may be sold or served before the applicant has successfully obtained an alcohol license from the Kansas Department of Revenue.
    - B. Alcohol may only be sold or served to customers by a food establishment in the areas allowed by Section 32-102.h.2. Alcohol must be served in compliance with all Kansas Department of Revenue Alcoholic Beverage Control (ABC) regulations.
  - iii. No portion of this Subsection may be construed to supersede ABC regulations. If any portion of this ordinance is directly contrary to state law or another ABC policy, state law or the ABC policy supersedes. 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 Levels and Noise Disturbance shall not exceed the allowed decibels for the zoning district.
- i. No music shall be played or produced through external speakers, or played or produced inside the business building to a level that it can be heard off the premises, after hours of operation or 10 PM, whichever time is earlier.
  - ii. Any food establishment or tavern which exceeds the allowed decibels for the zoning district or is found in violation of the noise disturbance ordinance in Section 22-128 of the Code of Ordinances is subject to loss of use of outdoor space as a sidewalk café, walk-up market, and/or outdoor tavern.
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.

### **32-103 - Review and Sunset**

- a. The amendments provisions set forth in Sections 32-100 through 32-102 of this Ordinance shall be reviewed by the board of commissioners on or before December 31, 2020 to determine whether they should be revise, repealed or whether additional studies are warranted.
- b. The amendments set forth in Sections 32-100 through 32-102 of this Ordinance shall be repealed effective December 31, 2020 unless renewed by the board of commissioners.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 27th DAY OF AUGUST, 2020.

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David Alvey, Mayor/CEO

Attest:

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Unified Government Clerk

Published in the *Wyandotte Echo* on \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE allowing Open Streets for recreational purposes, and providing regulations associated therewith, adding new **Article VIII, Sections 32-380 to 32-382** to Chapter 32, 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**, due to COVID-19 more people are staying at home and are in need of places to conduct recreational activities. Public health officials recommend that any recreational activities take place outside if possible, and therefore there is greater need for large outdoor spaces to accommodate these needs; and

**WHEREAS**, the Unified Government desires to provide its citizens with open areas for recreational purposes through the Open Street program established herein, and reasonable regulation of Open Streets 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 3.** That a new Chapter 32, Streets and Sidewalks, Article VIII, Sections 32-380 – 32-381 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby be added to read as follows:

**ARTICLE VIII. – RECREATIONAL USE OF THE RIGHT-OF-WAY**

**32-380 - Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Where words and phrases used in this Article are defined by state law, such definitions shall apply to the use of such words and phrases in this Article and are adopted by reference. Those

definitions so adopted that are further defined or are reiterated in this Section shall have the meanings set out in this Section.

Open Street – means a residential, local, or neighborhood street with barricades erected to provide a temporary space for recreational use while still allowing reasonable access to resident drivers, delivery trucks, UG and public utility vehicles, and emergency services vehicles.

Open Street Block Captain – means the individual serving as the applicant, point of contact, and responsible party for an Open Street.

Special event means:

- (1) The temporary use of public property, including, but not limited to, streets, sidewalks, beaches, parks, and harbors for the purpose of conducting a parade or any other special enterprise or event which significantly impacts or substantially restricts the public's normal, typical, or customary use, level or use, or ability to use such property; or
- (2) The temporary use of private property for the purpose of any of the following activities:
  - a. Animal shows. Exhibitions of domestic or large animals for a maximum of seven days.
  - b. Circuses and carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.
  - c. Religious assembly. Religious services conducted on a site that is not permanently occupied by religious assembly use, for a period of not more than 30 days.
  - d. Open air fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
  - e. Other activities interrupting traffic. Any other activity conducted on nonresidential property that substantially interrupts the safe and orderly movement of traffic or timely access by emergency vehicles. Such activities can include, but are not limited to, sporting events, concerts, rallies and festivals. Such activities do not include the use of a right-of-way as an Open Street.

### **32-381 – Open Streets.**

#### **a. Applicability**

1. Any block that qualifies as an Open Street is allowed to be applicant for an Open Street permit.
  - i. The street must be designated a residential, local, or neighborhood street that has at least one (1) occupied residential property or occupied commercial business that has a driveway or entrance within the applicant block.
  - ii. Any street or right-of-way that is not designated by Section 27-763 or the Major Streets Plan as a highway, freeway, expressway, Class A Thoroughfare, Class B Thoroughfare, Class C Thoroughfare, or collector street.
  - iii. An alley cannot be an Open Street.
2. The purpose of an Open Street is to provide a temporary space for recreational use by the residents, business owners, and the public.



3. No language in this Section should be construed to waive enforceability of public nuisances.
- b. Application Process
  1. Parties Allowed to be an Open Street Block Captain
    - i. A property owner of a non-vacant property that has an entrance facing the affected block; or
    - ii. With written permission by the property owner, a residential or commercial tenant in a property that has an entrance facing the affected block.
  2. The Open Street Block Captain must completely and accurately fill out the entire Open Street permit application.
  3. The Open Street Block Captain must sign the waiver of responsibility for the street barricades.
  4. Proper notice must be given to 100% of the owners of non-vacant property on the Open Street permit application before the application is turned in to the Public Works Department.
    - i. Proper notice includes providing sufficient notice and information to any and all local neighborhood groups, including HOAs and Neighborhood Business and Revitalization Organizations (NBR), that serve the affected block; and
    - ii. Proper notice includes providing sufficient notice and information to the Department of Public Works' Right of Way Manager.
- c. Duties of the Open Street Block Captain
  1. The Open Street Block Captain must maintain the barricades as follows:
    - i. Remove or arrange for and ensure the removal of barricades by sunset every day;
    - ii. Ensure the integrity of the barricades before being reposition on the right-of-way after 8AM and maintain a reasonable watch on the barricades throughout the day;
    - iii. Address qualifying damage to the barricades as follows:
      - A. Qualifying damage to a barricade includes:
        1. Inability to stand properly;
        2. Inability to stay upright under reasonable circumstances, including a moderate wind;
        3. Defacement of the barricade sign to the point which it cannot be read from a vehicle traveling at 30 miles per hour in enough time to safely come to a full stop;
        4. Defacement to the color of the barricade to the point which it cannot be seen from a vehicle traveling at 30 miles per hour in enough time to safely come to a full stop;
        5. Defacement or removal of portions of the barricade to the extent that it cannot be reasonably be recognized for the purposes which it serves.

- B. If a barricade suffers qualifying damage, the Open Street Block Captain may first attempt to repair the damage. If the damage cannot be repaired quickly, all barricades on the block must be removed from the right-of-way while the damaged barricade is repaired. Once the damaged barricade is repaired to the extent that it no longer has qualifying damage, all barricades may resume their position in the right-of-way.
- 2. Removal of litter and debris
  - i. The Open Street Block Captain is responsible for removal of any litter, debris and other materials from the street around the barricades.
  - ii. If the Open Street Block Captain does not remove litter and debris, the UG will remove it and the cost of the removal will be charged to the Open Street Block Captain.
- 3. The Open Street Block Captain will be subject to all responsibilities enumerated in Section 32-181.c through December 31, 2020.
- 4. The Open Street Block Captain will serve as the point of contact during the Open Street application process and for the Open Street permit so long as the permit is in effect.
  - i. The Open Street Block Captain will continue to provide proper notice and information regarding any contact with the UG regarding the barricades or the Open Street application or permit. Proper notice includes providing sufficient notice and information to any and all local neighborhood groups, including HOAs and NBRs that serve the affected block.
- d. Open Street Barriers.
  - 1. Proper barriers for an Open Street must meet the following requirements:
    - i. The barriers must be painted orange; and
    - ii. Measure at least 48 inches in height; and
    - iii. Of each set of two (2) barriers at an intersection, the barrier closer to the intersection shall carry a sign.
      - A. The sign must be made of durable material.
      - B. Markings on the sign should be legible, easy to see, and resistant to sunlight, precipitation, and wind.
      - C. The sign shall measure no less than 24 inches in height and 26 inches in length. When the sign is attached to the barricade, the height of the top of the sign may be counted as the height of the barricade.
  - 2. Arrangement
    - iv. Four (4) barriers must be used to signify a street block as an Open Street.
    - v. Barrier must be arranged in the following manner:
      - A. The first barricade shall be level with the edge of the crosswalk furthest away from the intersection, so that pedestrians may still cross at the designated crosswalk area. The first barricade will be positioned to the immediate right of the centerline as viewed from the intersection. The first barricade shall contain a sign no smaller than 24

inches by 36 inches that reads “Local Traffic and Deliveries Only” and faces the intersection.

- B. The second barricade shall be 20 feet further away from the intersection, proportionately positioned on the other side of the center line of the middle of the street from the first barricade.
- C. The same arrangement shall be replicated at the other intersection, with the intended effect of creating a barrier that visually and physically demarcates the open street used for temporary recreational purposes, from the intersecting street.
- vi. Barricades shall be placed at contiguous intersections (either 3-way or 4-way intersections) to create an effective deterrent to through traffic and provide a safer temporary recreational area for residents and customers.
- vii. Maintaining Vehicular Access.
  - A. Access for emergency vehicles is required at all times. Any barricades or obstacles placed in the street a part of the Open Street must be easily moved to allow emergency and hazard vehicles to enter it in response to an emergency.
  - B. Access to residences and businesses on an Open Street block.
    - 1. Access must be granted to businesses and residences on the Open Street block as needed; and
    - 2. The Open Street Block Captain is responsible for assisting as needed with moving and replacing barricades to allow people to get to businesses and residences on the Open Street block.

e. Term of Permit

- 1. Barricades may not be erected on the right-of-way before 8 AM and after sunset or 10 PM, whichever is earlier.
- 2. Barricades may be erected under the conditions enumerated in Section 32-181.d every day through December 31, 2020 unless otherwise prohibited by this ordinance or another allowed action taken by the Board of Commissioners or any allowed department.

### **32-382 - Review and Sunset**

a. The amendments set forth in Sections 32-380 and 32-381 of this Ordinance shall be reviewed by the board of commissioners on or before December 31, 2020 to determine whether they should be revise, repealed or whether additional studies are warranted.

b. The amendments set forth in Sections 32-380 and 32-381 of this Ordinance shall be repealed effective December 31, 2020 unless renewed by the board of commissioners.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY/KANSAS CITY, KANSAS, THIS 17th DAY OF SEPTEMBER, 2020.

---

David Alvey, Mayor/CEO

Attest:

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Unified Government Clerk



# Staff Request for Commission Action

Tracking No. 20357

**Full Commission Meeting Date:** 8/27/20

**Committee:**

Date of Standing Committee Action: NA  
(If none, please explain):

**Publication Required:** No

|                           |                                     |                                   |                                             |                                               |
|---------------------------|-------------------------------------|-----------------------------------|---------------------------------------------|-----------------------------------------------|
| <u>Date:</u><br>8/24/2020 | <u>Contact Name:</u><br>David Alvey | <u>Contact Phone:</u><br>573-5010 | <u>Contact Email:</u><br>dalvey@wycokck.org | <u>Department/Division:</u><br>Mayor's Office |
|---------------------------|-------------------------------------|-----------------------------------|---------------------------------------------|-----------------------------------------------|

Item Description:

Urge citizens to be counted by completing the 2020 Census. Results help determine how billions of dollars in federal funding flow into states and communities each year. The Census takes just a few moments to complete and the U.S. Census Bureau keeps answers safe and confidential. Individuals can respond online, by phone, or by mail. To be counted, you must respond by September 30, 2020.

Action Requested:

For information only

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:





# Staff Request for Commission Action

Tracking No. 20294

**Full Commission Meeting Date:** 8/27/20

**Committee:** Economic Development & Finance

Date of Standing Committee Action: 8/10/20

(If none, please explain):

**Publication Required:** No

|                                                                                                                                                                                                      |                                           |                                |                                               |                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------|-----------------------------------------------|-----------------------------------------------------|
| <u>Date:</u><br>8/21/2020                                                                                                                                                                            | <u>Contact Name:</u><br>Katherine Carttar | <u>Contact Phone:</u><br>x5176 | <u>Contact Email:</u><br>kcarttar@wycokck.org | <u>Department/Division:</u><br>Economic Development |
| <u>Item Description:</u><br>A purchase agreement for the sale of three UG-owned parcels on 18th Expressway totaling 1.68 acres proximate to the new Rodriguez Mechanical headquarters at 1900 Osage. |                                           |                                |                                               |                                                     |
| <u>Action Requested:</u><br>approval                                                                                                                                                                 |                                           |                                |                                               |                                                     |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                               |                                           |                                |                                               |                                                     |
| <u>Attachments List:</u><br>Real Estate Purchase Agreement - 760, 768, and 812 18 St. Expressway                                                                                                     |                                           |                                |                                               |                                                     |

## **REAL ESTATE PURCHASE AGREEMENT**

**THIS REAL ESTATE PURCHASE AGREEMENT** (this “Agreement”) is entered into and made effective as of the Effective Date (as defined below), by and between **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS**, a Kansas Municipal Corporation (“Seller”) and **PAUL RODRIGUEZ** (“Buyer”), who acknowledge that the following recitals are a material part of this Agreement:

### **RECITALS:**

A. Seller is the owner, in fee simple, of certain parcels of real estate containing in total approximately 1.68 acres of land and related appurtenances, and any Improvements (as defined below) located thereon, located at 760, 768, and 812 18<sup>th</sup> St. Expressway, Kansas City, Kansas in Wyandotte County, Kansas City, Kansas, and as more particularly described on the attached **Exhibit A** (collectively, the “Property”); and

B. Buyer desires to purchase the Property and Seller desires to sell the Property.

**NOW, THEREFORE**, in consideration of the foregoing, the mutual covenants hereinafter contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Buyer and Seller (each a “Party”, and collectively, the “Parties”) agree as follows:

**1. Purchase and Sale.** Seller agrees to sell, and Buyer agrees to purchase the Property for the price and subject to the terms and conditions hereinafter set forth.

**2. Purchase Price.** The purchase price for the Property (the “Purchase Price”) shall be Three Thousand Dollars and NO/100 (\$3,000.00).

**3. Payment of Purchase Price.** On or before the Closing Date, the Purchase Price, plus or minus any prorations and adjustments made pursuant to this Agreement, shall be deposited by Buyer with First American Title Insurance Company, 1201 Walnut, Suite 700, Kansas City, MO 64106 or such other title company as chosen by Seller (“Title Company”) in immediately available funds, for payment to Seller at Closing.

**4. Buyer’s Due Diligence.** Beginning on the Effective Date and continuing until the date that is ninety (90) days after the Effective Date (the “Satisfaction Date”), Buyer shall be entitled to perform Buyer’s due diligence on the Property, as provided in this Section 4.

**(a) Termination.** Buyer may terminate this Agreement for any or no reason, in Buyer’s sole discretion, at any time on or prior to the Satisfaction Date by providing written notice to Seller with a copy to the Title Company (a “Termination Notice”). If Buyer timely delivers a Termination Notice to Seller, then this Agreement will terminate, the Earnest Money will be returned to Buyer, and neither Party shall have any further rights or liability to the other Party, except as otherwise expressly provided in this Agreement.

**(b) Approval Notice.** If Buyer determines that it is satisfied with its due diligence, in Buyer’s sole discretion, at any time on or prior to the Satisfaction Date, then Buyer may decide to waive its additional time up to the Satisfaction Date and proceed to Closing by providing written notice to Seller with a copy to the Title Company (an “Approval Notice”).

(c) **Due Diligence.** Buyer shall, at its sole expense, conduct such due diligence, test and studies, zoning and other investigations with respect to the Property as Buyer shall desire in connection with its determination whether to purchase the Property, all of which shall be satisfactory to Buyer, in its sole and absolute discretion.

(d) **Seller Cooperation.** Seller agrees to reasonably cooperate with Buyer, including furnishing Buyer with all necessary information, and executing such applications and other documents as may be required, in connection with Buyer's satisfaction of Buyer's due diligence, all at no cost to Seller. Seller authorizes and hereby confirms that Douglas G Bach, County Administrator, shall be the authorized representative of Seller, acting individually, to execute any such application or other documents for and on behalf of Seller, in connection with the foregoing.

(e) **Access.** At any time after the Effective Date, Buyer and its agents shall have the right to enter upon the Property and make and conduct any and all tests and inspections that Buyer deems necessary and/or appropriate in connection with Buyer's satisfaction of Buyer's due diligence; provided, however, that Buyer shall promptly repair any damage to the Property resulting from the entry of Buyer or its agents (however, if any tree clearing is required to perform certain inspections permitted pursuant to this Agreement, Buyer's restoration obligations shall not require tree replacement or hauling of any cleared trees or shrubs from the Property). All such tests shall be at Buyer's cost and expense.

## **5. Title.**

(a) **Title Commitment; Title Policy.** Buyer shall procure a commitment for an owner's policy of title insurance (the "Title Commitment") issued by the Title Company on the ALTA 2006 Owner's Policy form (or other form acceptable to Buyer) with Extended Coverage, in which the Title Company shall agree to insure, for the full amount of the Purchase Price, merchantable fee simple title to the Property in the name of Buyer, free from the Schedule B standard printed exceptions and all other title exceptions except those title exceptions which are acceptable to Buyer, in its sole discretion (the "Permitted Exceptions"), after delivery of the Deed (as defined below) to Buyer from Seller. The Title Commitment shall cover and include any easements and other rights appurtenant to the Property. The Title Commitment shall have attached thereto complete, legible copies of all instruments noted as exceptions thereto. At Buyer's option, the Title Commitment shall be updated prior to the Closing to reflect the state of title not more than ten (10) days prior to the Closing. Buyer shall pay any and all costs and expenses related to the title insurance, including all search fees, closing fees, and the premium for the owner's title insurance policy and any endorsements requested by Buyer (collectively, the "Title Policy") issued pursuant to the Title Commitment. At Buyer's request, the Title Policy shall include, to the extent available under applicable law: (i) a zoning endorsement in a form acceptable to Buyer; (ii) an access endorsement to affirmatively insure access to and from the Property; (iii) a utilities endorsement to affirmatively insure that the Property has access to and is serviced by applicable, specified utility services; (iv) affirmative coverage of and for any appurtenant easements; (v) a contiguity endorsement, if the Property is comprised of two or more parcels; and (vi) any other title endorsements reasonably requested by Buyer or Buyer's lender.

(b) **Title Defects.** If: (i) the Title Commitment reflects any exceptions to title which are not acceptable to Buyer, in Buyer's sole discretion; (ii) the Survey discloses any state of fact not acceptable to Buyer, in Buyer's sole discretion; or (iii) at any time prior to the Closing, title to the Property is encumbered by any exception to title not acceptable to Buyer, in Buyer's sole discretion (with any such exception or unacceptable state of fact being referred to herein as a "Title

Defect”); then Buyer may, on or before the Satisfaction Date (or, in the case of a Title Defect not disclosed by the Title Commitment prior to the Satisfaction Date, within fifteen (15) days after Buyer receives notice of such Title Defect), provide Seller with written notice of such Title Defect. Seller shall have the right, but not the obligation (except as specifically set forth below), during the thirty (30) day period after receipt of such notice, but not later than the Closing, to remove such Title Defect or obtain affirmative title insurance coverage acceptable to Buyer, insuring and defending Buyer against any loss, cost, or expense arising out of or related to such Title Defect (“Affirmative Coverage”). If Seller elects to do so, then on or before the Closing Date (as defined below), Seller shall provide Buyer with reasonable evidence of such removal or provide reasonable evidence that such Title Defect will be removed or that such Affirmative Coverage will be obtained. Notwithstanding anything contained herein to the contrary, Seller shall be obligated to expend whatever sums are required to cure or obtain Affirmative Coverage for the following Title Defects prior to, or at, the Closing:

- (i) All mortgages, security deeds, liens, or other security instruments encumbering the Property (which are not the result of acts or omissions of Buyer);
- (ii) Judgments against Seller (which are not the result of acts or omissions of Buyer) which have attached to and become a lien against the Property;
- (iii) All past due *ad valorem* taxes and assessments of any kind, which constitute a lien against the Property; and
- (iv) All past due (or currently due) assessments or fees of any kind related to any easement, declaration, covenants, or similar encumbrance affecting the Property.

Seller shall have the right, if reasonably necessary, to extend the Closing Date, for a period not to exceed twenty (20) days in order to cure or obtain Affirmative Coverage for any Title Defect. In the event Seller is unable or unwilling to cure or obtain Affirmative Coverage for any Title Defect within the time periods set forth above, Buyer shall have the option to either: (i) waive any such Title Defect and proceed to Closing; or (ii) terminate this Agreement, in which case neither Party shall have any further rights or liability to the other Party, except as otherwise expressly provided in this Agreement.

(c) **Closing Protection.** If this transaction is to be closed through a local agent of the Title Company, then as a condition to Closing, Buyer shall be entitled to receive a closing protection letter issued by the Title Company, covering its local agent, in a form reasonably acceptable to Buyer.

6. **Survey.** Buyer, at its expense, may procure an ALTA/NSPS survey of the Property (the “Survey”) prepared by a registered land surveyor satisfactory to Buyer. The Survey shall: (i) contain such Table A items as may be requested by Buyer; (ii) have one perimeter description of the Property; (iii) show all easements, rights-of-way, set-back lines, encroachments and other matters affecting the use or development of the Property; (iv) disclose on the face thereof the gross acreage of the Property; (v) contain such other matters as are required for the Title Company to delete the standard exceptions on Schedule B to the Title Commitment; (vi) show the location of any and all Improvements; and (vii) be certified to Seller, Buyer, the Title Company, and Buyer’s lender.

7. **Cooperation of Seller and Property Information.** Seller shall assist Buyer and its representatives, whenever reasonably requested by Buyer, in obtaining information about the Property. Within ten (10) days after the Effective Date, Seller shall, at Seller’s expense, deliver to Buyer true, correct

and complete copies of the following documents and/or information, to the extent that such documents and/or information are within Seller's custody or control (collectively, the "Seller Information"): (i) copies of all current or most recent available real estate tax bills applicable to each parcel of the Property; (ii) any utility bills pertaining to the Property; (iii) any plans or specifications pertaining to any Improvements on the Property; (iv) any warranties and/or service contracts pertaining to any Improvements on the Property; (v) any existing surveys, geotechnical reports, maps, or other reports pertaining to the physical condition of the Property, including, without limitation, structural reports, maintenance reports, environmental reports (the "Environmental Reports"), soils reports, wetlands delineation, and similar tests or inspection reports; (vi) any permits or approvals pertaining to the Property; (vii) any environmental impact reports, zoning commitments, declarations, or similar development restrictions and/or approvals; (viii) any existing title insurance commitments or policies; (ix) any management, service, and maintenance contracts, or any leases, relating to the Property, including any amendments thereto; (x) any unrecorded covenant, condition, and/or restriction that encumbers the Property; (xi) any legal notice received by Seller in the last two (2) years which affects the Property; and (xii) a litigation list disclosing all actions, suits, and legal or administrative proceedings affecting the Property.

**8. Taxes and Assessments.** The records of the Wyandotte County Auditor and/or Treasurer reflect that the Property currently consists of all or part of Parcel No. 134200, 134201, and 134202 (+/- 1.68 acres). Copies of the Wyandotte County Auditor's and/or Treasurer's records for the above parcel(s) have been or will be provided by Seller to Buyer upon request after the Effective Date. At the Closing, Seller will pay all real estate taxes and assessments that are due and payable. All such real estate taxes and assessments for the year of the Closing shall be prorated between Seller and Buyer as of the Closing Date on a calendar year per diem basis, using the most recent tax and assessment records available, with Seller being responsible for any and all such real estate taxes and assessments that accrued for or with respect to the period of time up to the Closing Date, and Buyer being responsible for all such real estate taxes and assessments that accrue for or with respect to the period of time from and after the Closing Date. At the Closing, Buyer shall receive a credit on the Settlement Statement (as defined below) for those real estate taxes and assessments allocated to Seller for the period from January 1 of the year in which the Closing occurs up to (but not including) the Closing Date and Seller shall not be further liable for such real estate taxes and assessments. Seller will retain sole responsibility for and with respect to all personal property taxes, if any, due and payable with respect to any personal property owned by Seller and/or used in connection with the Property except such personal property that is to be transferred and conveyed hereunder to Buyer, if any, in which case the personal property taxes attributable to such personal property being transferred and conveyed hereunder to Buyer shall be prorated in the same manner as real estate taxes and any assessments are to be prorated, as provided above. Notwithstanding any other provision of this Agreement to the contrary, Seller shall be responsible for the amount of any agricultural rollback taxes, or similar taxes imposed as the result of any change from the existing use of the Property, and shall indemnify Buyer against liability for any such taxes. The provisions of this Section 8 shall survive Closing.

**9. Insurance, Condemnation and Risk of Loss.** Seller's insurance on the Property, if any, shall be cancelled as of the Closing Date. In the event that, prior to Closing, all or any portion of the Property, any interests therein, or any rights appurtenant thereto, are: (a) damaged or destroyed by any fire or other casualty; or (b) taken or appropriated (either permanently or temporarily) under the power of eminent domain or condemnation by any authority having such power, or by virtue of any actions or proceedings in lieu thereof, or if any notice or threat of such taking or appropriation has been given or is pending at the Closing (each, a "Casualty/Taking Event"), and Buyer determines in its sole discretion that such Casualty/Taking Event will adversely impact Buyer's intended development/use of the Property, then Buyer, at its option, may either: (i) terminate this Agreement by providing written notice to Seller, in which event neither Party shall have any further rights or liability to the other Party, except as otherwise expressly provided in this Agreement; or (ii) elect to proceed with Closing, in which event the Purchase Price shall be reduced by an amount equal to any sums previously paid or then payable to Seller by the insurance



carrier (plus an amount equal to the amount of the deductible feature of Seller's insurance policy) or by the condemning authority, by reason of any such Casualty/Taking Event, and Seller shall transfer and assign to Buyer at Closing any and all further insurance or condemnation proceeds, claims, demands, actions, and choses in action which may exist by virtue of such Casualty/Taking Event; provided, however, that until the earlier of: (y) the Closing Date; or (z) termination of this Agreement; Seller shall not make any voluntary settlement or agreement regarding any Casualty/Taking Event with any insurance carrier or any condemning authority, without first obtaining Buyer's written consent to such settlement or agreement. Seller agrees to promptly provide Buyer with all information and documents related to such Casualty/Taking Event upon Seller's receipt thereof. Notwithstanding anything contained in this Agreement to the contrary, in the event of a Casualty/Taking Event, the Satisfaction Date shall automatically (without notice) be extended to the date that is thirty (30) days after Buyer's written receipt of information about such Casualty/Taking Event, sufficient to allow Buyer to determine: (A) the location of the portion(s) of the Property affected; and (B) the amount of proceeds of any insurance award or the offer price to be paid by the condemning authority for such portion(s) of the Property.

**10. Closing.** The closing of the purchase and sale of the Property (the "Closing") shall occur remotely by transmission of electronic signatures to the Title Company, upon a date (the "Closing Date") that is specified by Buyer in the Approval Notice, but in any event within ninety (90) days after the Effective Date, unless otherwise agreed by Seller and Buyer. Any and all documentary stamps, transfer taxes, or conveyance fees due and payable upon the transfer of title contemplated herein shall be the responsibility of and shall be paid by Seller. Seller shall pay for preparation of the Deed, and Buyer shall pay for the recording charges of the Deed. All Closing costs and prorations shall be as provided in this Agreement, or in the absence of such provision, allocated according to the local custom in Wyandotte County, Kansas. All prorations shall be final.

**11. Closing Documents.** At the Closing, Seller shall execute and deliver to Buyer: (a) a quit claim deed in recordable form conveying fee simple title to the Property to Buyer, using the short-form legal description, subject only to the Permitted Exceptions listed on the Title Policy and otherwise free and clear of all liens and encumbrances except such as have been approved in writing by Buyer (the "Deed"); (b) any and all applicable transfer tax declarations or other transfer or sale disclosure statements required by applicable law; (c) a title/vendor's/owner's affidavit in a form satisfactory to the Title Company, suitable to permit the Title Company to delete the standard, pre-printed exceptions (identified in the Title Commitment) from the Title Policy, and shall include "gap" indemnity language; (d) a certification of non-foreign status pursuant to Section 1445(b)(2) of the Internal Revenue Code, as amended (the "Code"); (e) an IRS Form 1099-S Disclosure Statement (if required under the Code); (f) an assignment, in a form satisfactory to Buyer, of any and all leases, contracts, and/or service agreements, if any, pertaining to the Property which Buyer has agreed to assume; (g) a closing or settlement statement prepared by the Title Company (the "Settlement Statement"); (h) an assignment of any warranties pertaining to any Improvements located on the Property; and (i) such other instruments, certificates, or affidavits as may be provided herein or as Buyer or Title Company may reasonably request to effectuate the transaction contemplated by this Agreement.

**12. Possession.** Sole and actual possession of the Property shall be delivered to Buyer on the Closing Date in the same condition as it is on the Effective Date, ordinary wear and tear excepted and subject to Section 9, free and clear of any rights or claims of any other party, except as provided herein.

**13. Rights and Obligations.** The rights and obligations of Seller and Buyer herein contained shall inure to the benefit of and be binding upon the Parties and their respective successors and permitted assigns. If this Agreement is executed by more than one party for Buyer or Seller, as the case may be, the obligations, covenants, representations, warranties and indemnities of such persons or entities shall be joint and several.

**14. Notices.** All notices required or permitted to be given hereunder shall be in writing and delivered: (a) in person; (b) by certified or registered first class prepaid U.S. Mail, return receipt requested; (c) prepaid by nationally-recognized overnight courier service such as FedEx; or (d) via email, to Seller or Buyer at their respective addresses set forth below, or at such other addresses, notice of which shall previously have been given to the other Party in accordance with this Section 14. Such notices shall be deemed given when: (i) personally delivered; (ii) deposited in the mail or with such courier service; or (iii) sent to the receiving party via email, as applicable. In the event notice is provided pursuant to subsection (d) above, the Party providing such notice shall also provide courtesy copies of such notice to the receiving Party by any means provided under subsections (a) through (c) above within two (2) Business Days thereafter.

**Seller:**

Douglas G. Bach  
County Administrator  
Unified Government of Wyandotte  
County/KCK  
701 N. 7<sup>th</sup> St.  
Kansas City, KS 66101  
E-Mail: dbach@wycokck.org

with a courtesy copy to:

Katherine Carttar  
Director, Economic Development  
701 N. 7<sup>th</sup> St.  
Unified Government of Wyandotte  
County/KCK  
701 N. 7<sup>th</sup> St.  
Kansas City, KS 66101  
E-Mail: kcarttar@wycokck.org

**Buyer:**

Paul Rodriguez  
9000 Rosewood Drive  
Prairie Village, KS 66207

Business located at  
541 South 11<sup>th</sup>  
Kansas City, KS 66105

**15. Representations and Warranties.**

**(a) Seller Representations, Warranties, and Covenants.** Seller hereby represents and warrants to Buyer, as of the Effective Date and as of the Closing Date, and covenants and agrees as follows:

**(i)** The execution, delivery and performance by Seller of its obligations under this Agreement will not conflict with or result in a breach of, or constitute a default under, any of the provisions of any law, governmental rule, regulations, judgment, decree, or order by which Seller is bound, or by any of the provisions of any contract to which Seller is bound, or by the organic agreements establishing and regulating Seller's business affairs.

**(ii)** Seller has full power and authority to enter into this Agreement and to assume and perform all of its obligations under this Agreement, all consents and approvals necessary therefor have been obtained, and the person executing this Agreement on its behalf has been duly authorized and is empowered to bind Seller to this Agreement.

**(iii)** Seller is the legal and equitable owner of fee simple title to the Property and has the right to convey such fee simple title by the Deed to Buyer on the Closing Date, free and clear of all options, rights, covenants, easements, liens, and other rights in favor of third parties, other than the Permitted Exceptions, or as agreed by Buyer in writing. Except as disclosed in the Seller Information, the Property is not subject to any: (A) outstanding agreements of sale, options, liens, or other rights of third parties to acquire any interest(s) therein; (B) ground leases or other leases or tenancies, including but not limited to equipment or signage leases, or other agreements relating to the ownership or use of the Property; (C) real estate, management, supply, promotional, operating, maintenance, security, or other service contracts; (D) any unrecorded declarations of covenants, conditions and restrictions, or similar encumbrances; or (E) other encumbrances other than the Permitted Exceptions. Seller shall not encumber or allow the Property to be encumbered by any of the foregoing without Buyer's prior written consent, which consent may be granted or withheld in Buyer's sole discretion. Seller shall not sell, transfer, or distribute all or any portion of the Property (or the membership interest, ownership, or stock of the Seller entity) to a third party without Buyer's prior written consent, which consent may be granted or withheld in Buyer's sole discretion.

**(iv)** Except as disclosed in the Seller Information, Seller does not hold any approvals, licenses, certificates, or permits to own, operate, use and/or maintain the Property, nor is Seller aware that any such approvals, licenses, certificates, or <sup>permits</sup>, are necessary for Seller's current use of the Property.

**(v)** No work has been done on the Property, or materials or utilities furnished, that has/have not been fully paid for, and there is no claim against any portion of the Property or Seller for or on account of work done, materials furnished, or utilities supplied to the Property. There are no payback agreements, revenue bonds, utility debt service expenses, or other charges or expenses applicable to the Property.

**(vi)** To Seller's Knowledge: (A) there are no violations, or threatened or pending violations, of any laws, statutes, ordinances, rules or regulations with respect to the Property open, noticed or existing; and (B) except as disclosed in the Seller Information, no litigation, condemnation proceedings, eminent domain proceedings or similar actions or proceedings are now pending or threatened against the Property, or which could result in any judgment lien against the Property; nor does Seller know of or have reasonable grounds to know of any basis for any such violation, action, or claim.

**(vii)** There are no unpaid: (A) *ad valorem* real estate taxes or assessments; or (B) assessments for public improvements pertaining to the Property. To Seller's Knowledge: (1) there are no public plans or proposals for changes in road grade, access, or other municipal improvements which would affect the Property or result in any assessment thereto; (2) no ordinance authorizing improvements, the cost of which might be assessed against Buyer or the Property, is pending; and (3) there is no appellate tax proceeding pending for the reduction or increase of the assessed real estate tax valuation of the Property or any portion thereof.

**(viii)** The Property has direct legal and perpetual rights of access to and from the Property to one or more public roads.

**(ix)** Utility services for water, sanitary and storm sewers, natural gas, electricity, telephone and internet services are available either at the Property or in the vicinity of the Property in locations wherein Buyer can connect to such existing utility infrastructures and extend the same to the Property at Buyer's expense through perpetual private easements that benefit the Property or through public rights-of-way.

**(x)** To Seller's Knowledge, except as otherwise disclosed in the Environmental Reports: (1) there are no, and have never been, underground storage tanks on the Property, (2) the Property has never been used as a landfill or garbage dump, and (3) there are no hazardous, toxic or infectious wastes, substances or materials present on the Property in quantities or concentrations or otherwise stored or used in violation of any applicable Environmental Laws (as defined below). The term "Environmental Laws" shall mean and refer to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and the Super Fund Amendments and Reauthorization Act (42 U.S.C. § 9601 *et seq.*); the Hazardous Materials Transportation Act (49 U.S.C. § 1801 *et seq.*); the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 *et seq.*); the Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*); the Clean Air Act (42 U.S.C. § 7401 *et seq.*); the Toxic Substances Control Act of 1976 (15 U.S.C. § 2601 *et seq.*); the Safe Drinking Water Act (42 U.S.C. § 300f *et seq.*); the Occupational Safety and Health Act of 1970 (29 U.S.C. § 651 *et seq.*); and the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11001 *et seq.*); each as heretofore and hereafter amended or supplemented, and any future or present local, state, or federal statute, rule, or regulation pertaining to the regulation and protection of the environment, industrial hygiene, pollution, or environmental effects on health and safety.

**(xi)** Seller is currently in compliance with and shall at all times during the term of this Agreement remain in compliance with the regulations of the Office of Foreign Assets Control ("OFAC") of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List) and any statute, executive order (including the September 24, 2001, Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism), or other governmental action relating thereto.

**(xii)** For purposes of this Section 15(a), the term "Seller's Knowledge" shall mean the actual knowledge of Douglas G. Bach, who is the County Administrator of Seller, with reasonable duty of inquiry.

**(xiii)** The representations and warranties in this Section 15(a) shall: (1) not merge with the Deed or any other Closing documents; and (2) survive the Closing Date for a period of two (2) years. Seller shall indemnify, defend, and hold Buyer harmless from and against any and all claims, demands, liabilities, damages, suits, actions, judgments, fines, penalties, loss, costs and expenses (including but not limited to, reasonable attorneys' fees) arising or resulting from, or suffered, sustained, or incurred by Buyer as a result (direct or indirect) of the untruth or inaccuracy of any of the foregoing representations and warranties by Seller or the breach of any of the foregoing representations, warranties, or covenants, which indemnity obligations shall survive the Closing Date for such period, and, regarding any such representations and warranties as to which any litigation that was

filed within such period is pending, also during the pendency of any such litigation, including appeals, if any.

**(b) Buyer Representations and Warranties.** Buyer hereby represents and warrants to Seller, as of the Effective Date and as of the Closing Date, and covenants and agrees as follows:

**(i)** The execution, delivery and performance by Buyer of its obligations under this Agreement will not conflict with or result in a breach of, or constitute a default under, any of the provisions of any law, governmental rule, regulations, judgment, decree, or order by which Buyer is bound, or by any of the provisions of any contract to which Buyer is bound, or by the organic agreements establishing and regulating Buyer's business affairs.

**(ii)** Buyer has full power and authority to enter into this Agreement and to assume and perform all of its obligations under this Agreement, all consents and approvals necessary therefor have been obtained, and the person executing this Agreement on its behalf has been duly authorized and is empowered to bind Buyer to this Agreement.

**(iii)** Buyer is currently in compliance with and shall at all times during the term of this Agreement remain in compliance with the regulations of the OFAC of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List) and any statute, executive order (including the September 24, 2001, Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism), or other governmental action relating thereto.

**16. Prorations.** Subject to the provisions of Section 8, above, Seller shall be entitled to all income and shall be responsible for all expenses produced from the operation of the Property which are allocable up to (but not including) the Closing Date. Buyer shall be entitled to income and shall be responsible for all expenses which are allocable to the period from and after the Closing Date. Unless otherwise specifically set forth in this Agreement, at the Closing, all items of income and expense shall be prorated in accordance with the foregoing principle.

**17. Default and Remedies.**

**(a) Buyer Default.** In the event of a default by Buyer under the terms of this Agreement, Seller shall be entitled, as its sole and exclusive remedy hereunder, to terminate this Agreement whereupon neither Party shall have any further rights or liability to the other Party, except as otherwise expressly provided in this Agreement; provided, however, in the event of any such Buyer default, Seller shall first give Buyer written notice of the occurrence of such default (a "Buyer Default Notice") and Buyer shall have twenty (20) days following its receipt of such Buyer Default Notice in which to cure such default or commence such cure and thereafter diligently pursue it to completion. It is hereby agreed that Seller's damages in the event of a Buyer default hereunder are uncertain and difficult to ascertain, and that the Earnest Money constitutes a reasonable liquidation of such damages and is intended not as a penalty, but as full liquidated damages.

**(b) Seller Default.** In the event of a default by Seller under the terms of this Agreement, Buyer shall be entitled to pursue all remedies available at law or in equity, including, without limitation, the right to terminate this Agreement or to seek specific performance of Seller's obligations under this Agreement; provided, however, in the event of any such Seller default, Buyer shall first give Seller written notice of the occurrence of such default (a "Seller Default Notice")



and Seller shall have twenty (20) days following its receipt of such Seller Default Notice in which to cure such default or commence such cure and thereafter diligently pursue it to completion.

**18. Use of Brokers.** Seller and Buyer hereby warrant that neither Party has an obligation to pay an outside brokerage commission for the sale of the Property. Buyer and Seller hereby agree to indemnify, defend and hold harmless the other Party from and against any liability, cost or expense, plus all costs of collection, including litigation expenses and attorneys' fees, as a result of a claim for a commission, fee, or other compensation made by any real estate broker, finder, or other person and asserted against the other Party by reason of an arrangement made or alleged to have been made by the indemnifying Party.

**19. Attorneys' Fees.** Except as herein specifically provided to the contrary, each of the Parties shall bear its own legal and accounting expenses incurred in connection with the negotiation of this Agreement and the consummation of the transaction contemplated by this Agreement. In the event that either Party shall bring an action or legal proceeding for an alleged default of any provision of this Agreement or any representation, warranty, covenant, or agreement herein set forth, or to enforce, protect, determine, or establish any term, covenant, or provision of this Agreement or the rights hereunder of either Party, the prevailing Party shall be entitled to request that the court order the non-prevailing Party, as a part of such action or proceedings, or in a separate action brought for that purpose, reasonable attorneys' fees and costs, expert witness fees and court costs as may be fixed by the court or jury, to the extent permitted by the Kansas Cash Basis Law.

**20. Binding Effect.** This Agreement, as executed by Buyer and submitted to Seller, constitutes an offer to purchase the Property. If Seller does not execute and deliver this Agreement, without revision, to Buyer within ten (10) Business Days after the date the Seller receives Buyer's execution of this Agreement, Buyer may, in its sole discretion, by delivery of written notice to Seller, revoke Buyer's offer to purchase; in which case, Buyer shall have no further liability or obligation hereunder.

**21. [This Paragraph intentionally omitted].**

**22. Section 1031 Exchange.** In the event that either Party elects to structure this transaction as a like-kind exchange pursuant to Section 1031 of the Code, the other Party shall reasonably cooperate upon the request of the electing Party, including prompt execution of such documents as may reasonably be required to effectuate such exchange, provided that: (a) the electing Party shall bear all costs in connection with such exchange and shall indemnify and hold the other Party harmless from and against any cost, claims, expenses, or liabilities (including reasonable attorneys' fees) incurred by the other Party solely as a result of structuring the transaction as a like-kind exchange; and (b) the exchange shall have no material effect on the terms of either Party's rights or obligations under this Agreement. Notwithstanding any other provision of this Agreement to the contrary, Seller agrees that Buyer may assign its rights in this Agreement to a third party as part of any such exchange. Nothing contained herein shall prevent both Parties from electing a like-kind exchange.

**23. Force Majeure.** Except with regard to the payment of money due, if either Party hereto shall be delayed, hindered in, or prevented from the performance of its obligations hereunder by reason of any occurrence which is not within the reasonable anticipation or control of such Party, including but not limited to, strikes, lockouts, labor troubles, governmental action or inaction, failure of power, riots, insurrection, war, acts of God, unusual weather, or other similar reason, and which occurrence, in any event, is not a result of the intentional act, negligence, or willful misconduct of such Party (each, a "Force Majeure Event"), such Party's performance shall be excused for the period of time equivalent to the delay caused by such Force Majeure Event, provided that such Party gives prompt notice to the other Party of such delay.

**24. Miscellaneous.**

(a) This Agreement shall be interpreted and enforced according to the laws of the State of Kansas, without reference to its conflict of laws rules. The venue of any litigation arising out of this Agreement shall lie exclusively with the state or federal court in which district the Property is located.

(b) All headings and section designations of this Agreement are inserted for convenience only and do not form a part of this Agreement or limit, expand, or otherwise alter the meaning of any provisions hereof.

(c) This Agreement, and any amendments hereto, may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. The Parties agree that signatures transmitted by electronic scan and email (including by way of DocuSign or other similar electronic signature exchange software or service) shall have the legal effect of original signatures. At the request of either Party, the Parties shall promptly exchange executed original counterparts of this Agreement or any amendment hereto.

(d) The provisions of this Agreement are intended to be for the sole benefit of the Parties and their respective successors and assigns, and none of the provisions of this Agreement are intended to be, nor shall they be construed to be, for the benefit of any third party.

(e) If, under any provision of this Agreement: (i) the date any act to be done or action to be taken; or (ii) the last day of any time period, including any notice period; falls on a Saturday, Sunday, a federal legal holiday, or a legal holiday in the State of Kansas (each, a “Non-Business Day”), then such act or action shall be deemed to have been validly done or taken on, or such time period shall be deemed extended to, the next succeeding day which is not a Non-Business Day, and all succeeding time periods shall be deemed extended accordingly. Unless otherwise specified in this Agreement, all references herein to a “day” or “days” shall refer to calendar days. For purposes of this Agreement, the term “Business Day” means any day that is not a Non-Business Day.

(f) Buyer may assign this Agreement and all of its interests herein to an entity related to or affiliated with Buyer or the potential landlord of the lease referred to in Section 4(d)(xiii), above, without obtaining Seller’s consent. Upon any assignment, the assignee shall have and be subject to all the rights, benefits, duties and obligations of Buyer hereunder and Buyer named in this Agreement will be relieved of any rights or obligations hereunder.

(g) This Agreement represents the entire agreement between Seller and Buyer covering everything agreed upon or understood in this transaction. There are no oral promises, conditions, representations, understandings, interpretations, or terms of any kind as conditions or inducements to the execution hereof or in effect between the Parties. No change or addition shall be made to this Agreement except by a written agreement duly executed by Seller and Buyer.

(h) The Parties acknowledge that each has been represented by, or has had the opportunity to consult with, legal counsel of its own choosing in this matter, and this Agreement has been arrived at through arms’ length negotiation. For purposes of the rule of contract interpretation that construes a document against its drafter, the Parties agree that neither Party nor its counsel shall be considered the drafter hereof.

(i) If any term, covenant, or condition of this Agreement is held to be invalid or unenforceable in any respect, such invalidity or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed in accordance with its intent as if such invalid or unenforceable provision had never been contained herein.

(j) No failure by either Party, at any time, to require the performance by the other of any term of this Agreement, shall in any way affect the right of either Party to enforce such terms, nor shall any waiver by either Party of any term hereof be taken or held to be a waiver of any other provision of this Agreement. No waiver of any term or provision of this Agreement shall be effective unless the same is in writing and signed by the Party granting such waiver.

(k) With regard to all matters in this Agreement requiring the consent or approval of either Party, the Parties agree that any such consent or approval shall not be unreasonably withheld, conditioned, or delayed, unless otherwise specifically provided in this Agreement.

(l) All Exhibits to this Agreement are incorporated herein as though fully set forth.

(m) Time is of the essence with regard to the dates and time periods set forth in this Agreement.

(n) For purposes of this Agreement, the term “Effective Date” will mean and refer to the date upon which the latter of the Parties executes this Agreement, as indicated by the respective dates set forth adjacent to each of the Parties’ respective signatures to this Agreement.

*[SIGNATURE PAGE FOLLOWS]*

**IN WITNESS WHEREOF**, this Agreement has been executed by the Parties as of the date(s) set forth below, to be effective as of the Effective Date.

**SELLER:**

**UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY AND KANSAS CITY, KANSAS, a  
Kansas Municipal Corporation**

By: \_\_\_\_\_

Printed: Douglas G. Bach

Title: County Administrator

Date: \_\_\_\_\_

**BUYER:**

**PAUL RODRIGUEZ**

By: \_\_\_\_\_  
Paul Rodriguez

Date: \_\_\_\_\_

**Index to Exhibits**

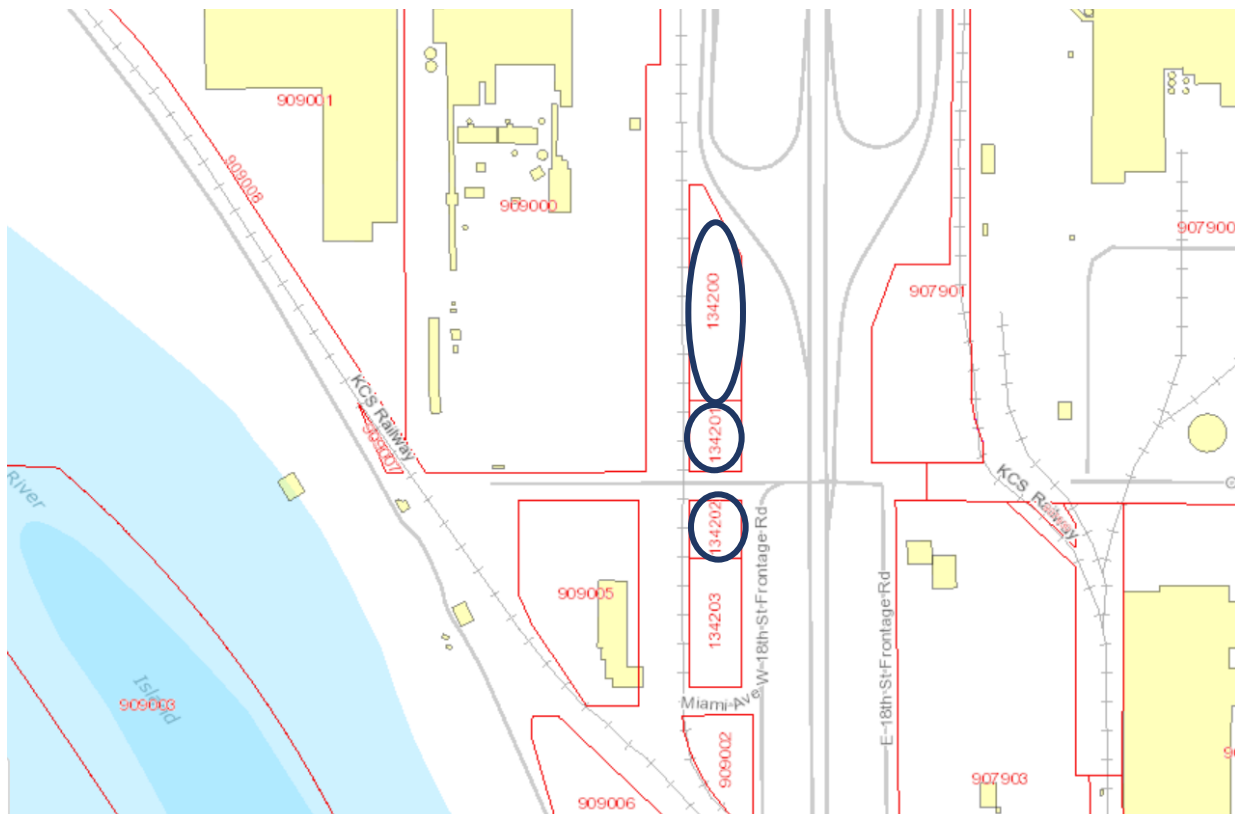
Exhibit A – Legal Description/Depiction of the Property

**EXHIBIT A**  
**Legal Description/Depiction of the Property**

Parcel No. 134200 – 1342, S34, T11, R25, ACRES 1, B5 L6 THRU L18 AND PT OF L19 THRU L23 LS E PT TAKEN FOR R/W

Parcel No. 134201 - 1342, S34, T11, R25, ACRES 0.38, B5 L1 TO L5

Parcel No. 134202 - 1342, S34, T11, R25, ACRES 0.3, B4 L10 TO L13





# Staff Request for Commission Action

Tracking No. 20295

**Full Commission Meeting Date:** 8/27/20

**Committee:** Economic Development & Finance

Date of Standing Committee Action: 8/10/20

(If none, please explain):

**Publication Required:** No

|                                                                                                                                                                                                      |                                           |                                |                                               |                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------|-----------------------------------------------|-----------------------------------------------------|
| <u>Date:</u><br>8/21/2020                                                                                                                                                                            | <u>Contact Name:</u><br>Katherine Carttar | <u>Contact Phone:</u><br>x5176 | <u>Contact Email:</u><br>kcarttar@wycokck.org | <u>Department/Division:</u><br>Economic Development |
| <u>Item Description:</u><br>A purchase agreement for Scannell Properties to buy 34 acres of UG-owned land, and donated 94 acres to the UG Parks Dept, as part of the proposed Woodlands development. |                                           |                                |                                               |                                                     |
| <u>Action Requested:</u><br>approval                                                                                                                                                                 |                                           |                                |                                               |                                                     |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                               |                                           |                                |                                               |                                                     |
| <u>Attachments List:</u><br>Purchase Agreement_Scannell_Unified Government_Kansas City, KS, V_EXH6_01274 - Property Description - SIGNED, 2020.08.05_Park_EXH                                        |                                           |                                |                                               |                                                     |



## **REAL ESTATE PURCHASE AGREEMENT**

**THIS REAL ESTATE PURCHASE AGREEMENT** (this “Agreement”) is entered into and made effective as of the Effective Date (as defined below), by and between **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS**, a Kansas Municipal Corporation (“Seller”) and **SCANNELL PROPERTIES, LLC**, an Indiana limited liability company, or its assignee (“Buyer”), who acknowledge that the following recitals are a material part of this Agreement:

### **RECITALS:**

A. Seller is the owner, in fee simple, of certain parcels of real estate containing in total approximately 34.4 acres of land and related appurtenances, and any Improvements (as defined below) located thereon, located at the intersection of N. 99<sup>th</sup> Street and Leavenworth Road in Wyandotte County, Kansas City, Kansas, and as more particularly depicted on the attached **Exhibit A** (collectively, the “Property”); and

B. Buyer desires to purchase the Property and Seller desires to sell the Property.

**NOW, THEREFORE**, in consideration of the foregoing, the mutual covenants hereinafter contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Buyer and Seller (each a “Party”, and collectively, the “Parties”) agree as follows:

**1. Purchase and Sale.** Seller agrees to sell, and Buyer agrees to purchase the Property for the price and subject to the terms and conditions hereinafter set forth.

**2. Purchase Price.** The purchase price for the Property (the “Purchase Price”) shall be Two Million Thirty-One Thousand Four Hundred Ninety-Five and 78/100 Dollars (\$2,031,495.78) (which is based on \$59,055.11 per acre). If the number of total acres of the Property changes upon receipt of the Survey (as defined in Section 6 below), the Purchase Price shall be adjusted accordingly.

**3. Payment of Purchase Price.** Within three (3) Business Days after the Effective Date, Buyer shall deposit with Security 1<sup>st</sup> Title, with an address of 727 N. Waco, Suite 300, Wichita, Kansas 67203, Attn: Brian Irwin (the “Title Company”) an earnest money deposit in the amount of Fifty Thousand and 00/100 Dollars (\$50,000.00) (the “Earnest Money”). The Earnest Money shall be held, applied, returned, or retained in accordance with the terms of this Agreement and shall be deposited with the Title Company pursuant to the terms of a separate escrow agreement, substantially in the form attached hereto as **Exhibit B**, which shall be executed by Buyer, Seller, and the Title Company. The Earnest Money shall be invested by the Title Company as directed by Buyer, and the Earnest Money and all interest thereon shall be applied as a credit to the Purchase Price, or if the Closing (as defined below) does not occur, credited to the Party that is entitled to receive the Earnest Money pursuant to the terms of this Agreement. The remainder of the Purchase Price, plus or minus any prorations and adjustments made pursuant to this Agreement, shall be deposited by Buyer with the Title Company in immediately available funds, for payment to Seller at Closing.

**4. Buyer’s Due Diligence.** Beginning on the Effective Date and continuing until the date that is one hundred twenty (120) days after the Effective Date (the “Satisfaction Date”), Buyer shall be entitled to perform Buyer’s due diligence on the Property, as provided in this **Section 4**.

(a) **Termination.** Buyer may terminate this Agreement for any or no reason, in Buyer's sole discretion, at any time on or prior to the Satisfaction Date by providing written notice to Seller with a copy to the Title Company (a "Termination Notice"). If Buyer timely delivers a Termination Notice to Seller, then this Agreement will terminate, the Earnest Money will be returned to Buyer, and neither Party shall have any further rights or liability to the other Party, except as otherwise expressly provided in this Agreement.

(b) **Approval Notice.** If Buyer determines that it is satisfied with its due diligence, in Buyer's sole discretion, at any time on or prior to the Satisfaction Date, then Buyer may decide to waive its additional time up to the Satisfaction Date and proceed to Closing by providing written notice to Seller with a copy to the Title Company (an "Approval Notice"). If Buyer **does not** timely deliver an Approval Notice to Seller, then this Agreement will automatically terminate without the need for any notice, the Earnest Money will be returned to Buyer, and neither Party shall have any further rights or liability to the other Party, except as otherwise expressly provided in this Agreement. If Buyer **does** timely deliver an Approval Notice, then the Earnest Money shall become non-refundable in favor of Seller (subject to Sections 5, 9, and 17), but shall remain applicable to the Purchase Price.

(c) **Due Diligence.** Buyer shall, at its sole expense, conduct such due diligence, test and studies, zoning and other investigations with respect to the Property as Buyer shall desire in connection with its determination whether to purchase the Property, all of which shall be satisfactory to Buyer, in its sole and absolute discretion.

(d) **Seller Cooperation.** Seller agrees to reasonably cooperate with Buyer, including furnishing Buyer with all necessary information, and executing such applications and other documents as may be required, in connection with Buyer's satisfaction of Buyer's due diligence, all at no cost to Seller. Seller authorizes and hereby confirms that Douglas G Bach, County Administrator, shall be the authorized representative of Seller, acting individually, to execute any such application or other documents for and on behalf of Seller, in connection with the foregoing.

(e) **Access.** At any time after the Effective Date, Buyer and its agents shall have the right to enter upon the Property and make and conduct any and all tests and inspections that Buyer deems necessary and/or appropriate in connection with Buyer's satisfaction of Buyer's due diligence; provided, however, that Buyer shall promptly repair any damage to the Property resulting from the entry of Buyer or its agents (however, if any tree clearing is required to perform certain inspections permitted pursuant to this Agreement, Buyer's restoration obligations shall not require tree replacement or hauling of any cleared trees or shrubs from the Property). All such tests shall be at Buyer's cost and expense.

## **5. Title.**

(a) **Title Commitment; Title Policy.** Buyer shall procure a commitment for an owner's policy of title insurance (the "Title Commitment") issued by the Title Company on the ALTA 2006 Owner's Policy form (or other form acceptable to Buyer) with Extended Coverage, in which the Title Company shall agree to insure, for the full amount of the Purchase Price, merchantable fee simple title to the Property in the name of Buyer, free from the Schedule B standard printed exceptions and all other title exceptions except those title exceptions which are acceptable to Buyer, in its sole discretion (the "Permitted Exceptions"), after delivery of the Deed (as defined below) to Buyer from Seller. The Title Commitment shall cover and include any easements and other rights appurtenant to the Property. The Title Commitment shall have attached thereto complete, legible copies of all instruments noted as exceptions thereto. At Buyer's option,

the Title Commitment shall be updated prior to the Closing to reflect the state of title not more than ten (10) days prior to the Closing. Buyer shall pay any and all costs and expenses related to the title insurance, including all search fees, closing fees, and the premium for the owner's title insurance policy and any endorsements requested by Buyer (collectively, the "Title Policy") issued pursuant to the Title Commitment. At Buyer's request, the Title Policy shall include, to the extent available under applicable law: (i) a zoning endorsement in a form acceptable to Buyer; (ii) an access endorsement to affirmatively insure access to and from the Property; (iii) a utilities endorsement to affirmatively insure that the Property has access to and is serviced by applicable, specified utility services; (iv) affirmative coverage of and for any appurtenant easements; (v) a contiguity endorsement, if the Property is comprised of two or more parcels; and (vi) any other title endorsements reasonably requested by Buyer or Buyer's lender.

**(b) Title Defects.** If: (i) the Title Commitment reflects any exceptions to title which are not acceptable to Buyer, in Buyer's sole discretion; (ii) the Survey discloses any state of fact not acceptable to Buyer, in Buyer's sole discretion; or (iii) at any time prior to the Closing, title to the Property is encumbered by any exception to title not acceptable to Buyer, in Buyer's sole discretion (with any such exception or unacceptable state of fact being referred to herein as a "Title Defect"); then Buyer may, on or before the Satisfaction Date (or, in the case of a Title Defect not disclosed by the Title Commitment prior to the Satisfaction Date, within fifteen (15) days after Buyer receives notice of such Title Defect), provide Seller with written notice of such Title Defect. Seller shall have the right, but not the obligation (except as specifically set forth below), during the thirty (30) day period after receipt of such notice, but not later than the Closing, to remove such Title Defect or obtain affirmative title insurance coverage acceptable to Buyer, insuring and defending Buyer against any loss, cost, or expense arising out of or related to such Title Defect ("Affirmative Coverage"). If Seller elects to do so, then on or before the Closing Date (as defined below), Seller shall provide Buyer with reasonable evidence of such removal or provide reasonable evidence that such Title Defect will be removed or that such Affirmative Coverage will be obtained. Notwithstanding anything contained herein to the contrary, Seller shall be obligated to expend whatever sums are required to cure or obtain Affirmative Coverage for the following Title Defects prior to, or at, the Closing:

**(i)** All mortgages, security deeds, liens, or other security instruments encumbering the Property (which are not the result of acts or omissions of Buyer);

**(ii)** Judgments against Seller (which are not the result of acts or omissions of Buyer) which have attached to and become a lien against the Property;

**(iii)** All past due *ad valorem* taxes and assessments of any kind, which constitute a lien against the Property; and

**(iv)** All past due (or currently due) assessments or fees of any kind related to any easement, declaration, covenants, or similar encumbrance affecting the Property.

Seller shall have the right, if reasonably necessary, to extend the Closing Date, for a period not to exceed twenty (20) days in order to cure or obtain Affirmative Coverage for any Title Defect. In the event Seller is unable or unwilling to cure or obtain Affirmative Coverage for any Title Defect within the time periods set forth above, Buyer shall have the option to either: (i) waive any such Title Defect and proceed to Closing; or (ii) terminate this Agreement and receive a full refund of the Earnest Money, in which case neither Party shall have any further rights or liability to the other Party, except as otherwise expressly provided in this Agreement.

(c) **Closing Protection.** If this transaction is to be closed through a local agent of the Title Company, then as a condition to Closing, Buyer shall be entitled to receive a closing protection letter issued by the Title Company, covering its local agent, in a form reasonably acceptable to Buyer.

6. **Survey.** Buyer, at its expense, may procure an ALTA/NSPS survey of the Property (the “Survey”) prepared by a registered land surveyor satisfactory to Buyer. The Survey shall: (i) contain such Table A items as may be requested by Buyer; (ii) have one perimeter description of the Property; (iii) show all easements, rights-of-way, set-back lines, encroachments and other matters affecting the use or development of the Property; (iv) disclose on the face thereof the gross acreage of the Property; (v) contain such other matters as are required for the Title Company to delete the standard exceptions on Schedule B to the Title Commitment; (vi) show the location of any and all Improvements; and (vii) be certified to Seller, Buyer, the Title Company, and Buyer’s lender.

7. **Cooperation of Seller and Property Information.** Seller shall assist Buyer and its representatives, whenever reasonably requested by Buyer, in obtaining information about the Property. Within ten (10) days after the Effective Date, Seller shall, at Seller’s expense, deliver to Buyer true, correct and complete copies of the following documents and/or information, to the extent that such documents and/or information are within Seller’s custody or control (collectively, the “Seller Information”): (i) copies of all current or most recent available real estate tax bills applicable to each parcel of the Property; (ii) any utility bills pertaining to the Property; (iii) any plans or specifications pertaining to any Improvements on the Property; (iv) any warranties and/or service contracts pertaining to any Improvements on the Property; (v) any existing surveys, geotechnical reports, maps, or other reports pertaining to the physical condition of the Property, including, without limitation, structural reports, maintenance reports, environmental reports (the “Environmental Reports”), soils reports, wetlands delineation, and similar tests or inspection reports; (vi) any permits or approvals pertaining to the Property; (vii) any environmental impact reports, zoning commitments, declarations, or similar development restrictions and/or approvals; (viii) any existing title insurance commitments or policies; (ix) any management, service, and maintenance contracts, or any leases, relating to the Property, including any amendments thereto; (x) any unrecorded covenant, condition, and/or restriction that encumbers the Property; (xi) any legal notice received by Seller in the last two (2) years which affects the Property; and (xii) a litigation list disclosing all actions, suits, and legal or administrative proceedings affecting the Property. Additionally, within ten (10) days after the Effective Date, Seller shall, at no cost to Buyer, complete to Seller’s actual knowledge and deliver to Buyer the Environmental Site Assessment Owner’s Disclosure (the “ESA”) in the form attached hereto as **Exhibit C**. The ESA is a statement of conditions and information concerning the Property made to the actual knowledge of Seller on the date it is completed, and is not a guaranty or warranty of any kind by Seller. The ESA is not a substitute for any inspections or tests, and Buyer is solely responsible for obtaining its own independent professional investigations to determine the condition of the Property.

8. **Taxes and Assessments.** The records of the Wyandotte County Auditor and/or Treasurer reflect that the Property currently consists of all or part of Parcel No. 243302; 243303; 243303; 243303; 243306; 243309; 243310; 243300; 243301; 243307; 243308, 243311; 243312; 243313 (+/- 34 acres acres). Copies of the Wyandotte County Auditor’s and/or Treasurer’s records for the above parcel(s) have been or will be provided by Seller to Buyer promptly after the Effective Date. At the Closing, Seller will pay all real estate taxes and assessments that are due and payable. All such real estate taxes and assessments for the year of the Closing shall be prorated between Seller and Buyer as of the Closing Date on a calendar year per diem basis, using the most recent tax and assessment records available, with Seller being responsible for any and all such real estate taxes and assessments that accrued for or with respect to the period of time up to the Closing Date, and Buyer being responsible for all such real estate taxes and assessments that accrue for or with respect to the period of time from and after the Closing Date. At the Closing, Buyer shall receive a credit on the Settlement Statement (as defined below) for those real estate

taxes and assessments allocated to Seller for the period from January 1 of the year in which the Closing occurs up to (but not including) the Closing Date and Seller shall not be further liable for such real estate taxes and assessments. Seller will retain sole responsibility for and with respect to all personal property taxes, if any, due and payable with respect to any personal property owned by Seller and/or used in connection with the Property except such personal property that is to be transferred and conveyed hereunder to Buyer, if any, in which case the personal property taxes attributable to such personal property being transferred and conveyed hereunder to Buyer shall be prorated in the same manner as real estate taxes and any assessments are to be prorated, as provided above. Notwithstanding any other provision of this Agreement to the contrary, Seller shall be responsible for the amount of any agricultural rollback taxes, or similar taxes imposed as the result of any change from the existing use of the Property, and shall indemnify Buyer against liability for any such taxes. The provisions of this Section 8 shall survive Closing.

**9. Insurance, Condemnation and Risk of Loss.** Seller's insurance on the Property shall be cancelled as of the Closing Date. In the event that, prior to Closing, all or any portion of the Property, any interests therein, or any rights appurtenant thereto, are: (a) damaged or destroyed by any fire or other casualty; or (b) taken or appropriated (either permanently or temporarily) under the power of eminent domain or condemnation by any authority having such power, or by virtue of any actions or proceedings in lieu thereof, or if any notice or threat of such taking or appropriation has been given or is pending at the Closing (each, a "Casualty/Taking Event"), and Buyer determines in its sole discretion that such Casualty/Taking Event will adversely impact Buyer's intended development/use of the Property, then Buyer, at its option, may either: (i) terminate this Agreement by providing written notice to Seller, in which event the Title Company shall immediately refund the Earnest Money to Buyer and neither Party shall have any further rights or liability to the other Party, except as otherwise expressly provided in this Agreement; or (ii) elect to proceed with Closing, in which event the Purchase Price shall be reduced by an amount equal to any sums previously paid or then payable to Seller by the insurance carrier (plus an amount equal to the amount of the deductible feature of Seller's insurance policy) or by the condemning authority, by reason of any such Casualty/Taking Event, and Seller shall transfer and assign to Buyer at Closing any and all further insurance or condemnation proceeds, claims, demands, actions, and choses in action which may exist by virtue of such Casualty/Taking Event; provided, however, that until the earlier of: (y) the Closing Date; or (z) termination of this Agreement; Seller shall not make any voluntary settlement or agreement regarding any Casualty/Taking Event with any insurance carrier or any condemning authority, without first obtaining Buyer's written consent to such settlement or agreement. Seller agrees to promptly provide Buyer with all information and documents related to such Casualty/Taking Event upon Seller's receipt thereof. Notwithstanding anything contained in this Agreement to the contrary, in the event of a Casualty/Taking Event, the Satisfaction Date shall automatically (without notice) be extended to the date that is thirty (30) days after Buyer's written receipt of information about such Casualty/Taking Event, sufficient to allow Buyer to determine: (A) the location of the portion(s) of the Property affected; and (B) the amount of proceeds of any insurance award or the offer price to be paid by the condemning authority for such portion(s) of the Property.

**10. Closing.** The closing of the purchase and sale of the Property (the "Closing") shall occur remotely by transmission of electronic signatures to the Title Company, upon a date (the "Closing Date") that is specified by Buyer in the Approval Notice, but in any event within sixty (60) days after Buyer's delivery of an Approval Notice, unless otherwise agreed by Seller and Buyer. Any and all documentary stamps, transfer taxes, or conveyance fees due and payable upon the transfer of title contemplated herein shall be the responsibility of and shall be paid by Seller. Seller shall pay for preparation of the Deed, and Buyer shall pay for the recording charges of the Deed. All Closing costs and prorations shall be as provided in this Agreement, or in the absence of such provision, allocated according to the local custom in Wyandotte County, Kansas. All prorations shall be final.

Buyer and Seller agree that the following conditions must be met by Buyer on or prior to the Closing Date, or else Buyer shall have no right to purchase the Property and Seller shall have no obligation to sell the Property to Buyer:

- a. Buyer must obtain control over the property located at 9700 Leavenworth Rd., Kansas City, Kansas 66109 (the "Development Site") by taking title to the Development Site.
- b. Buyer shall have deeded that certain portion of the Development Site to Seller by special or limited warranty deed, legally described or depicted on Exhibit D attached hereto, for purposes of parks and recreation and trail use (the "Park Property").
- c. Buyer shall have made a donation of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) to the Treasurer of the Unified Government of Wyandotte County/Kansas City, Kansas for the purpose of making improvements on the Park Property.

**11. Closing Documents.** At the Closing, Seller shall execute and deliver to Buyer: (a) a special or limited warranty deed in recordable form conveying fee simple title to the Property to Buyer, using the Survey legal description, subject only to the Permitted Exceptions listed on the Title Policy and otherwise free and clear of all liens and encumbrances except such as have been approved in writing by Buyer (the "Deed"); (b) any and all applicable transfer tax declarations or other transfer or sale disclosure statements required by applicable law; (c) a title/vendor's/owner's affidavit in a form satisfactory to the Title Company, suitable to permit the Title Company to delete the standard, pre-printed exceptions (identified in the Title Commitment) from the Title Policy, and shall include "gap" indemnity language; (d) a certification of non-foreign status pursuant to Section 1445(b)(2) of the Internal Revenue Code, as amended (the "Code"); (e) an IRS Form 1099-S Disclosure Statement (if required under the Code); (f) an assignment, in a form satisfactory to Buyer, of any and all leases, contracts, and/or service agreements, if any, pertaining to the Property which Buyer has agreed to assume; (g) a closing or settlement statement prepared by the Title Company (the "Settlement Statement"); (h) an assignment of any warranties pertaining to any Improvements located on the Property; and (i) such other instruments, certificates, or affidavits as may be provided herein or as Buyer or Title Company may reasonably request to effectuate the transaction contemplated by this Agreement.

**12. Possession.** Sole and actual possession of the Property shall be delivered to Buyer on the Closing Date in the same condition as it is on the Effective Date, ordinary wear and tear excepted and subject to Section 9, free and clear of any rights or claims of any other party, except as provided herein.

**13. Rights and Obligations.** The rights and obligations of Seller and Buyer herein contained shall inure to the benefit of and be binding upon the Parties and their respective successors and permitted assigns. If this Agreement is executed by more than one party for Buyer or Seller, as the case may be, the obligations, covenants, representations, warranties and indemnities of such persons or entities shall be joint and several.

**14. Notices.** All notices required or permitted to be given hereunder shall be in writing and delivered: (a) in person; (b) by certified or registered first class prepaid U.S. Mail, return receipt requested; (c) prepaid by nationally-recognized overnight courier service such as FedEx; or (d) via email, to Seller or Buyer at their respective addresses set forth below, or at such other addresses, notice of which shall previously have been given to the other Party in accordance with this Section 14. Such notices shall be deemed given when: (i) personally delivered; (ii) deposited in the mail or with such courier service; or (iii) sent to the receiving party via email, as applicable. In the event notice is provided pursuant to subsection (d) above, the Party providing such notice shall also provide courtesy copies of such notice to the receiving



Party by any means provided under subsections (a) through (c) above within two (2) Business Days thereafter.

**Seller:** Douglas G. Bach  
County Administrator  
Unified Government of Wyandotte  
County/KCK  
701 N. 7<sup>th</sup> St.  
Kansas City, KS 66101  
E-Mail: dbach@wycokck.org

with a courtesy copy to: Katherine Carttar  
Director, Economic Development  
701 N. 7<sup>th</sup> St.  
Unified Government of Wyandotte  
County/KCK  
701 N. 7<sup>th</sup> St.  
Kansas City, KS 66101  
E-Mail: kcarttar@wycokck.org

**Buyer:** Scannell Properties, LLC  
8801 River Crossing Blvd., Suite 300  
Indianapolis, IN 46240  
Attn: Jeffrey M. Cromer  
E-mail: [jeffc@scannellproperties.com](mailto:jeffc@scannellproperties.com)

with a courtesy copy to: Scannell Properties, LLC  
8801 River Crossing Blvd., Suite 300  
Indianapolis, IN 46240  
Attn: Shaun Cofer  
E-mail: [shaunc@scannellproperties.com](mailto:shaunc@scannellproperties.com)

## **15. Representations and Warranties.**

**(a) Seller Representations, Warranties, and Covenants.** Seller hereby represents and warrants to Buyer, as of the Effective Date and as of the Closing Date, and covenants and agrees as follows:

**(i)** The execution, delivery and performance by Seller of its obligations under this Agreement will not conflict with or result in a breach of, or constitute a default under, any of the provisions of any law, governmental rule, regulations, judgment, decree, or order by which Seller is bound, or by any of the provisions of any contract to which Seller is bound, or by the organic agreements establishing and regulating Seller's business affairs.

**(ii)** Seller has full power and authority to enter into this Agreement and to assume and perform all of its obligations under this Agreement, all consents and approvals necessary therefor have been obtained, and the person executing this Agreement on its behalf has been duly authorized and is empowered to bind Seller to this Agreement.

**(iii)** Seller is the legal and equitable owner of fee simple title to the Property and has the right to convey such fee simple title by the Deed to Buyer on the Closing Date, free and clear of all options, rights, covenants, easements, liens, and other rights in favor of third parties, other than the Permitted Exceptions, or as agreed by Buyer in writing. Except as disclosed in the Seller Information, the Property is not subject to any: (A) outstanding agreements of sale, options, liens, or other rights of third parties to acquire any interest(s) therein; (B) ground leases or other leases or tenancies, including but not limited to equipment or signage leases, or other agreements relating to the ownership or use of the Property; (C) real estate, management, supply, promotional, operating, maintenance, security, or other service contracts; (D) any unrecorded declarations of covenants, conditions and restrictions, or similar encumbrances; or (E) other encumbrances other than the Permitted Exceptions. Seller shall not encumber or allow the Property to be encumbered by any of the foregoing without Buyer's prior written consent, which consent may be granted or withheld in Buyer's sole discretion. Seller shall not sell, transfer, or distribute all or any portion of the Property (or the membership interest, ownership, or stock of the Seller entity) to a third party without Buyer's prior written consent, which consent may be granted or withheld in Buyer's sole discretion.

**(iv)** Except as disclosed in the Seller Information, Seller does not hold any approvals, licenses, certificates, or permits to own, operate, use and/or maintain the Property, nor is Seller aware that any such approvals, licenses, certificates, or permits, are necessary for Seller's current use of the Property.

**(v)** No work has been done on the Property, or materials or utilities furnished, that has/have not been fully paid for, and there is no claim against any portion of the Property or Seller for or on account of work done, materials furnished, or utilities supplied to the Property. There are no payback agreements, revenue bonds, utility debt service expenses, or other charges or expenses applicable to the Property.

**(vi)** To Seller's Knowledge: (A) there are no violations, or threatened or pending violations, of any laws, statutes, ordinances, rules or regulations with respect to the Property open, noticed or existing; and (B) except as disclosed in the Seller Information, no litigation, condemnation proceedings, eminent domain proceedings or similar actions or proceedings are now pending or threatened against the Property, or which could result in any judgment lien against the Property; nor does Seller know of or have reasonable grounds to know of any basis for any such violation, action, or claim.

**(vii)** There are no unpaid: (A) *ad valorem* real estate taxes or assessments; or (B) assessments for public improvements pertaining to the Property. To Seller's Knowledge: (1) there are no public plans or proposals for changes in road grade, access, or other municipal improvements which would affect the Property or result in any assessment thereto; (2) no ordinance authorizing improvements, the cost of which might be assessed against Buyer or the Property, is pending; and (3) there is no appellate tax proceeding pending for the reduction or increase of the assessed real estate tax valuation of the Property or any portion thereof.

**(viii)** The Property has direct legal and perpetual rights of access to and from the Property to one or more public roads.

**(ix)** Utility services for water, sanitary and storm sewers, natural gas, electricity, telephone and internet services are available either at the Property or in the

vicinity of the Property in locations wherein Buyer can connect to such existing utility infrastructures and extend the same to the Property at Buyer's expense through perpetual private easements that benefit the Property or through public rights-of-way.

(x) To Seller's Knowledge, except as otherwise disclosed in the Environmental Reports: (1) there are no, and have never been, underground storage tanks on the Property, (2) the Property has never been used as a landfill or garbage dump, and (3) there are no hazardous, toxic or infectious wastes, substances or materials present on the Property in quantities or concentrations or otherwise stored or used in violation of any applicable Environmental Laws (as defined below). The term "Environmental Laws" shall mean and refer to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and the Super Fund Amendments and Reauthorization Act (42 U.S.C. § 9601 *et seq.*); the Hazardous Materials Transportation Act (49 U.S.C. § 1801 *et seq.*); the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 *et seq.*); the Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*); the Clean Air Act (42 U.S.C. § 7401 *et seq.*); the Toxic Substances Control Act of 1976 (15 U.S.C. § 2601 *et seq.*); the Safe Drinking Water Act (42 U.S.C. § 300f *et seq.*); the Occupational Safety and Health Act of 1970 (29 U.S.C. § 651 *et seq.*); and the Emergency Planning and Community Right to Know Act (42 U.S.C. § 11001 *et seq.*); each as heretofore and hereafter amended or supplemented, and any future or present local, state, or federal statute, rule, or regulation pertaining to the regulation and protection of the environment, industrial hygiene, pollution, or environmental effects on health and safety.

(xi) Seller is currently in compliance with and shall at all times during the term of this Agreement remain in compliance with the regulations of the Office of Foreign Assets Control ("OFAC") of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List) and any statute, executive order (including the September 24, 2001, Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism), or other governmental action relating thereto.

(xii) For purposes of this Section 15(a), the term "Seller's Knowledge" shall mean the actual knowledge of Douglas G. Bach, who is the County Administrator of Seller, with reasonable duty of inquiry.

(xiii) The representations and warranties in this Section 15(a) shall: (1) not merge with the Deed or any other Closing documents; and (2) survive the Closing Date for a period of two (2) years. Seller shall indemnify, defend, and hold Buyer harmless from and against any and all claims, demands, liabilities, damages, suits, actions, judgments, fines, penalties, loss, costs and expenses (including but not limited to, reasonable attorneys' fees) arising or resulting from, or suffered, sustained, or incurred by Buyer as a result (direct or indirect) of the untruth or inaccuracy of any of the foregoing representations and warranties by Seller or the breach of any of the foregoing representations, warranties, or covenants, which indemnity obligations shall survive the Closing Date for such period, and, regarding any such representations and warranties as to which any litigation that was filed within such period is pending, also during the pendency of any such litigation, including appeals, if any.

**(b) Buyer Representations and Warranties.** Buyer hereby represents and warrants to Seller, as of the Effective Date and as of the Closing Date, and covenants and agrees as follows:

(i) The execution, delivery and performance by Buyer of its obligations under this Agreement will not conflict with or result in a breach of, or constitute a default under, any of the provisions of any law, governmental rule, regulations, judgment, decree, or order by which Buyer is bound, or by any of the provisions of any contract to which Buyer is bound, or by the organic agreements establishing and regulating Buyer's business affairs.

(ii) Buyer has full power and authority to enter into this Agreement and to assume and perform all of its obligations under this Agreement, all consents and approvals necessary therefor have been obtained, and the person executing this Agreement on its behalf has been duly authorized and is empowered to bind Buyer to this Agreement.

(iii) Buyer is currently in compliance with and shall at all times during the term of this Agreement remain in compliance with the regulations of the OFAC of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List) and any statute, executive order (including the September 24, 2001, Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism), or other governmental action relating thereto.

**16. Prorations.** Subject to the provisions of Section 8, above, Seller shall be entitled to all income and shall be responsible for all expenses produced from the operation of the Property which are allocable up to (but not including) the Closing Date. Buyer shall be entitled to income and shall be responsible for all expenses which are allocable to the period from and after the Closing Date. Unless otherwise specifically set forth in this Agreement, at the Closing, all items of income and expense shall be prorated in accordance with the foregoing principle.

**17. Default and Remedies.**

(a) **Buyer Default.** In the event of a default by Buyer under the terms of this Agreement, Seller shall be entitled, as its sole and exclusive remedy hereunder, to terminate this Agreement and receive the Earnest Money as full liquidated damages for such default of Buyer, whereupon neither Party shall have any further rights or liability to the other Party, except as otherwise expressly provided in this Agreement; provided, however, in the event of any such Buyer default, Seller shall first give Buyer written notice of the occurrence of such default (a "Buyer Default Notice") and Buyer shall have twenty (20) days following its receipt of such Buyer Default Notice in which to cure such default or commence such cure and thereafter diligently pursue it to completion. It is hereby agreed that Seller's damages in the event of a Buyer default hereunder are uncertain and difficult to ascertain, and that the Earnest Money constitutes a reasonable liquidation of such damages and is intended not as a penalty, but as full liquidated damages.

(b) **Seller Default.** In the event of a default by Seller under the terms of this Agreement, Buyer shall be entitled to pursue all remedies available at law or in equity, including, without limitation, the right to terminate this Agreement and receive a full refund of the Earnest Money, or to seek specific performance of Seller's obligations under this Agreement; provided, however, in the event of any such Seller default, Buyer shall first give Seller written notice of the occurrence of such default (a "Seller Default Notice") and Seller shall have twenty (20) days following its receipt of such Seller Default Notice in which to cure such default or commence such cure and thereafter diligently pursue it to completion.

**18. Use of Brokers.** Seller and Buyer hereby warrant that neither Party has an obligation to pay an outside brokerage commission for the sale of the Property. Buyer and Seller hereby agree to

indemnify, defend and hold harmless the other Party from and against any liability, cost or expense, plus all costs of collection, including litigation expenses and attorneys' fees, as a result of a claim for a commission, fee, or other compensation made by any real estate broker, finder, or other person and asserted against the other Party by reason of an arrangement made or alleged to have been made by the indemnifying Party.

**19. Attorneys' Fees.** Except as herein specifically provided to the contrary, each of the Parties shall bear its own legal and accounting expenses incurred in connection with the negotiation of this Agreement and the consummation of the transaction contemplated by this Agreement. In the event that either Party shall bring an action or legal proceeding for an alleged default of any provision of this Agreement or any representation, warranty, covenant, or agreement herein set forth, or to enforce, protect, determine, or establish any term, covenant, or provision of this Agreement or the rights hereunder of either Party, the prevailing Party shall be entitled to recover from the non-prevailing Party, as a part of such action or proceedings, or in a separate action brought for that purpose, reasonable attorneys' fees and costs, expert witness fees and court costs as may be fixed by the court or jury, to the extent permitted by the Kansas Cash Basis Law.

**20. Binding Effect.** This Agreement, as executed by Buyer and submitted to Seller, constitutes an offer to purchase the Property. If Seller does not execute and deliver this Agreement, without revision, to Buyer within seven (7) Business Days after the date the Seller receives Buyer's execution of this Agreement, Buyer may, in its sole discretion, by delivery of written notice to Seller, revoke Buyer's offer to purchase; in which case, Buyer shall have no further liability or obligation hereunder.

**21. [This Paragraph intentionally omitted].**

**22. Section 1031 Exchange.** In the event that either Party elects to structure this transaction as a like-kind exchange pursuant to Section 1031 of the Code, the other Party shall reasonably cooperate upon the request of the electing Party, including prompt execution of such documents as may reasonably be required to effectuate such exchange, provided that: (a) the electing Party shall bear all costs in connection with such exchange and shall indemnify and hold the other Party harmless from and against any cost, claims, expenses, or liabilities (including reasonable attorneys' fees) incurred by the other Party solely as a result of structuring the transaction as a like-kind exchange; and (b) the exchange shall have no material effect on the terms of either Party's rights or obligations under this Agreement. Notwithstanding any other provision of this Agreement to the contrary, Seller agrees that Buyer may assign its rights in this Agreement to a third party as part of any such exchange. Nothing contained herein shall prevent both Parties from electing a like-kind exchange.

**23. Force Majeure.** Except with regard to the payment of money due, if either Party hereto shall be delayed, hindered in, or prevented from the performance of its obligations hereunder by reason of any occurrence which is not within the reasonable anticipation or control of such Party, including but not limited to, strikes, lockouts, labor troubles, governmental action or inaction, failure of power, riots, insurrection, war, acts of God, unusual weather, or other similar reason, and which occurrence, in any event, is not a result of the intentional act, negligence, or willful misconduct of such Party (each, a "Force Majeure Event"), such Party's performance shall be excused for the period of time equivalent to the delay caused by such Force Majeure Event, provided that such Party gives prompt notice to the other Party of such delay.

**24. Independent Contract Consideration.** In consideration of Seller's execution of this Agreement, the permission afforded to Buyer to have access to and rights of entry upon the Property, and the ability to market the Property as provided in Section 21, Buyer agrees to pay to Seller the sum of Twenty-Five and No/100 Dollars (\$25.00), which amount may be paid out of the Earnest Money, shall be

non-refundable and non-applicable to the Purchase Price, and will constitute independent contract consideration for Seller's agreement to enter into this Agreement.

**25. Miscellaneous.**

(a) This Agreement shall be interpreted and enforced according to the laws of the State of Kansas, without reference to its conflict of laws rules. The venue of any litigation arising out of this Agreement shall lie exclusively with the state or federal court in which district the Property is located.

(b) All headings and section designations of this Agreement are inserted for convenience only and do not form a part of this Agreement or limit, expand, or otherwise alter the meaning of any provisions hereof.

(c) This Agreement, and any amendments hereto, may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. The Parties agree that signatures transmitted by electronic scan and email (including by way of DocuSign or other similar electronic signature exchange software or service) shall have the legal effect of original signatures. At the request of either Party, the Parties shall promptly exchange executed original counterparts of this Agreement or any amendment hereto.

(d) The provisions of this Agreement are intended to be for the sole benefit of the Parties and their respective successors and assigns, and none of the provisions of this Agreement are intended to be, nor shall they be construed to be, for the benefit of any third party.

(e) If, under any provision of this Agreement: (i) the date any act to be done or action to be taken; or (ii) the last day of any time period, including any notice period; falls on a Saturday, Sunday, a federal legal holiday, or a legal holiday in the State of Kansas (each, a "Non-Business Day"), then such act or action shall be deemed to have been validly done or taken on, or such time period shall be deemed extended to, the next succeeding day which is not a Non-Business Day, and all succeeding time periods shall be deemed extended accordingly. Unless otherwise specified in this Agreement, all references herein to a "day" or "days" shall refer to calendar days. For purposes of this Agreement, the term "Business Day" means any day that is not a Non-Business Day.

(f) Buyer may assign this Agreement and all of its interests herein to an entity related to or affiliated with Buyer or the potential landlord of the lease referred to in Section 4(d)(xiii), above, without obtaining Seller's consent. Upon any assignment, the assignee shall have and be subject to all the rights, benefits, duties and obligations of Buyer hereunder and Buyer named in this Agreement will be relieved of any rights or obligations hereunder.

(g) This Agreement represents the entire agreement between Seller and Buyer covering everything agreed upon or understood in this transaction. There are no oral promises, conditions, representations, understandings, interpretations, or terms of any kind as conditions or inducements to the execution hereof or in effect between the Parties. No change or addition shall be made to this Agreement except by a written agreement duly executed by Seller and Buyer.

(h) The Parties acknowledge that each has been represented by, or has had the opportunity to consult with, legal counsel of its own choosing in this matter, and this Agreement has been arrived at through arms' length negotiation. For purposes of the rule of contract



interpretation that construes a document against its drafter, the Parties agree that neither Party nor its counsel shall be considered the drafter hereof.

(i) If any term, covenant, or condition of this Agreement is held to be invalid or unenforceable in any respect, such invalidity or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed in accordance with its intent as if such invalid or unenforceable provision had never been contained herein.

(j) No failure by either Party, at any time, to require the performance by the other of any term of this Agreement, shall in any way affect the right of either Party to enforce such terms, nor shall any waiver by either Party of any term hereof be taken or held to be a waiver of any other provision of this Agreement. No waiver of any term or provision of this Agreement shall be effective unless the same is in writing and signed by the Party granting such waiver.

(k) With regard to all matters in this Agreement requiring the consent or approval of either Party, the Parties agree that any such consent or approval shall not be unreasonably withheld, conditioned, or delayed, unless otherwise specifically provided in this Agreement.

(l) All Exhibits to this Agreement are incorporated herein as though fully set forth.

(m) Time is of the essence with regard to the dates and time periods set forth in this Agreement.

(n) For purposes of this Agreement, the term “Effective Date” will mean and refer to the date upon which the latter of the Parties executes this Agreement, as indicated by the respective dates set forth adjacent to each of the Parties’ respective signatures to this Agreement.

*[SIGNATURE PAGE FOLLOWS]*

**IN WITNESS WHEREOF**, this Agreement has been executed by the Parties as of the date(s) set forth below, to be effective as of the Effective Date.

**SELLER:**

**UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY AND KANSAS CITY, KANSAS**, a  
Kansas Municipal Corporation

By: \_\_\_\_\_

Printed: Douglas G. Bach

Title: County Administrator

Date: \_\_\_\_\_

**BUYER:**

**SCANNELL PROPERTIES, LLC**  
an Indiana limited liability company

By: \_\_\_\_\_

Marc D. Pfleging, Manager

Date: \_\_\_\_\_

**Index to Exhibits**

Exhibit A – Legal Description/Depiction of the Property

Exhibit B – Form of Escrow Agreement

Exhibit C – Form of Environmental Site Assessment Owner's Disclosure



**EXHIBIT B**  
**Form of Escrow Agreement**

**ESCROW AGREEMENT**

**Escrow Number:** \_\_\_\_\_ **Date:** \_\_\_\_\_, 2020

**Property Address:** N. 99<sup>th</sup> Street & Leavenworth Road

**Parcel No.:** [Parcel #]

**Deposit Amount:** \$50,000.00

**SCANNELL PROPERTIES, LLC**, an Indiana limited liability company, or its assigns (the “Buyer”), and **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS** a Kansas Municipal Corporation (the “Seller”), are parties to that certain Real Estate Purchase Agreement (the “Agreement”) dated as of \_\_\_\_\_, 2020, with respect to the above referenced property (the “Property”), which is more particularly described in the Agreement. Buyer has deposited the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) (the “Deposit”) with First American Title Insurance Company (the “Title Company”) to be held under the terms of the Agreement and the terms of this Escrow Agreement (the “Escrow Agreement”). On or before the Satisfaction Date (as defined in the Agreement), the Deposit shall be refunded by the Title Company to Buyer upon receipt of a written request from Buyer, together with evidence that Buyer has given Seller written notice of termination in accordance with the terms of the Agreement. Following the Satisfaction Date, if the Title Company has not received any written request from Buyer as set forth above, the Deposit shall be distributed to Seller and/or Buyer as directed in the Agreement.

Following the Satisfaction Date, the Title Company is hereby expressly authorized to disregard, in its sole discretion, any and all unilateral notices or warnings given by any of the parties hereto, or by any other person or entity, except as otherwise expressly provided herein, but Title Company is hereby expressly authorized to regard and to comply with and obey any and all orders, judgments or decrees entered or issued by any court with or without jurisdiction, and in case Title Company obeys or complies with any such order, judgment or decree of any court it shall not be liable to any of the parties hereto or any other person, firm or entity by reason of such compliance, notwithstanding any such order, judgment or decree being entered without jurisdiction or being subsequently reversed, modified, annulled, set aside or vacated. In case of any suit or proceeding regarding this escrow, to which Title Company is or may at any time become a party, it shall have a lien on the contents hereof for any and all costs, attorneys’ fees, whether such attorneys shall be regularly retained or specially employed, and any other expenses which it may have incurred or become liable for on account thereof, and it shall be entitled to reimburse itself therefor out of said deposit, and the undersigned jointly and severally agree to pay Title Company upon demand all such costs, fees and expenses so incurred.

Except as expressly provided herein, in no case shall the above-mentioned deposits be surrendered except on an order signed by the parties hereto, their respective legal representatives or assigns, or in obedience of the process or order of court as aforesaid.

Unless directed otherwise in writing by Buyer, all deposits made pursuant to this Escrow Agreement shall be invested on behalf of Buyer in investments limited to interest-bearing, federally-insured instruments with a national bank or federal savings bank or in a money market fund authorized to invest solely in direct obligations of the United States of America (“Qualified Investments”). The funds invested

in this manner shall have a maturity of 30 days or less. Interest and other earnings on any funds invested hereunder shall be added to the funds held on deposit by Title Company hereunder, and losses, if any, incurred from any such investment shall reduce the balance of the funds on deposits hereunder. Buyer shall provide Title Company with a Form W-9 with its taxpayer identification number and such other investment forms as it may reasonably require. Title Company shall, upon request furnish information concerning its procedures for such investment, but shall not charge or otherwise assess any additional fees for the investment of such funds.

Billing Instructions: Any escrow fees shall be shared equally between Buyer and Seller.

Except as to deposits of funds for which Title Company has received express written direction concerning investment to other handling, the parties hereto agree that the Title Company shall be under no duty to invest or reinvest any deposits at any time held by it thereunder; and, further that Title Company may commingle such deposits with other deposits or with its own funds in the manner provided for the administration of funds held as a fiduciary under applicable law, provided, however, nothing herein shall diminish Title Company's obligation to apply the full amount of the deposits in accordance with the terms of the Agreement.

In the event the Title Company is requested to invest deposits hereunder in Qualified Investments pursuant to this agreement, Title Company shall not be held responsible for any loss of principal or interest which may be incurred as a result of making the investments or redeeming said investment for the purposes of these escrow instructions except to the extent that Title Company negligently or willfully fails to follow such investment directions.

This Escrow Agreement is intended to be executed in triplicate, but may be executed in multiple counterparts. Each such counterpart shall be deemed an original, but all of which together shall constitute one and the same document. The parties agree that, except for notice purposes, signatures transmitted by electronic scan and email shall have the legal effect of original signatures. Upon the request of any party, the parties shall promptly exchange executed original counterparts of this Escrow Agreement.

*[SIGNATURE PAGE FOLLOWS]*

**IN WITNESS WHEREOF**, this Escrow Agreement has been executed by Seller, Buyer, and the Title Company to be effective as of the date first written above.

**SELLER:**

**UNIFIED GOVERNMENT OF WYANDOTTE  
COUNTY AND KANSAS CITY, KANSAS** [a  
Kansas Municipal Corporation

By: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

**BUYER:**

**SCANNELL PROPERTIES, LLC**  
an Indiana limited liability company

By: \_\_\_\_\_

Marc D. Pfleging, Manager

**TITLE COMPANY:**

**FIRST AMERICAN TITLE INSURANCE  
COMPANY**

By: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_



## EXHIBIT C

### Environmental Site Assessment Owner's Disclosure

*The following information is to be completed by the owner of the property.*

|                  |          |  |      |  |          |  |           |
|------------------|----------|--|------|--|----------|--|-----------|
| <b>LANDOWNER</b> | Name:    |  |      |  | Contact: |  |           |
|                  | Address: |  |      |  |          |  |           |
|                  | City:    |  |      |  | State:   |  | Zip Code: |
|                  | Phone:   |  | Fax: |  | Email:   |  |           |

|                                                                            |  |        |  |           |  |
|----------------------------------------------------------------------------|--|--------|--|-----------|--|
| Site Address:                                                              |  |        |  |           |  |
| City:                                                                      |  | State: |  | Zip Code: |  |
| Site or Facility Description, Assessor's Parcel No. (if undeveloped land): |  |        |  |           |  |

| <b>SITE INFORMATION</b>                           |     |    |     |                    |  |
|---------------------------------------------------|-----|----|-----|--------------------|--|
| Advise the following characteristics of the site: | Yes | No | Unk | Comments / Details |  |
| Property acreage:                                 |     |    |     |                    |  |
| Date property developed:                          |     |    |     |                    |  |
| Garage?                                           |     |    |     |                    |  |
| Garage floor drains?                              |     |    |     |                    |  |
| Truck wash area?                                  |     |    |     |                    |  |
| Dock / warehouse floor drains?                    |     |    |     |                    |  |
| Dry wells?                                        |     |    |     |                    |  |
| Sanitary sewer?                                   |     |    |     |                    |  |
| Storm sewers?                                     |     |    |     |                    |  |
| Septic systems?                                   |     |    |     |                    |  |
| Well water systems?                               |     |    |     |                    |  |
| Public water?                                     |     |    |     |                    |  |
| Sump systems?                                     |     |    |     |                    |  |
| Oil/water separator systems?                      |     |    |     |                    |  |
| Service pits?                                     |     |    |     |                    |  |
| Asphalt paving?                                   |     |    |     |                    |  |
| Stone paving?                                     |     |    |     |                    |  |
| Oil/gas spills on the site?                       |     |    |     |                    |  |
| Underground tanks?                                |     |    |     |                    |  |
| Aboveground tanks?                                |     |    |     |                    |  |
| Were tanks removed from site?                     |     |    |     |                    |  |
| Offsite fill used?                                |     |    |     |                    |  |
| Radon issues?                                     |     |    |     |                    |  |
| Asbestos containing materials?                    |     |    |     |                    |  |
| Flood plain?                                      |     |    |     |                    |  |
| Wetlands?                                         |     |    |     |                    |  |
| Other environmental concerns with site?           |     |    |     |                    |  |
|                                                   |     |    |     |                    |  |

| SITE INFORMATION                                    |     |    |     |                    |
|-----------------------------------------------------|-----|----|-----|--------------------|
| <b>Advise uses and activities performed onsite:</b> |     |    |     |                    |
| Current use of property:                            |     |    |     |                    |
| Past use of property:                               |     |    |     |                    |
|                                                     | Yes | No | Unk | Comments / Details |
| Was used oil ever used for dust control?            |     |    |     |                    |
| Hazardous wastes generated on site?                 |     |    |     |                    |
| Drums or containers stored onsite?                  |     |    |     |                    |
| Other environmental concerns?                       |     |    |     |                    |

|                                                                                                                       |  |
|-----------------------------------------------------------------------------------------------------------------------|--|
| <b>Indicate adjacent uses of property (i.e., industrial, commercial residential, roads, rail, undeveloped, etc.):</b> |  |
| North                                                                                                                 |  |
| South                                                                                                                 |  |
| East                                                                                                                  |  |
| West                                                                                                                  |  |

| Advise if the following information is available: | Yes | No | Unk | Comments / Details |
|---------------------------------------------------|-----|----|-----|--------------------|
| Real estate appraisal                             |     |    |     |                    |
| Locator map                                       |     |    |     |                    |
| Property survey                                   |     |    |     |                    |
| Legal description                                 |     |    |     |                    |
| Title commitment                                  |     |    |     |                    |
| Geotechnical reports                              |     |    |     |                    |
| Environmental assessment or remediation reports   |     |    |     |                    |
| Facility plans                                    |     |    |     |                    |
| Environmental permits                             |     |    |     |                    |
| Inspection reports or notices of violations       |     |    |     |                    |
| Public complaints about property                  |     |    |     |                    |
| Other information available?                      |     |    |     |                    |

|                       |  |       |  |
|-----------------------|--|-------|--|
| Completed by (print): |  |       |  |
| Signed by:            |  | Date: |  |



**PROPOSED TRACT**

**LEGEND**

- 1. 1/4 Section
- 2. 1/2 Section
- 3. 3/4 Section
- 4. Section
- 5. Township
- 6. Range
- 7. County
- 8. State
- 9. National
- 10. International
- 11. City
- 12. Town
- 13. Village
- 14. Hamlet
- 15. Census
- 16. Precinct
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- 361. Village
- 362. Hamlet
- 363. Census
- 364. Precinct
- 365. Ward
- 366. District
- 367. County

File No. 020-1274  
Project Super Bowl  
August 18, 2020  
V\_EXH6\_01274

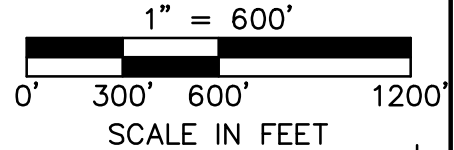
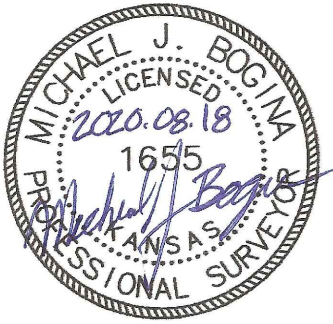


#### Property Description

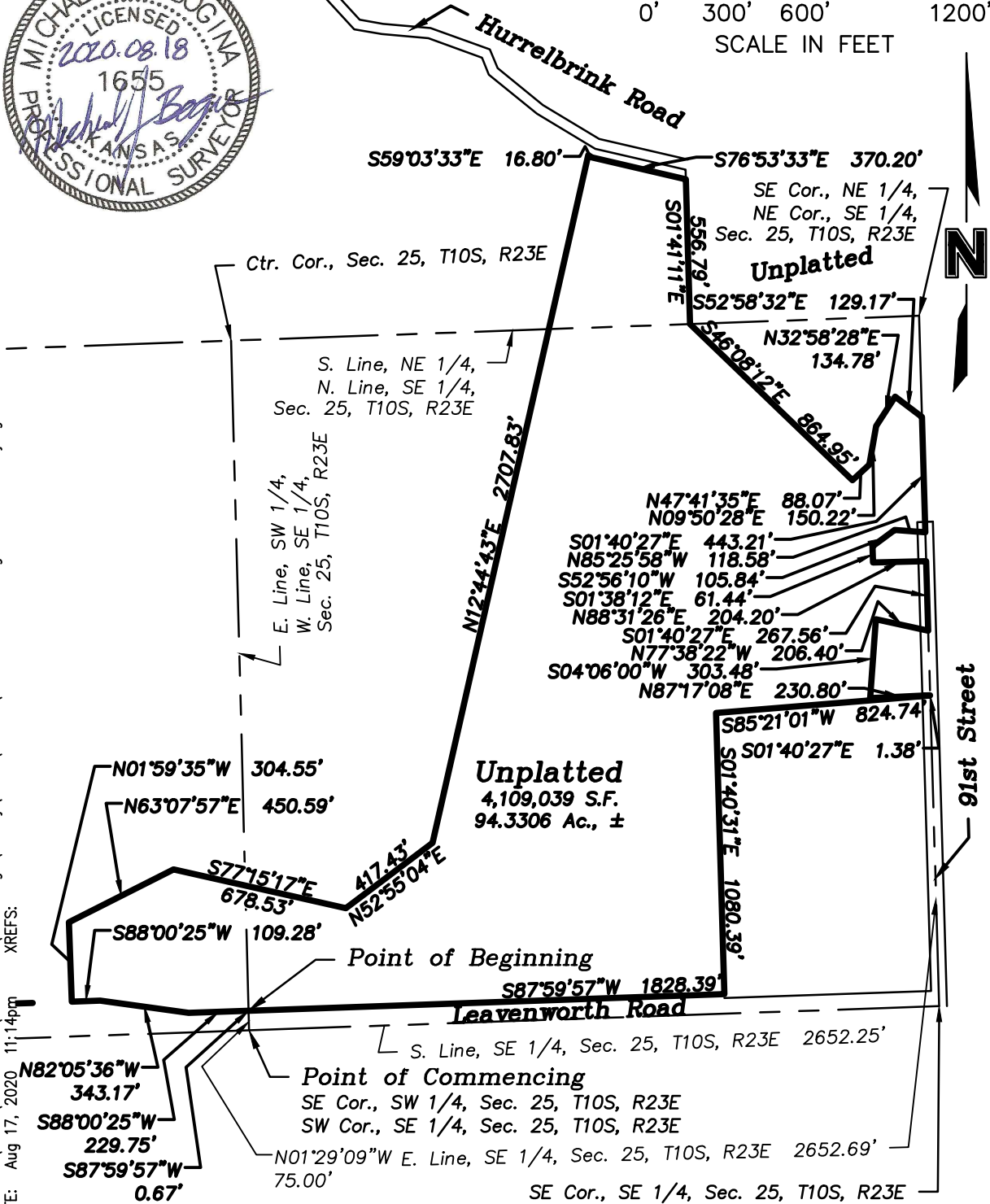
All that part of an unplatted tract of land, together with all that part of 91st Street right of way, as now established, all lying in the Southwest, Southeast and Northeast Quarters of Section 25, Township 10 South, Range 23 East, in Kansas City, Wyandotte County, Kansas, described as follows:

COMMENCING at the Southwest corner of the Southeast Quarter of Section 25, Township 10 South, Range 23 East; thence North 01 degree 29 minutes 09 seconds West, on the West line of said Southeast Quarter, a distance of 75.00 feet to the POINT OF BEGINNING; thence South 87 degrees 59 minutes 57 seconds West, departing said West line, a distance of 0.67 feet to a point; thence South 88 degrees 00 minutes 25 seconds West a distance of 229.75 feet to a point; thence North 82 degrees 05 minutes 36 seconds West a distance of 343.17 feet to a point; thence South 88 degrees 00 minutes 25 seconds West a distance of 109.28 feet to a point; thence North 01 degree 59 minutes 35 seconds West a distance of 304.55 feet to a point; thence North 63 degrees 07 minutes 57 seconds East a distance of 450.59 feet to a point; thence South 77 degrees 15 minutes 17 seconds East a distance of 678.53 feet to a point; thence North 52 degrees 55 minutes 04 seconds East a distance of 417.43 feet to a point; thence North 12 degrees 44 minutes 43 seconds East a distance of 2707.83 feet to a point; thence South 59 degrees 03 minutes 33 seconds East a distance of 16.80 feet to a point; thence South 76 degrees 53 minutes 33 seconds East a distance of 370.20 feet to a point; thence South 01 degree 41 minutes 11 seconds East a distance of 556.79 feet to a point on the North line of the Southeast Quarter of said Section 25, Township 10 South, Range 23 East; thence South 46 degrees 08 minutes 12 seconds East, departing said North line, a distance of 864.95 feet to a point; thence North 47 degrees 41 minutes 35 seconds East a distance of 88.07 feet to a point; thence North 09 degrees 50 minutes 28 seconds East a distance of 150.22 feet to a point; thence North 32 degrees 58 minutes 28 seconds East a distance of 134.78 feet to a point; thence South 52 degrees 58 minutes 32 seconds East a distance of 129.17 feet to a point on the East line of said Southeast Quarter; thence South 01 degree 40 minutes 27 seconds East, on said East line, a distance of 443.21 feet to a point; thence North 85 degrees 25 minutes 58 seconds West, departing said East line, a distance of 118.58 feet to a point; thence South 52 degrees 56 minutes 10 seconds West a distance of 105.84 feet to a point; thence South 01 degree 38 minutes 12 seconds East a distance of 61.44 feet to a point; thence North 88 degrees 31 minutes 26 seconds East a distance of 204.20 feet to a point on said East line of said Southeast Quarter; thence South 01 degree 40 minutes 27 seconds East, on said East line, a distance of 267.56 feet to a point; thence North 77 degrees 38 minutes 22 seconds West, departing said East line, a distance of 206.40 feet to a point; thence South 04 degrees 06 minutes 00 seconds West a distance of 303.48 feet to a point; thence North 87 degrees 17 minutes 08 seconds East a distance of 230.80 feet to a point on said East line of said Southeast Quarter; thence South 01 degree 40 minutes 27 seconds East, on said East line, a distance of 1.38 feet to a point; thence South 85 degrees 21 minutes 01 second West, departing said East line, a distance of 824.74 feet to a point; thence South 01 degree 40 minutes 31 seconds East a distance of 1080.39 feet to a point; thence South 87 degrees 59 minutes 57 seconds West a distance of 1828.39 feet to the POINT OF BEGINNING, containing 4,109,039 Square Feet or 94.3306 Acres, more or less.





USER: mjbogina  
F:\2020\1001-1500\020-1274\40-Design\Survey\SRV\Sheets\V\_EXH6\_01274.dwg  
DATE: Aug 17, 2020 11:14pm  
XREFS:



PROJECT NO: 020-1274  
DRAWN BY: MJB  
DATE: 08/18/20

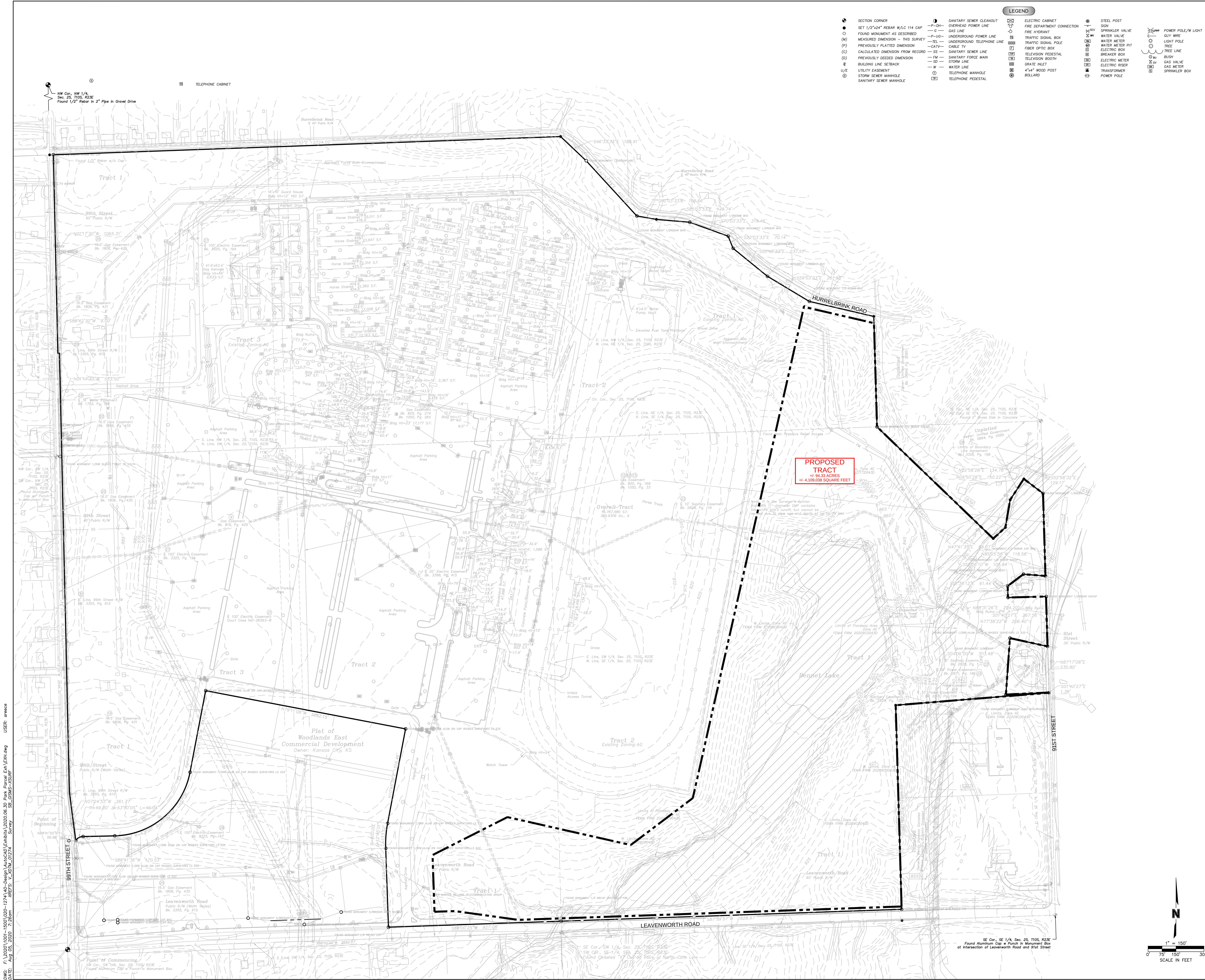
Property  
Exhibit

**olsson**

7301 West 133rd Street  
Suite 200  
Overland Park, KS 66213-4750  
TEL 913.381.1170

EXHIBIT  
6









# Staff Request for Commission Action

Tracking No. 20296

**Full Commission Meeting Date:** 8/27/20

**Committee:** Economic Development & Finance

Date of Standing Committee Action: 8/10/20

(If none, please explain):

**Publication Required:** No

|                                                                                                                                                                                                                                                                |                                           |                                |                                               |                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------|-----------------------------------------------|-----------------------------------------------------|
| <u>Date:</u><br>8/21/2020                                                                                                                                                                                                                                      | <u>Contact Name:</u><br>Katherine Carttar | <u>Contact Phone:</u><br>x5176 | <u>Contact Email:</u><br>kcarttar@wycokck.org | <u>Department/Division:</u><br>Economic Development |
| <u>Item Description:</u><br>The third amendment to KC Foodie Park Development Agreement and first amendment to the Acknowledgement and Assumption Agreement, which modifies the Phase 1 Minimum Improvements Commencement Date to on or before April 30, 2021. |                                           |                                |                                               |                                                     |
| <u>Action Requested:</u><br>approval                                                                                                                                                                                                                           |                                           |                                |                                               |                                                     |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                                                                                         |                                           |                                |                                               |                                                     |
| <u>Attachments List:</u><br>Third Amendment to Development Agreement and First Amendment to Acknowledgment and Assumption Agreement (Food Service Center)                                                                                                      |                                           |                                |                                               |                                                     |

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*(Space above reserved for Register of Deeds certification)*

1. Title of Document: Third Amendment to KC Foodie Park Development Agreement and First Amendment to Acknowledgment and Assumption Agreement (Food Service Center)
2. Date of Document: August \_\_, 2020
3. Assignor: KC FOODIE PARK, LLC, a Delaware limited liability company
4. Assignee: SCAVUZZO'S FOODIE CAMPUS, LLC, a Kansas limited liability company
5. Assignor's Address: 6550 Kansas Avenue, Kansas City, Kansas 66111
6. Assignee's Address: 6608 West 147<sup>th</sup> Terrace, Overland Park, Kansas 66223
7. Legal Description: See attached **Exhibits A** (Project Site) and **B** (FSC Site)
8. Reference Document No.: 2020R-04590; 2020R-04592

**THIRD AMENDMENT TO KC FOODIE PARK DEVELOPMENT AGREEMENT**  
**AND**  
**FIRST AMENDMENT TO ACKNOWLEDGEMENT AND ASSUMPTION AGREEMENT**  
**(Food Service Center)**

**THIS THIRD AMENDMENT TO KC FOODIE PARK DEVELOPMENT AGREEMENT AND FIRST AMENDMENT TO ACKNOWLEDGEMENT AND ASSUMPTION AGREEMENT** (this "Amendment"), is made and entered into as of this \_\_\_\_ day of August, 2020 (the "Effective Date") by and among the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS** (the "UG"); **SCAVUZZO'S INC.**, a Kansas corporation d/b/a Scavuzzo's Food Service Company ("Scavuzzo's"); **SCAVUZZO'S FOODIE CAMPUS, LLC**, a Kansas limited liability company ("Assignee"); and **KC FOODIE PARK, LLC**, a Delaware limited liability company ("Developer", and collectively with the UG, Scavuzzo's and Assignee, the "Parties").

**RECITALS:**

A. On September 26, 2019, the UG and Developer entered into that certain KC Foodie Park Development Agreement (as amended from time to time, the "Development Agreement"), which Development Agreement was joined by Scavuzzo's, whereby Developer proposed to acquire, design, develop, and construct the Project on certain real property located in Wyandotte County, Kansas, which is generally bounded on the north by State Avenue, on the east by Interstate 635, on the south by Interstate 70, and on the west by North 47<sup>th</sup> Street, as legally described on Exhibit A attached hereto (the "Project Site"). A Memorandum of Agreement [KC Foodie Park Development Agreement] dated as of March 31, 2020 was recorded with the Wyandotte County, Kansas Register of Deeds (the "Register of Deeds") against the Project Site on April 1, 2020 as Document No. 2020R-04590.

B. That certain portion of the Project Site on which the Food Service Center is to be constructed, which portion is legally described on Exhibit B attached hereto (the "FSC Site") is located within Project Area 1 and pursuant to the Development Agreement is to include an approximately 266,000 square foot (with potential for expansion) state-of-the-art, automated warehouse and distribution facility for the preparation, packaging and distribution of Scavuzzo's and others' high-quality products, including without limitation the distribution of packaged foods, butchered meats and fresh foods, as well as restaurant supplies and equipment, and approximately 34,000 square feet of first-class, industrial grade office space for employees of Scavuzzo's and Scavuzzo's Affiliates, along with Scavuzzo's customers and vendor partners, all of which shall be constructed and completed on the FSC Site (collectively, the "Food Service Center" or the "FSC Project"). Developer and/or Assignee will develop and construct the Food Service Center, which shall be leased and operated by Scavuzzo's on the FSC Site.

C. On March 31, 2020, the UG conveyed the FSC Site to Assignee and the Parties entered into that certain Acknowledgment and Assumption Agreement (Food Service Center) (the "Original Assumption Agreement"), which was recorded with the Register of Deeds on April 1, 2020 as Document No. 2020R-04592. The Original Assumption Agreement provides for assignment to Assignee of the obligations, covenants, and agreements of the Developer under the Development Agreement that relate to the design, construction, and completion of the FSC Project.

D. Since acquiring the FSC Site on March 31, 2020, Assignee has diligently proceeded with preparations to commence construction of the FSC Project, including finalizing financing for construction of the FSC Project.

E. The global pandemic's effect on the financial markets has slowed the process of finalizing financing for construction of the FSC Project, and the Parties desire to enter into this Amendment to adjust the deadlines for commencing and completing construction of the FSC Project.

## **AGREEMENT**

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Incorporation of Recitals.** The Parties understand and agree that the Recitals set forth above are hereby incorporated as though more fully set forth herein.

2. **Amendment of Development Agreement.**

A. **Modification of Phase 1 Minimum Improvements Commencement Date.** The Parties hereby agree that Section 6.10(a) of the Development Agreement shall be deleted in its entirety and replaced with the following:

"(a) Commence Construction (as defined in Annex 1) of the Phase 1 Minimum Improvements of the Project as described in Section 2.5 on or before April 30, 2021;"

B. **Modification of Phase 1 Minimum Improvements Completion Date.** The Parties hereby agree that Section 6.11(a) of the Development Agreement shall be deleted in its entirety and replaced with the following:

"(a) Substantially Complete the Phase 1 Minimum Improvements on or before April 30, 2023;"

3. **Amendment of Original Assumption Agreement.**

**Modification of FSC Improvements Commencement and Completion Dates.** The Parties hereby agree that Section 4(f) of the Original Assumption Agreement shall be deleted in its entirety and replaced with the following:

"(f) **Article 6 – Construction and Completion of Improvements.** Assignee and/or Developer hereby agrees to design, construct and complete the FSC Project, including the Phase 1 Minimum Improvements (the "FSC Improvements") in accordance with all of the terms and conditions set forth in Article 6 of the Development Agreement. Without limiting the generality of the foregoing, Assignee hereby agrees that Assignee shall Commence Construction of the FSC Improvements on or before April 30, 2021, and the FSC Improvements shall be constructed and Substantially Complete on or before April 30, 2023, all subject to the provisions of Section 10.2 of the Development Agreement."

4. **Miscellaneous.** In connection with this Amendment, the Parties hereby agree as follows:

A. Any capitalized term used herein that is not specifically defined herein shall have the meaning provided in the Development Agreement and/or Original Assumption Agreement, as applicable.

B. Except as specifically modified by this Amendment, the Development Agreement and Original Assumption 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 Development Agreement and Original Assumption Agreement, as amended by this Amendment, shall be enforced to the fullest extent permitted by applicable law. To the extent that the terms set forth in the Development Agreement and/or Original Assumption Agreement, as amended by this 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 as to afford the party for whose benefit it was intended the fullest benefit commensurate with making the Development Agreement and/or Original Assumption Agreement, as modified, enforceable and the balance of the Development Agreement and/or Original Assumption 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; the Development Agreement and Original Assumption Agreement, as modified by this Amendment, contain the entire agreement between the Parties hereto; and the terms hereof are contractual and not mere recitals.

E. This Amendment shall be binding upon and inure to the benefit of the Parties hereto, and their successors and assigns.

F. This Amendment may be executed in counterparts.

G. This Amendment shall be construed in accordance with the laws of the State of Kansas.

*[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:**

**KC FOODIE PARK, LLC**, a Delaware limited liability company

By: \_\_\_\_\_  
Richard Scavuzzo, Manager

STATE OF \_\_\_\_\_ )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 2020 by Richard Scavuzzo as Manager of KC Foodie Park, LLC, a Delaware limited liability company.

Printed Name: \_\_\_\_\_  
Notary Public in and for said State  
Commissioned in \_\_\_\_\_ County

My commission expires

\_\_\_\_\_

IN WITNESS WHEREOF, the Parties hereto have executed these presents as of the day and year first above written.

**ASSIGNEE:**

**SCAVUZZO'S FOODIE CAMPUS, LLC**, a Kansas limited liability company

By: \_\_\_\_\_  
Richard Scavuzzo, Manager

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS.

This instrument was acknowledged before me on \_\_\_\_\_, 2020 by Richard Scavuzzo as Manager of Scavuzzo's Foodie Campus, LLC, a Kansas limited liability company.

Printed Name: \_\_\_\_\_  
Notary Public in and for said State  
Commissioned in \_\_\_\_\_ County

My commission expires

\_\_\_\_\_

IN WITNESS WHEREOF, the Parties hereto have executed these presents as of the day and year first above written.

**SCAVUZZO'S:**

**SCAVUZZO'S, INC.**, a Kansas corporation d/b/a **SCAVUZZO'S FOOD SERVICE COMPANY**

By: \_\_\_\_\_  
Richard Scavuzzo, CEO

STATE OF \_\_\_\_\_ )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 2020 by Richard Scavuzzo as CEO of Scavuzzo's, Inc., a Kansas corporation d/b/a Scavuzzo's Food Service Company.

Printed Name: \_\_\_\_\_  
Notary Public in and for said State  
Commissioned in \_\_\_\_\_ County

My commission expires

\_\_\_\_\_

## EXHIBIT A

### **Project Site – Legal Description**

#### **Tract 1**

##### *Food Service Center Area*

Lot 1, Final Plat of KC Foodie Park, a subdivision in the City of Kansas City, Wyandotte County, Kansas, recorded in the Wyandotte County Register of Deeds Office on February 7, 2020 as Document No. 2020R-01863.

##### *Solar Farm Area*

#### **TRACT 1:**

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 11 SOUTH, RANGE 25 EAST, IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 7; THENCE SOUTH 89° 57' 02" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 150.00 FEET; THENCE SOUTH 0° 02' 58" WEST, A DISTANCE OF 328.78 FEET; THENCE SOUTH 89° 57' 02" EAST, A DISTANCE OF 138.08 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED LINE AND HAVING A RADIUS OF 230.00 FEET, AN ARC DISTANCE OF 91.47 FEET; THENCE SOUTHEASTERLY AND EASTERLY ON A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED CURVE AND HAVING A RADIUS OF 170.00 FEET, AN ARC DISTANCE OF 67.61 FEET; THENCE SOUTH 89° 57' 02" EAST, A DISTANCE OF 272.25 FEET; THENCE NORTH 0° 02' 58" EAST, A DISTANCE OF 320.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ORVILLE AVENUE, AS NOW ESTABLISHED; THENCE SOUTH 89° 57' 02" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 476.75 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 1-635 HIGHWAY, AS NOW ESTABLISHED; THENCE SOUTH 32° 02' 06" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 236.05 FEET; THENCE SOUTH 0° 25' 04" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 845.03 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 1-70 HIGHWAY AS NOW ESTABLISHED; THENCE SOUTH 39° 14' 22" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 102.50 FEET; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR THE NEXT SEVEN COURSES; THENCE NORTH 86° 36' 10" WEST, A DISTANCE OF 401.48 FEET; THENCE NORTH 89° 27' 30" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 0° 32' 30" EAST, A DISTANCE OF 410.00 FEET; THENCE NORTH 89° 27' 30" WEST, A DISTANCE OF 135.00 FEET; THENCE SOUTH 30° 31' 24" WEST, A DISTANCE OF 300.17 FEET; THENCE SOUTH 58° 40' 32" WEST, A DISTANCE OF 217.83 FEET; THENCE SOUTH 72° 51' 26" WEST, A DISTANCE OF 192.49 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7; THENCE NORTH 0° 24' 17" EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7, A DISTANCE OF 1157.17 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART USED OR DEDICATED FOR STREETS, ROADS OR HIGHWAYS.

**TRACT 2:**

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 11, RANGE 25, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS LEGALLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 7; THENCE EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7, A DISTANCE OF 150.00 FEET TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT; THENCE CONTINUING ALONG SAID NORTH LINE ON A BEARING OF SOUTH 89° 57' 02" EAST, A DISTANCE OF 9.10 FEET, THENCE IN A SOUTHEASTERLY DIRECTION ON A CURVE TO THE LEFT, HAVING A RADIUS OF 358.31 FEET, A DISTANCE OF 170.92 FEET; THENCE SOUTH 89° 57' 02" EAST, A DISTANCE OF 119.33 FEET; THENCE SOUTH 00° 02' 58" WEST, A DISTANCE OF 320.00 FEET; THENCE WESTERLY AND NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 170.00 FEET A DISTANCE OF 67.61 FEET; THENCE NORTHWESTERLY AND WESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 230.00 FEET A DISTANCE OF 91.47; THENCE NORTH 89° 57' 02" WEST A DISTANCE OF 138.08 FEET; THENCE NORTH 00° 02' 58" EAST, A DISTANCE OF 328.78 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT THAT PART USED OR DEDICATED FOR STREETS, ROADS OR HIGHWAYS

**TRACT 3:**

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 11, RANGE 25, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, LEGALLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 7; THENCE SOUTH 89°57'02" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7, A DISTANCE OF 443.00 FEET; THENCE SOUTH 00°02'58" WEST A DISTANCE WEST, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT; THENCE SOUTH 89°56'02" EAST, A DISTANCE OF 272.25 FEET (DEEDED 262.25 FEET); THENCE SOUTH 00°02'58" WEST, A DISTANCE OF 320.00 FEET; THENCE NORTH 89°57'02" WEST, A DISTANCE OF 272.25 FEET (DEEDED 262.25 FEET); THENCE NORTH 00°02'58" EAST, A DISTANCE OF 320.00 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR HIGHWAYS.

**EXCLUDING:**

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN, WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 87 DEGREES 39 MINUTES 17 SECONDS EAST, (BEARINGS BASED ON NAD-83, KANSAS NORTH ZONE, STATE PLANE DATUM), COINCIDENT WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1191.87 FEET; THENCE SOUTH 02 DEGREES 20 MINUTES 43 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE EXISTING SOUTH RIGHT OF WAY LINE OF ORVILLE AVENUE, ALSO BEING THE EXISTING WESTERLY RIGHT OF WAY LINE OF INTERSTATE 635 HIGHWAY, AS NOW ESTABLISHED; THENCE SOUTH 34 DEGREES 24 MINUTES 47 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 236.05 FEET; THENCE SOUTH 01 DEGREE 57 MINUTES 37 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 507.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREE 57 MINUTES 37 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 337.44 FEET TO THE EXISTING NORTHERLY RIGHT OF WAY LINE OF INTERSTATE 70 HIGHWAY, AS NOW ESTABLISHED; THENCE SOUTH 36 DEGREES 51 MINUTES 41 SECONDS WEST, COINCIDENT WITH SAID EXISTING NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 102.50 FEET; THENCE NORTH 88 DEGREES 58 MINUTES 51 SECONDS WEST, COINCIDENT WITH SAID EXISTING NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 401.48 FEET; THENCE SOUTH 88 DEGREES 09 MINUTES 49 SECONDS WEST, COINCIDENT WITH SAID EXISTING NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 200.00 FEET; THENCE NORTH 01 DEGREE 50 MINUTES 11 SECONDS WEST, COINCIDENT WITH SAID EXISTING NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 410.00 FEET; THENCE NORTH

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89 DEGREES 14 MINUTES 49 SECONDS EAST, A DISTANCE OF 664.45 FEET TO THE POINT OF BEGINNING. CONTAINING 271,100 SQUARE FEET OR 6.22 ACRES, MORE OR LESS.

### **Tract 2**

A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED RECORDED IN BOOK 5402, PAGE 688 IN THE OFFICE OF THE WYANDOTTE COUNTY REGISTER OF DEEDS, SITUATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN, WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREE 52 MINUTES 22 SECONDS EAST, (BEARINGS BASED ON NAD-83, KANSAS NORTH ZONE, STATE PLANE DATUM), COINCIDENT WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 102.37 FEET; THENCE NORTH 88 DEGREES 07 MINUTES 38 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE EXISTING EAST RIGHT OF WAY OF NORTH 47TH STREET AND THE POINT OF BEGINNING; THENCE NORTH 43 DEGREES 14 MINUTES 38 SECONDS EAST, A DISTANCE OF 0.11 FEET TO THE EXISTING SOUTH RIGHT OF WAY LINE OF STATE AVENUE; THENCE NORTH 87 DEGREES 39 MINUTES 46 SECONDS EAST, COINCIDENT WITH SAID EXISTING SOUTH RIGHT OF WAY LINE, A DISTANCE OF 129.17 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 03 SECONDS EAST, COINCIDENT WITH SAID EXISTING SOUTH RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET; THENCE SOUTH 02 DEGREES 20 MINUTES 14 SECONDS EAST, COINCIDENT WITH SAID EXISTING SOUTH RIGHT OF WAY LINE, A DISTANCE OF 40.00 FEET; THENCE NORTH 87 DEGREES 39 MINUTES 46 SECONDS EAST, COINCIDENT WITH SAID EXISTING SOUTH RIGHT OF WAY LINE, A DISTANCE OF 89.00 FEET; THENCE NORTH 02 DEGREES 20 MINUTES 14 SECONDS WEST, COINCIDENT WITH SAID EXISTING SOUTH RIGHT OF WAY LINE, A DISTANCE OF 40.00 FEET; THENCE NORTH 87 DEGREES 17 MINUTES 00 SECONDS EAST, COINCIDENT WITH SAID EXISTING SOUTH RIGHT OF WAY LINE, A DISTANCE OF 34.51 FEET TO THE EXISTING WESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 635; THENCE SOUTH 63 DEGREES 37 MINUTES 33 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.54 FEET; THENCE SOUTH 01 DEGREE 59 MINUTES 29 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 103.83 FEET; THENCE NORTH 87 DEGREES 39 MINUTES 46 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 2.33 FEET; THENCE SOUTH 07 DEGREES 49 MINUTES 54 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 105.61 FEET; THENCE SOUTH 18 DEGREES 34 MINUTES 48 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 57.33 FEET; THENCE SOUTH 87 DEGREES 56 MINUTES 18 SECONDS WEST, A DISTANCE OF 771.25 FEET TO THE EXISTING EAST RIGHT OF WAY LINE OF NORTH 47TH STREET; THENCE NORTH 01 DEGREE 52 MINUTES 22 SECONDS WEST, COINCIDENT WITH SAID EXISTING EAST RIGHT OF WAY LINE, A DISTANCE OF 304.14 FEET TO THE POINT OF BEGINNING. CONTAINING 5.16 ACRES, MORE OR LESS.

### **Tract 3**

A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED RECORDED IN BOOK 5402, PAGE 688 IN THE OFFICE OF THE WYANDOTTE COUNTY REGISTER OF DEEDS, SITUATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN, WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREE 52 MINUTES 22 SECONDS EAST, (BEARINGS BASED ON NAD-83, KANSAS NORTH ZONE, STATE PLANE DATUM), COINCIDENT WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 825.66 FEET; THENCE NORTH 88 DEGREES 07 MINUTES 38 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF LOT 1 MIDTOWN KCK METRO CENTER AND THE EXISTING EAST RIGHT

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OF WAY OF NORTH 47TH STREET AND ALSO THE POINT OF BEGINNING; THENCE NORTH 01 DEGREE 52 MINUTES 22 SECONDS WEST, COINCIDENT WITH SAID EXISTING EAST RIGHT OF WAY LINE, A DISTANCE OF 419.15 FEET; THENCE NORTH 87 DEGREES 56 MINUTES 18 SECONDS EAST, A DISTANCE OF 771.25 FEET TO THE EXISTING WESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 635; THENCE SOUTH 18 DEGREES 34 MINUTES 48 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 103.04 FEET; THENCE SOUTH 32 DEGREES 31 MINUTES 01 SECOND EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 124.59 FEET; THENCE SOUTH 51 DEGREES 15 MINUTES 29 SECONDS WEST, A DISTANCE OF 359.68 FEET; THENCE SOUTH 88 DEGREES 07 MINUTES 38 SECONDS WEST, A DISTANCE OF 279.62 FEET TO THE NORTHEAST CORNER OF LOT 1 MIDTOWN KCK METRO CENTER; THENCE CONTINUING SOUTH 88 DEGREES 07 MINUTES 38 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 297.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING. CONTAINING 7.38 ACRES, MORE OR LESS.

#### **Tract 4**

A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED RECORDED IN BOOK 5402, PAGE 688 IN THE OFFICE OF THE WYANDOTTE COUNTY REGISTER OF DEEDS, SITUATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN, WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREE 52 MINUTES 22 SECONDS EAST, (BEARINGS BASED ON NAD-83, KANSAS NORTH ZONE, STATE PLANE DATUM), COINCIDENT WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 825.66 FEET; THENCE NORTH 88 DEGREES 07 MINUTES 38 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF LOT 1 MIDTOWN KCK METRO CENTER; THENCE CONTINUING NORTH 88 DEGREES 07 MINUTES 38 SECONDS EAST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 297.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 07 MINUTES 38 SECONDS EAST, A DISTANCE OF 279.62 FEET; THENCE NORTH 51 DEGREES 15 MINUTES 29 SECONDS EAST, A DISTANCE OF 359.68 FEET TO THE EXISTING WESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 635; THENCE SOUTH 40 DEGREES 22 MINUTES 07 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 50.58 FEET; THENCE SOUTH 27 DEGREES 23 MINUTES 21 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 95.62 FEET; THENCE SOUTH 09 DEGREES 42 MINUTES 52 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 377.64 FEET; THENCE SOUTH 01 DEGREE 20 MINUTES 59 SECONDS EAST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 208.96 FEET; THENCE SOUTH 13 DEGREES 28 MINUTES 45 SECONDS WEST, COINCIDENT WITH SAID EXISTING WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 69.34 FEET; THENCE SOUTH 88 DEGREES 07 MINUTES 38 SECONDS WEST, A DISTANCE OF 671.30 FEET TO THE SOUTHEAST CORNER OF LOT 1 MIDTOWN KCK METRO CENTER; THENCE NORTH 01 DEGREE 52 MINUTES 22 SECONDS WEST, COINCIDENT WITH THE EAST LINE OF SAID LOT 1, A DISTANCE OF 560.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING. CONTAINING 9.73 ACRES, MORE OR LESS.

**AND**

Lot 1, Final Plat, Midtown KCK Metro Center, a subdivision in Wyandotte County, Kansas City, Kansas.

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**EXHIBIT B**

**FSC Site – Legal Description**

Lot 1, Final Plat of KC Foodie Park, a subdivision in the City of Kansas City, Wyandotte County, Kansas, recorded in the Wyandotte County Register of Deeds Office on February 7, 2020 as Document No. 2020R-01863.



# Staff Request for Commission Action

Tracking No. 20297

**Full Commission Meeting Date:** 8/27/20, 10/29/20

**Committee:** Economic Development & Finance

Date of Standing Committee Action: 8/10/20

(If none, please explain):

**Publication Required:** Yes

|                                                                                                                                                                                                                                                                                                                                                         |                                           |                                |                                               |                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------|-----------------------------------------------|-----------------------------------------------------|
| <u>Date:</u><br>8/21/2020                                                                                                                                                                                                                                                                                                                               | <u>Contact Name:</u><br>Katherine Carttar | <u>Contact Phone:</u><br>x5176 | <u>Contact Email:</u><br>kcarttar@wycokck.org | <u>Department/Division:</u><br>Economic Development |
| <u>Item Description:</u><br>Request consideration of a TIF Project Plan for the Yards II Apartments, a first-class apartment complex located west of State Line Rd, east of the Kansas River, north of Kansas Avenue, and south of I-670.<br><br>- The Yards Project Plan<br>- Set public hearing date of October 29, 2020 to consider the project plan |                                           |                                |                                               |                                                     |
| <u>Action Requested:</u><br>approval                                                                                                                                                                                                                                                                                                                    |                                           |                                |                                               |                                                     |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                                                                                                                                                                                  |                                           |                                |                                               |                                                     |
| <u>Attachments List:</u><br>Resolution calling TIF Plan PH (UG Yards II), Riverfront TIF Redevelopment Project Plan                                                                                                                                                                                                                                     |                                           |                                |                                               |                                                     |

(Published in the *Wyandotte Echo* on October 15, 2020)

**RESOLUTION NO. R-\_\_\_\_-20**

**A RESOLUTION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING REGARDING THE ADOPTION OF A REDEVELOPMENT PROJECT PLAN PURSUANT TO K.S.A. 12-1770 *ET SEQ.***

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**WHEREAS**, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), by the passage of Ordinance No. O-\_\_\_\_-20 on August 13, 2020, created a redevelopment district (the “Redevelopment District”) consisting of four redevelopment project areas, including Project Area 1 (The Yards II) (the “Project Area”), all pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”); and

**WHEREAS**, the Unified Government is considering the adoption of a redevelopment project plan entitled Redevelopment Project Plan for Project Area 1 of Riverfront Redevelopment District (the “Project Plan”) which provides for the redevelopment of the Project Area within the Redevelopment District; and

**WHEREAS**, on September 14, 2020, the Planning Commission of the Unified Government made a finding that the Project Plan is consistent with the intent of the Unified Government’s comprehensive plan for the development of the Unified Government; and

**WHEREAS**, on \_\_\_\_\_, 2020, a copy of the Project Plan was delivered by the Unified Government to the Board of Commissioners of the Unified Government and to the Board of Education of Unified School District No. 500.

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

**Section 1.** Notice is hereby given that a public hearing will be held by the Unified Government to consider the adoption of the Project Plan at **7:00 p.m. on October 29, 2020**, or as soon thereafter as the matter can be heard, in the Commission Chambers, lobby level of the Municipal Office Building located at 701 North 7<sup>th</sup> Street, Kansas City, Kansas, under the authority of the Act.

**Section 2.** The boundaries of the Redevelopment District and Project Area are shown on **Exhibit A** and legally described on **Exhibit B** attached hereto and incorporated herein. The Project Plan is for the redevelopment of the Project Area, which is shown on **Exhibit C** and legally described on **Exhibit D** attached hereto and incorporated herein.

**Section 3.** Copies of the Project Plan, including a summary of the feasibility study, relocation assistance plan and financial guarantees of the developer, and a description and map of the Redevelopment District and the Project Area are available for inspection during regular office hours in the Unified Government Clerk’s office located in Suite 323 on the third floor of the Municipal Office Building from 8:00 am to 5:00 pm, Monday through Friday, or upon request via email at [clerkwest@wycokck.org](mailto:clerkwest@wycokck.org).

**Section 4.** The Clerk shall send a copy of this Resolution via certified mail, return receipt requested, to the Board of Commissioners of the Unified Government, to the Board of Education of Unified School District No. 500, and to each owner and occupant of land within the Project Area. Such copies shall be sent not more than 10 days following the date of adoption of this Resolution. The Clerk shall also cause

this Resolution and all exhibits hereto, to be published once in the official Unified Government newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing.

**Section 5.** This Resolution shall become effective upon its adoption by the governing body of the Unified Government.

**ADOPTED** by the governing body of the Unified Government on September 17, 2020.

[SEAL]

---

Mayor/CEO

Attest:

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Clerk



## EXHIBIT A

### MAP OF REDEVELOPMENT DISTRICT



## **EXHIBIT B**

### **LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT**

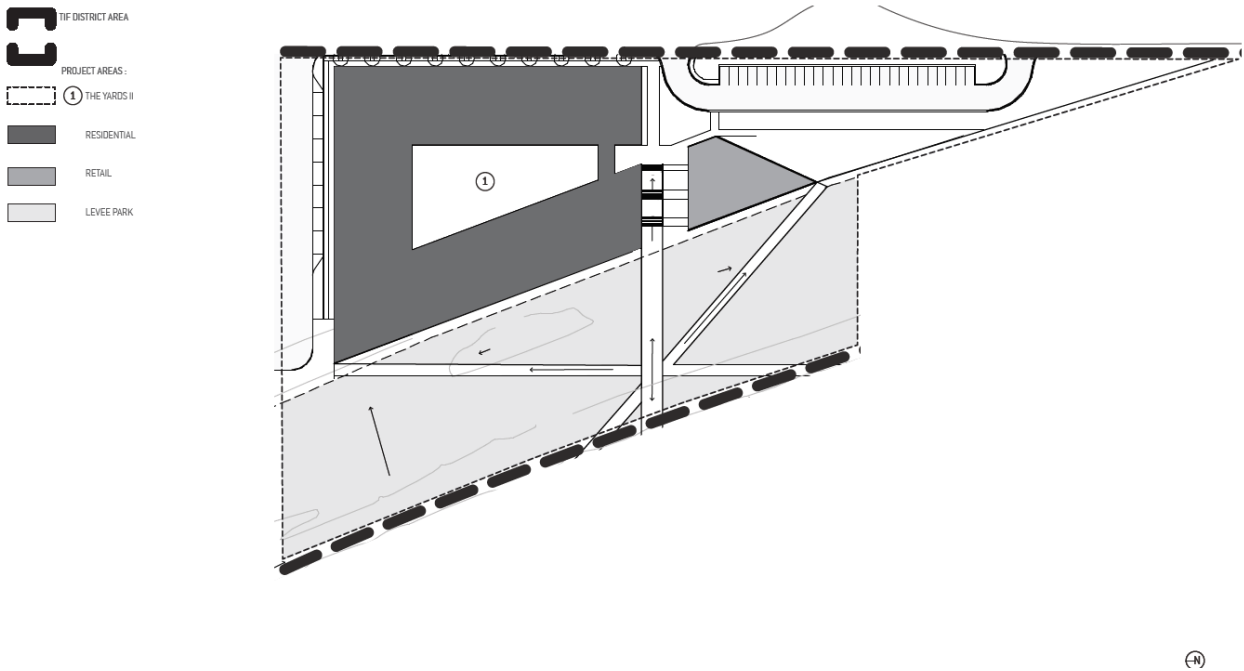
A PORTION OF LOT 1 OF FRACTIONAL SECTION 14, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AS LOCATED BY SILAS ARMSTRONG, ACCORDING TO THE OFFICIAL GOVERNMENT PLAT FILED IN THE DISTRICT LAND OFFICE AT LECOMPTON, KANSAS TERRITORY IN FEBRUARY 1858; SAID LAND ALSO BEING PORTIONS OF TRACTS 1, 2, 3 AND 4 AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 911 IN 1867 AND A PORTION OF THE NORTH 40 ACRE TRACT AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 1066 IN 1869, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: BEARINGS STATED IN THE FOLLOWING DESCRIPTION ARE ORIENTED TO GRID NORTH, MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM 1983.

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EXHIBIT C

MAP OF PROJECT AREA 1 (THE YARDS II)



## **EXHIBIT D**

### **LEGAL DESCRIPTION OF PROJECT AREA 1 (THE YARDS II)**

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**REDEVELOPMENT PROJECT PLAN**  
**FOR PROJECT AREA 1 OF**  
**RIVERFRONT REDEVELOPMENT DISTRICT**

**SUBMITTED PURSUANT TO**  
**K.S.A. 12-1770 *et seq.*, as amended**

**Submitted: \_\_\_\_\_, 2020**

This Redevelopment Project Plan was prepared in consultation with the Unified Government of Wyandotte County/Kansas City, Kansas and the Planning Commission thereof.

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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 \_\_\_\_\_, 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-1** and legally described on **Exhibit B-2**, is located within an enterprise zone. Based upon such finding, the UG established a redevelopment district called the Riverfront Redevelopment District (the "**District**") that encompasses the Property. The District consists of four (4) redevelopment project areas, including Project Area 1, which is generally depicted on **Exhibit C-1** and legally described on **Exhibit C-2** ("**Project Area 1**")

### B) Redevelopment Project

KC THE YARDS 2, LLC, an Indiana limited liability company (the "**Developer**"), is pleased to present this Redevelopment Project Plan for Project Area 1 of the Riverfront Redevelopment District (the "**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**").

The Redevelopment Plan contemplates the redevelopment of Project Area 1 of the District, which is comprised of approximately three (3) acres of real property generally located west of State Line Road, east of the Kansas River, north of Kansas Avenue, and south of Interstate 670 in the historic West Bottoms in Kansas City, Kansas. The redevelopment project for Project Area 1 contemplates the construction of an approximately 225-240 unit market rate multi-family residential development, with potential for a retail/restaurant/commercial component on the first floor, surface parking, courtyards, landscaping, lighting, utilities, and other infrastructure (collectively, 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 Yards II Development Agreement dated \_\_\_\_\_, 2020 between Developer and the UG (the "**Development Agreement**"), but generally allowing for the construction of the Project, an approximately 225-240 unit market rate multi-family residential development, with potential for a retail/restaurant/commercial component on the first floor, surface parking, courtyards, landscaping, lighting, utilities, and other infrastructure.

The Developer's intent is to develop Project Area 1 to promote the general and economic welfare of 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 TIF Eligible Expenses (as defined in Section III.D.2 below) by capturing 100% of the allowable ad valorem tax increment<sup>1</sup> generated within Project Area 1 ("**Project Area 1 TIF Revenues**"). Any ad valorem taxes collected from Project Area 1 and not needed to fund TIF Eligible Expenses to be reimbursed to the Developer pursuant to the Development Agreement will be available to fund other TIF Eligible Expenses within Project Area 1 and/or other project areas within the District and/or distributed to all taxing jurisdictions in accordance with their respective mill levies pursuant to State law.

As shown on **Exhibit F**, based on projections of real property values within Project Area 1 over the TIF Collection Period, it is estimated that Project Area 1 will generate gross Project Area 1 TIF Proceeds of approximately \$12.7 Million. As permitted by the TIF Act, such Project Area 1 TIF Revenues may be utilized to pay for TIF Eligible Expenses (including interest on TIF Eligible Expenses).

## **II. PROJECT DEVELOPMENT TEAM**

- The Unified Government of Wyandotte County/Kansas City, Kansas
- KC THE YARDS 2, LLC
- Rouse Frets White Goss Gentile Rhodes, P.C.

## **III. REDEVELOPMENT PROJECT PLAN**

### **A) The Property**

Developer does not yet own the property that constitutes Project Area 1 but has the right to acquire the property from Livestock Exchange, LLC. Developer shall, upon closing its acquisition of such property, have all rights to occupy and develop the same. A map generally depicting Project Area 1 is attached hereto as **Exhibit C-1**, and the legal description of Project Area 1 is attached hereto as **Exhibit C-2**.

### **B) Established Redevelopment District**

Project Area 1 is within an established District approved by the UG on [REDACTED], 2020 pursuant to Ordinance No. O-[REDACTED] - [REDACTED] (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 225-240 market rate multi-family residential units, with potential for a retail/restaurant/commercial component on

---

<sup>1</sup> 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.

the first floor, surface parking, courtyards, landscaping, lighting, utilities, and other infrastructure and associated infrastructure and other improvements, all as set forth in Section I.B and generally depicted on **Exhibit A**.

**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**

As set out on **Exhibit E**, the total estimated cost to complete the Project, including land acquisition, site development, building construction, and soft costs (not including financing costs), is approximately \$41 million.

**2. Eligible Costs**

"**TIF Eligible Expenses**" shall consist of all costs eligible for TIF financing and reimbursement under the TIF Act, including the costs of public infrastructure within the District.

As set out on **Exhibit F**, the Developer estimates that only \$6.34 million of the total estimated Project costs are TIF Eligible Expenses. Although, not set out on **Exhibit F**, "TIF Eligible Expenses" also includes Interest as defined in and provided by Section 4.3 of the Development Agreement. The Redevelopment Plan contemplates that, to the full extent permissible under the TIF Act, 100% of available Project Area 1 TIF Revenues (after payment of the UG's TIF Administrative Fee) will be made available to reimburse TIF Eligible Expenses. All reimbursement to the Developer of TIF Eligible Expenses will be subject always to the terms, conditions and limitations of the Development Agreement.

It is anticipated that TIF Eligible Expenses 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 any TIF Eligible Expenses or other costs of the Project. Reimbursement of TIF Eligible Expenses to Developer is subject to the terms and conditions set forth in the Development Agreement, including the Developer properly certifying and evidencing to the UG that such costs were actually incurred, and the requirement that such TIF Eligible Expenses are eligible costs in accordance with the TIF Act.

**3. Ad Valorem Property Tax Increment Captured**

According to the Wyandotte County Appraiser's Office, the 2020 assessed value for the District is \$123,100. This serves as the base value against which future assessed values of the District will be compared in order to determine the amount of incremental property tax revenues that will be generated. The District currently consists of only one tax parcel, a portion of which

will be located in Project Area 1 and a portion of which will be located in Project Area 3. Currently, no tax parcels exist for the portions of the District that constitute the levee and the bridge over the Kansas River.

TIF Eligible Expenses will only be funded with ad valorem tax increment generated by Project Area 1, *i.e.*, Project Area 1 TIF Revenue. The Project Area 1 TIF Revenues generated over the TIF Collection Period as set forth on **Exhibit F** are estimated to be \$12.7 million. Notwithstanding the foregoing and in all regards, Developer's reimbursement from TIF Revenues will be subject to the TIF Cap (defined below).

#### 4. **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, creating a 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.

#### 5. **Sufficiency of TIF Revenues Compared to Projects Costs**

The total of the TIF Eligible Expenses that can be financed under the TIF Act are limited by the amount of Project Area 1 TIF Revenues actually generated. The amount of TIF Eligible Expenses to be reimbursed to the Developer are further subject to the \$11,000,000 TIF Cap (the "**TIF Cap**," as further set forth in the Development Agreement). Based on the Redevelopment Plan's estimates of: (1) TIF Eligible Expenses and (2) Project Area 1 TIF Revenues, the Project Area 1 TIF Revenues are expected to be sufficient to pay for the TIF Eligible Expenses as contemplated under the TIF Act. Other funds needed to construct the Project will be provided by private debt and equity.

|                                |                       |
|--------------------------------|-----------------------|
| <b>Est. Project Costs</b>      | <b>\$41,132,310 *</b> |
| <b><u>Sources of Funds</u></b> | <b><u>Amount</u></b>  |
| TIF Revenue                    | \$ 6,341,283          |
| Private Debt/Equity            | \$34,791,027          |
| <b>TOTAL</b>                   | <b>\$41,132,310</b>   |

\* Does not include interest or finance costs.

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, 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.

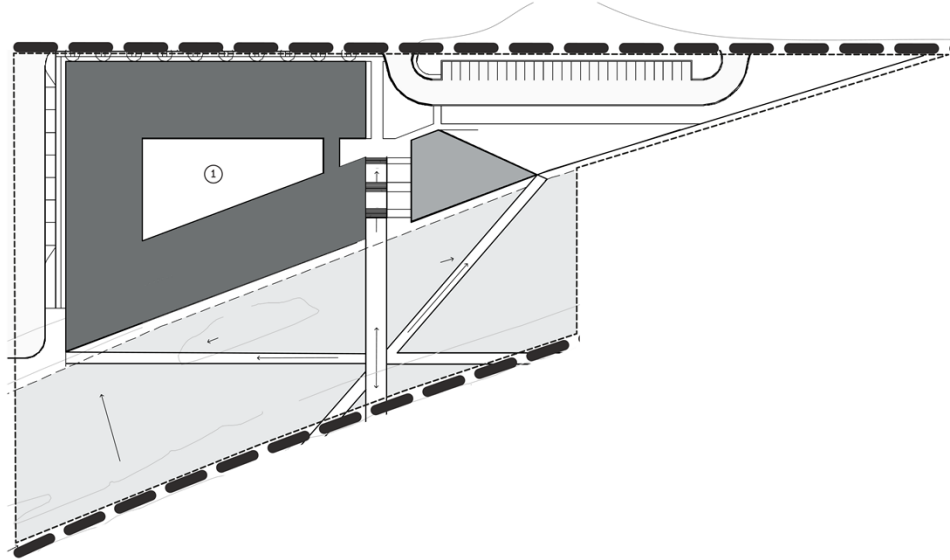
#### **V. EXHIBITS**

[Exhibits Follow]

## Exhibit A

### Proposed Site Plan

#### RIVERFRONT REDEVELOPMENT PROJECT AREA 1 ENLARGED MAP

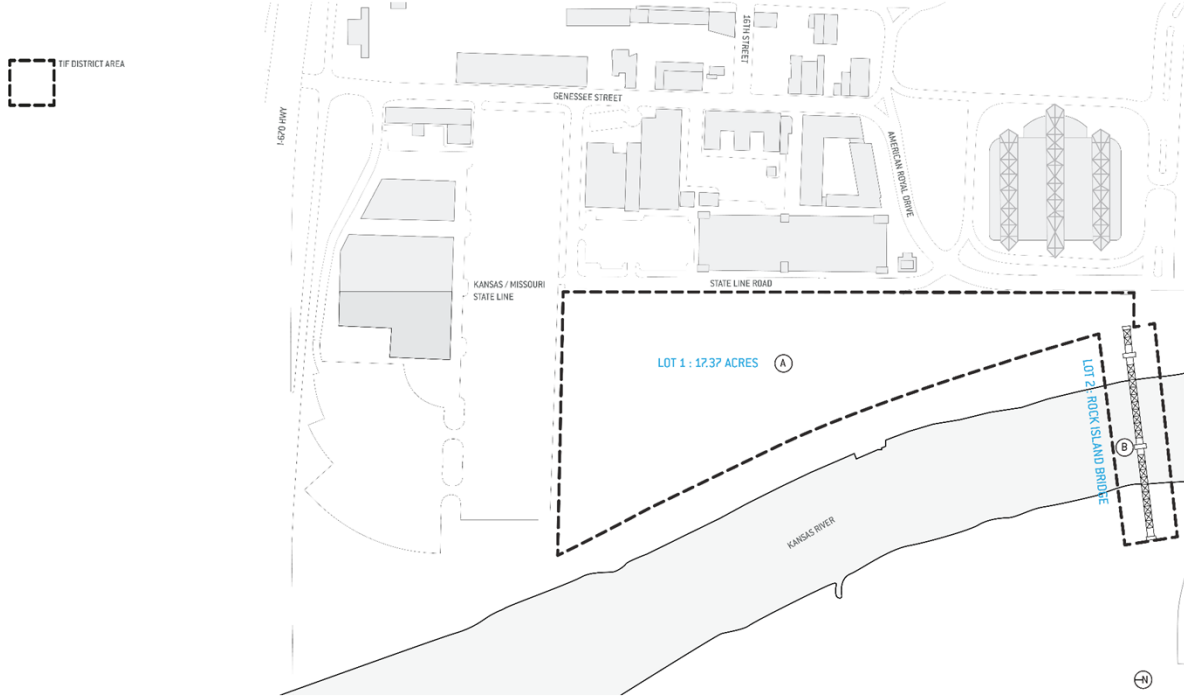




## Exhibit B-1

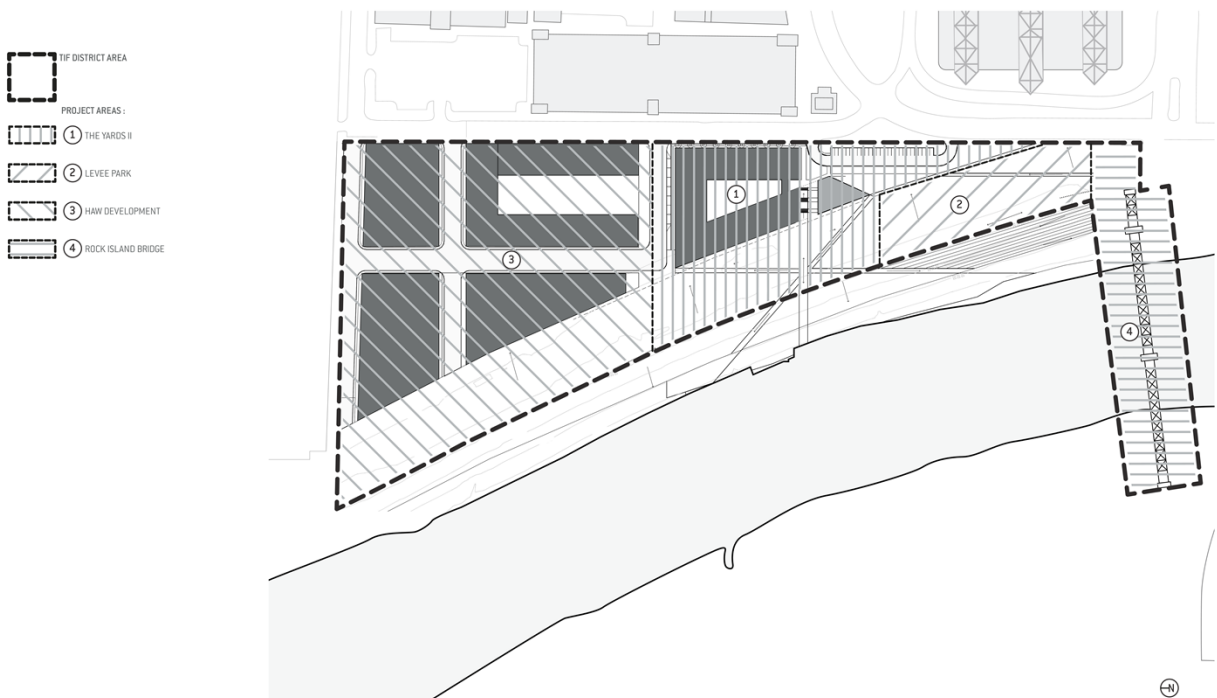
### Map of Redevelopment District and Project Areas

RIVERFRONT REDEVELOPMENT TIF DISTRICT AREA MAP



### Map of Project Areas

RIVERFRONT REDEVELOPMENT PROJECT AREA MAP



## **Exhibit B-2**

### Legal Description of Redevelopment District

A PORTION OF LOT 1 OF FRACTIONAL SECTION 14, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AS LOCATED BY SILAS ARMSTRONG, ACCORDING TO THE OFFICIAL GOVERNMENT PLAT FILED IN THE DISTRICT LAND OFFICE AT LECOMPTON, KANSAS TERRITORY IN FEBRUARY 1858; SAID LAND ALSO BEING PORTIONS OF TRACTS 1, 2, 3 AND 4 AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 911 IN 1867 AND A PORTION OF THE NORTH 40 ACRE TRACT AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 1066 IN 1869, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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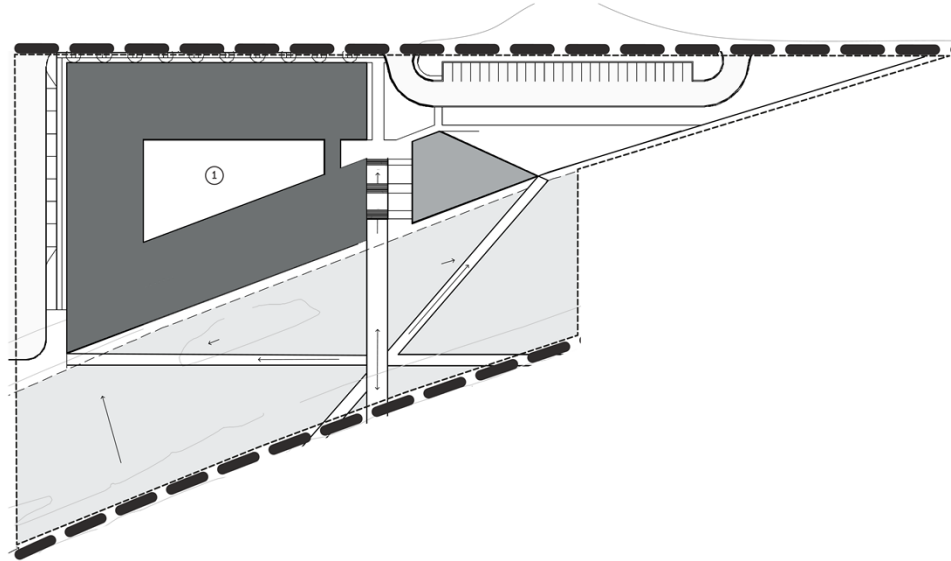
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## Exhibit C-1

### Map of Project Area 1

#### RIVERFRONT REDEVELOPMENT PROJECT AREA 1 ENLARGED MAP



## Exhibit C-2

### Legal Description of Project Area 1

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NOTE: BEARINGS STATED IN THE FOLLOWING DESCRIPTION ARE ORIENTED TO GRID NORTH, MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM 1983.

COMMENCING AT A POINT ON THE KANSAS/MISSOURI STATE LINE, SAID POINT BEING 2162.94 FEET SOUTH OF THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION 14 AND 1016.21 NORTH OF THE SOUTHWEST CORNER OF FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN KANSAS CITY, JACKSON COUNTY, MISSOURI, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF GATEWAY 2000 - KANSAS, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 87 DEGREES 58 MINUTES 19 SECONDS WEST 835.11 FEET, ALONG THE SOUTH LINE OF SAID GATEWAY 2000 - KANSAS, TO A POINT ON THE UNITED STATES HARBOR LINE WHICH IS A CURVE CONCAVE TO THE EAST AND TO WHICH POINT A RADIAL LINE BEARS NORTH 66 DEGREES 17 MINUTES 58 SECONDS EAST; THENCE SOUTHERLY 149.84 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE LEFT HAVING A RADIUS OF 2570.20 FEET AND A CENTRAL ANGLE OF 3 DEGREES 20 MINUTES 25 SECONDS; THENCE SOUTH 27 DEGREES 02 MINUTES 27 SECONDS EAST 314.59 FEET, ALONG SAID HARBOR LINE, TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY 421.56 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5729.68 FEET AND A CENTRAL ANGLE OF 4 DEGREES 12 MINUTES 56 SECONDS TO THE POINT OF BEGINNING; THENCE SOUTHERLY 586.86 FEET, CONTINUING ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5729.68 FEET AND A CENTRAL ANGLE OF 5 DEGREES 51 MINUTES 48 SECONDS; THENCE SOUTH 89 DEGREES 43 MINUTES 43 SECONDS EAST 113.62 FEET; THENCE SOUTH 16 DEGREES 49 MINUTES 25 SECONDS EAST 442.20 FEET, TO A POINT ON THE KANSAS/MISSOURI STATE LINE AND THE WEST RIGHT-OF-WAY LINE OF AMERICAN ROYAL DRIVE, AS NOW ESTABLISHED; THENCE NORTH 00 DEGREES

17 MINUTES 16 SECONDS EAST 726.84 FEET, ALONG SAID STATE LINE, TO THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST; THENCE NORTH 00 DEGREES 17 MINUTES 41 SECONDS EAST 245.82 FEET, ALONG SAID STATE LINE; THENCE NORTH 89 DEGREES 42 MINUTES 19 SECONDS WEST 445.77 FEET, TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED.



**Exhibit D**

Redevelopment District Ordinance No. O- -

**Exhibit E**

**BUDGET/TIF ELIGIBLE EXPENSES**

| DESCRIPTION                                    | TOTAL<br>PROJECT COST | TIF ELIGIBLE<br>EXPENSES<br>INCLUDED IN<br>BUDGET |
|------------------------------------------------|-----------------------|---------------------------------------------------|
| <b>DIVISION 1 - GENERAL REQUIREMENTS</b>       |                       |                                                   |
| Land Acquisition Costs                         | 2,500,000             | 2,500,000                                         |
| Design Fees for TIF Reimbursable Items         | 100,000               | 100,000                                           |
| Project Financing Costs                        | 100,000               | 100,000                                           |
| Quality Control                                | 0                     |                                                   |
| Construction Temporary Facilities              | 0                     |                                                   |
| Construction Waste Management & Disposal       | 120,000               |                                                   |
| LEED Requirements/Checklist                    | 0                     |                                                   |
| MWBE Good Faith Effort Logging                 | 0                     |                                                   |
| Site & Building Survey / Layout                | 35,000                |                                                   |
| Material Testing                               | 50,000                | 10,000                                            |
| Temporary Fence & Monthly Maintenance          | 40,000                |                                                   |
| Man/ Material Hoisting                         | 50,000                |                                                   |
| Building Permit and Plan Review Fees           | 15,101                | 5,000                                             |
| Rough Hardware                                 | 5,000                 |                                                   |
| Final Cleaning                                 | 130,379               |                                                   |
| Weather Conditioning Allowance                 | 80,000                |                                                   |
| Site Security & Nightwatch - If Required       | 130,000               |                                                   |
| Traffic Control / Barricades                   | 75,000                |                                                   |
| <b>DIVISION 2 - EXISTING CONDITIONS</b>        |                       |                                                   |
| Structure Demolition                           | 0                     |                                                   |
| Asbestos Abatement                             | 0                     |                                                   |
| <b>DIVISION 3 - CONCRETE</b>                   |                       |                                                   |
| Cast-In-Place Concrete                         | 1,300,000             |                                                   |
| Light Pole Bases, Mech/Elect Housekeeping Pads | 15,000                | 15,000                                            |
| Polished Concrete                              | 35,000                |                                                   |
| Gypcrete Topping and acoustical - Building     | 549,000               |                                                   |
| LW concrete and WP at balconies                | 266,000               |                                                   |
| <b>DIVISION 4 - MASONRY</b>                    |                       |                                                   |
| Masonry - CMU at elevator shafts               | 125,000               |                                                   |
| Masonry - CMU at misc. walls                   | 60,000                |                                                   |
| Brick veneer - 15% of façade                   | 530,000               |                                                   |
| Cast Stone                                     | 0                     |                                                   |
| <b>DIVISION 5 - METALS</b>                     |                       |                                                   |
| Structural Steel Framing                       | 350,000               |                                                   |
| Steel Stairs                                   | 0                     |                                                   |
| Metal Fabrications                             | 45,000                |                                                   |
| Brick Shelf Angles                             | 10,000                |                                                   |
| Balcony rails - cable                          | 425,000               |                                                   |
| Decorative Metal Railings - At roof-top plaza  | 25,000                |                                                   |

|                                                       |           |  |
|-------------------------------------------------------|-----------|--|
| <b>DIVISION 6 - WOODS, PLASTICS &amp; COMPOSITES</b>  |           |  |
| Rough Carpentry                                       | 6,300,000 |  |
| Framing QC & Supervision                              | 50,000    |  |
| Mold Prevention                                       | 100,000   |  |
| Finish Carpentry - Trim                               | 276,000   |  |
| Architectural Woodwork - Public Areas                 | 150,000   |  |
| Temp Railing at balconies                             | 27,500    |  |
| <b>DIVISION 7 - THERMAL &amp; MOISTURE PROTECTION</b> |           |  |
| Dampproofing                                          | 0         |  |
| Waterproofing                                         | 40,000    |  |
| Traffic Coating                                       | 0         |  |
| Thermal Insulation                                    | 470,000   |  |
| EIFS                                                  | 0         |  |
| Air Barrier Testing                                   | 0         |  |
| Metal Roof & Wall Panels                              | 1,165,000 |  |
| Cedar Siding - 5% of façade - accents                 | 115,000   |  |
| Membrane Roofing & Sheet Metal                        | 480,000   |  |
| Pavers on pedestals at roof-top plaza                 | 75,000    |  |
| Applied Fireproofing                                  | 20,000    |  |
| Firestopping                                          | 0         |  |
| Joint Sealants                                        | 280,000   |  |
| Expansion Joint Cover Assemblies                      | 42,000    |  |
| <b>DIVISION 8 - OPENINGS</b>                          |           |  |
| Doors, Frames and Hardware                            | 484,000   |  |
| Doors & Hardware Installation                         | 260,000   |  |
| Access Doors & Frames                                 | 5,000     |  |
| Overhead Doors                                        | 6,000     |  |
| Aluminum Framed Entrances & Storefronts               | 310,000   |  |
| Mirrors                                               | 31,000    |  |
| Automatic Entrances                                   | 0         |  |
| Windows and Patio Doors                               | 645,000   |  |
| Unit Skylights                                        | 0         |  |
| <b>DIVISION 9 - FINISHES</b>                          |           |  |
| Stucco                                                | 0         |  |
| Drywall                                               | 2,600,000 |  |
| Acoustical Panel Ceilings                             | 0         |  |
| Finishes QC & Supervision                             | 100,000   |  |
| Floor Protection - If Needed                          | 10,000    |  |
| Flooring                                              | 870,000   |  |
| Wall Coverings                                        | 0         |  |
| Painting                                              | 730,000   |  |
| Finish Out Crew                                       | 57,000    |  |
| <b>DIVISION 10 - SPECIALTIES</b>                      |           |  |
| Regulatory Signage                                    | 24,000    |  |
| Façade and decorative signage                         | 0         |  |
| Toilet Partitions & Screens                           | 6,000     |  |
| Toilet, Bath & Laundry Accessories                    | 67,000    |  |
| Operable Partitions                                   | 0         |  |

|                                           |           |        |
|-------------------------------------------|-----------|--------|
| Wall & Door Protection                    | 6,000     |        |
| Glass Shower Doors                        | 266,000   |        |
| Fireplaces & Stoves                       | 0         |        |
| Fire Extinguishers, Cabinets              | 17,000    |        |
| Metal Lockers                             | 0         |        |
| Postal Specialties                        | 21,000    |        |
| Metal Storage Shelving                    | 88,000    |        |
| Awnings                                   | 0         |        |
| Canopies                                  | 0         |        |
| Flagpoles                                 | 0         |        |
| Knox boxes                                | 1,500     |        |
| <b>DIVISION 11 - EQUIPMENT</b>            |           |        |
| Loading Dock Equipment                    | 0         |        |
| Residential Appliances                    | 660,000   |        |
| Food Service Equipment                    | 0         |        |
| Playground Equipment                      | 0         |        |
| Window Washing System                     | 0         |        |
| Dog Park Equipment                        | 25,000    |        |
| <b>DIVISION 12 - FURNISHINGS</b>          |           |        |
| Horizontal Louver Blinds                  | 70,000    |        |
| Roller Window Shades                      | 0         |        |
| Manufactured Wood Casework                | 625,000   |        |
| Stone Tops                                | 230,000   |        |
| Entrance floor Mats & Frames              | 5,000     |        |
| PUBLIC PLAZA Furniture                    | 25,000    |        |
| Furniture Install                         | 25,000    |        |
| Site Furnishings - Bike Racks             | 30,000    | 30,000 |
| Site Furnishings - Patio Grills           | 10,000    |        |
| Site Furnishings - Grill area structure   | 30,000    |        |
| Site Furnishings - Benches                | 7,500     | 7,500  |
| Site Furnishings - Trash Enclosure        | 50,000    |        |
| Site Furnishings - Monument Sign          | 50,000    |        |
| <b>DIVISION 13 - SPECIAL CONSTRUCTION</b> |           |        |
| Swimming Pools                            | 225,000   |        |
| <b>DIVISION 14 - CONVEYING EQUIPMENT</b>  |           |        |
| Hydraulic Elevators                       | 215,000   |        |
| Elevator Inspection Costs/ temp usage     | 20,000    |        |
| Facility Chutes                           | 18,000    |        |
| <b>DIVISION 21 - FIRE SUPPRESSION</b>     |           |        |
| Water-Based Fire Suppression Systems      | 478,000   |        |
| Fire Pumps                                | 50,000    |        |
| <b>DIVISION 22 - PLUMBING</b>             |           |        |
| Plumbing                                  | 1,650,000 |        |
| Submetering                               | 26,400    |        |
| <b>DIVISION 23 - HVAC</b>                 |           |        |
| HVAC                                      | 1,540,000 |        |
| Testing, Adjusting & Balancing for HVAC   | 0         |        |
| <b>DIVISION 26 - ELECTRICAL</b>           |           |        |

|                                                             |                   |                  |
|-------------------------------------------------------------|-------------------|------------------|
| Electrical                                                  | 3,300,000         |                  |
| Site Electric                                               | 80,000            | 20,000           |
| MEP Quality Control & Supervision                           | 120,000           | 20,000           |
| <b>DIVISION 31 - EARTHWORK</b>                              |                   |                  |
| Site Clearing                                               | 0                 |                  |
| Mass Grading and fill at Levee & the Park                   | 750,000           | 750,000          |
| Any grading, gravel, landscaping at River-side of Levee     | 150,000           | 150,000          |
| Earth Moving                                                | 400,000           | 400,000          |
| Erosion & Sedimentation Controls                            | 20,000            | 20,000           |
| Termite Control                                             | 9,100             | 9,100            |
| Shoring & Underpinning                                      | 0                 |                  |
| Drilled Concrete Piers                                      | 0                 |                  |
| Geopiers                                                    | 0                 |                  |
| Lean Concrete in plumbing trenches                          | 0                 |                  |
| <b>DIVISION 32 - EXTERIOR IMPROVEMENTS</b>                  |                   |                  |
| Asphalt Paving - Street Parking                             | 20,000            | 20,000           |
| Asphalt Paving - Private Street                             | 0                 |                  |
| Concrete Paving, curbs and sidewalks - outside the building | 300,000           | 300,000          |
| Concrete Paving, curbs and sidewalks - Courtyard            | 75,000            | 75,000           |
| Concrete retaining wall                                     | 250,000           | 250,000          |
| Concrete Paving Joint Sealants                              | 10,000            | 10,000           |
| Pavers                                                      | 50,000            | 50,000           |
| Pavement Markings                                           | 13,000            | 13,000           |
| Fence around the pool                                       | 22,000            | 22,000           |
| Segmental Retaining Walls                                   | 0                 |                  |
| Planting Irrigation                                         | 50,000            | 50,000           |
| Landscaping - at Levee Park along the building              | 100,000           | 100,000          |
| Landscaping at Courtyards                                   | 50,000            | 50,000           |
| Import Topsoil at Levee Park                                | 120,000           | 120,000          |
| Park Along Amphitheater                                     |                   |                  |
| Amphitheater construction                                   |                   |                  |
| <b>DIVISION 33 - UTILITIES</b>                              |                   |                  |
| Water Utilities                                             | 230,000           | 230,000          |
| Sanitary Sewerage Utilities                                 | 42,000            | 42,000           |
| Grease Trap for retail                                      | 10,000            |                  |
| Storm Drainage Utilities                                    | 100,000           | 100,000          |
| U/G Storm Chambers                                          | 100,000           | 100,000          |
| Courtyard Drainage                                          | 40,000            | 40,000           |
| Foundation Drainage                                         | 35,000            | 35,000           |
| Gas to grills and firepit                                   | 9,000             | 9,000            |
| Utility relocation                                          | 0                 |                  |
| Traffic Signals                                             | 0                 |                  |
| <b>TAXES / BONDS</b>                                        |                   |                  |
| ADDED SALES TAX @ Exempt                                    | 0                 |                  |
| SUB-BONDS @                                                 | 427,545           | 25,605           |
| <b>SUBTOTAL DIRECT COSTS</b>                                | <b>36,308,025</b> | <b>5,778,205</b> |

|                                                  |                   |                  |
|--------------------------------------------------|-------------------|------------------|
| <i>General Conditions</i>                        | 1,282,721         | 203,953          |
| <i>Operations Overhead</i>                       | 236,002           | 37,524           |
| <i>Builders Risk Insurance @ <b>BY OWNER</b></i> | 0                 |                  |
| <i>MWB Insurance @</i>                           | 182,093           |                  |
| <i>Procore PM Software</i>                       | 36,419            | 5,791            |
| <i>MWB Budget Contingency Allowance</i>          | 728,370           | 115,811          |
| <i>Professional Services</i>                     | 400,000           | 200,000          |
| <i>contract administration</i>                   | 1,958,681         |                  |
| <b>TOTAL PROJECT COSTS</b>                       | <b>41,132,310</b> | <b>6,341,283</b> |

While this budget reflects that an estimated amount of \$6,341,283 in TIF Eligible Expenses can be funded with Project Area 1 TIF Revenue, pursuant to Section 4.3 of the Development Agreement, the Developer will also be entitled to payment of accrued interest on approved but not yet reimbursed TIF Eligible Expenses.



## Exhibit F

### TIF Revenue Projections

| The Yards Phase II                 |                               |                                |                        |                            |                                                    |
|------------------------------------|-------------------------------|--------------------------------|------------------------|----------------------------|----------------------------------------------------|
| Projected Incremental Tax Revenues |                               |                                |                        |                            |                                                    |
|                                    |                               |                                |                        |                            | <u>Base Value</u>                                  |
|                                    | <u>Annual Value</u>           | <u>Assessment</u>              |                        |                            | \$ 123,100                                         |
|                                    | <u>Increase</u>               | <u>Rate</u>                    |                        |                            |                                                    |
|                                    | 2.0%                          | 11.5%                          |                        | <u>Value of TIF</u>        |                                                    |
| <u>Year</u>                        | <u>Estimated Actual Value</u> | <u>Estimated Assesed Value</u> | <u>Total Mill Levy</u> | <u>Mill Levy Captured*</u> | <u>Estimated Incremental Property Tax Revenues</u> |
| 1                                  | \$ 1,070,435                  | \$ 123,100                     | 181.77                 | 152.27                     | \$ -                                               |
| 2                                  | \$ 23,913,154                 | \$ 2,750,013                   | 181.77                 | 152.27                     | \$ 400,000                                         |
| 3                                  | \$ 36,762,184                 | \$ 4,227,651                   | 181.77                 | 152.27                     | \$ 625,000                                         |
| 4                                  | \$ 37,497,427                 | \$ 4,309,742                   | 181.77                 | 152.27                     | \$ 637,500                                         |
| 5                                  | \$ 38,247,376                 | \$ 4,309,742                   | 181.77                 | 152.27                     | \$ 637,500                                         |
| 6                                  | \$ 39,012,323                 | \$ 4,393,475                   | 181.77                 | 152.27                     | \$ 650,250                                         |
| 7                                  | \$ 39,792,570                 | \$ 4,393,475                   | 181.77                 | 152.27                     | \$ 650,250                                         |
| 8                                  | \$ 40,588,421                 | \$ 4,478,882                   | 181.77                 | 152.27                     | \$ 663,255                                         |
| 9                                  | \$ 41,400,190                 | \$ 4,478,882                   | 181.77                 | 152.27                     | \$ 663,255                                         |
| 10                                 | \$ 42,228,194                 | \$ 4,565,998                   | 181.77                 | 152.27                     | \$ 676,520                                         |
| 11                                 | \$ 43,072,757                 | \$ 4,565,998                   | 181.77                 | 152.27                     | \$ 676,520                                         |
| 12                                 | \$ 43,934,213                 | \$ 4,654,856                   | 181.77                 | 152.27                     | \$ 690,051                                         |
| 13                                 | \$ 44,812,897                 | \$ 4,654,856                   | 181.77                 | 152.27                     | \$ 690,051                                         |
| 14                                 | \$ 45,709,155                 | \$ 4,745,491                   | 181.77                 | 152.27                     | \$ 703,852                                         |
| 15                                 | \$ 46,623,338                 | \$ 4,745,491                   | 181.77                 | 152.27                     | \$ 703,852                                         |
| 16                                 | \$ 47,555,805                 | \$ 4,837,939                   | 181.77                 | 152.27                     | \$ 717,929                                         |
| 17                                 | \$ 48,506,921                 | \$ 4,837,939                   | 181.77                 | 152.27                     | \$ 717,929                                         |
| 18                                 | \$ 49,477,059                 | \$ 4,932,236                   | 181.77                 | 152.27                     | \$ 732,287                                         |
| 19                                 | \$ 50,466,600                 | \$ 4,932,236                   | 181.77                 | 152.27                     | \$ 732,287                                         |
| 20                                 | \$ 51,475,932                 | \$ 5,028,419                   | 181.77                 | 152.27                     | \$ 746,933                                         |
| <b>Total Value</b>                 |                               |                                |                        |                            | <b>\$ 12,715,218</b>                               |

\* Excludes 21.5 mills for state school levy; excludes 8 mills capital outlay for school.

*Note: Base value shown is the base value of the District. Base value of Project Area 1 will be used for purposes of calculating the actual Project Area 1 TIF Revenues.*



# Staff Request for Commission Action

Tracking No. 20322

**Full Commission Meeting Date:** 8/27/2020

**Committee:**

Date of Standing Committee Action:

(If none, please explain):

**Publication Required:** No

|                           |                                      |                                |                                              |                                                   |
|---------------------------|--------------------------------------|--------------------------------|----------------------------------------------|---------------------------------------------------|
| <u>Date:</u><br>8/18/2020 | <u>Contact Name:</u><br>Alley Porter | <u>Contact Phone:</u><br>x5101 | <u>Contact Email:</u><br>aporter@wycokck.org | <u>Department/Division:</u><br>Commission Liaison |
|---------------------------|--------------------------------------|--------------------------------|----------------------------------------------|---------------------------------------------------|

Item Description:

Nominations for Boards & Commissions:

Julie Xiong to Advisory Committee on Human Relations & Disability Issues, 8/27/2020-12/11/2023, submitted by Commissioner Bynum

Beverly Easterwood to Landmarks Commission, 8/27/2020-12/11/2023, submitted by Commissioner Johnson

Jason Glasrud to Self-Supported Municipal Improvement District Advisory Board, 8/27/2020-12/11/2023, submitted by Commissioner McKiernan

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Nomination Forms



County Administrator's Office  
Douglas G. Bach, County Administrator

701 North 7<sup>th</sup> St., Suite 945  
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030  
Fax: (913) 573-5540

**NOTICE OF PENDING APPOINTMENT**

DATE: August 27, 2020

BOARD POSITION: Landmarks Commission

INCUMBENT REPLACED: Vacant

ADDRESS: N/A

TERM EXPIRATION DATE: N/A

APPOINTING COMMISSIONER: Harold Johnson

**REQUEST FOR APPOINTMENT**

NAME OF NEW APPOINTMENT: Beverly Easterwood

ADDRESS: \_\_\_\_\_

CELL NUMBER AND EMAIL ADDRESS: \_\_\_\_\_

TERM OF OFFICE: 8/27/2020-12/11/2023

\_\_\_\_\_  
SIGNATURE OF APPOINTING COMMISSION MEMBER



County Administrator's Office  
Douglas G. Bach, County Administrator

701 North 7<sup>th</sup> St., Suite 945  
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030  
Fax: (913) 573-5540

**NOTICE OF PENDING APPOINTMENT**

DATE: August 27, 2020

BOARD POSITION: Self-Supported Municipal Improvement District Advisory Board (SSMID)

INCUMBENT REPLACED: Stacy Purvis

ADDRESS: \_\_\_\_\_

TERM EXPIRATION DATE: 3-31-2020

APPOINTING COMMISSIONER: Brian McKiernan

**REQUEST FOR APPOINTMENT**

NAME OF NEW APPOINTMENT: Jason Glasrud

ADDRESS: \_\_\_\_\_

CELL NUMBER AND EMAIL ADDRESS: \_\_\_\_\_

TERM OF OFFICE: 8/27/2020-12/11/2023

*Brian McKiernan*

\_\_\_\_\_  
SIGNATURE OF APPOINTING COMMISSION MEMBER



County Administrator's Office  
Douglas G. Bach, County Administrator

701 North 7<sup>th</sup> St., Suite 945  
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030  
Fax: (913) 573-5540

**NOTICE OF PENDING APPOINTMENT**

DATE: August 27, 2020

BOARD POSITION: Advisory Committee on Human Relations & Disability Issues (ACHRDI)

INCUMBENT REPLACED: Vacant

ADDRESS: N/A

TERM EXPIRATION DATE: N/A

APPOINTING COMMISSIONER: Melissa Bynum

**REQUEST FOR APPOINTMENT**

NAME OF NEW APPOINTMENT: Julie Xiong

ADDRESS: \_\_\_\_\_

CELL NUMBER AND EMAIL ADDRESS: \_\_\_\_\_

TERM OF OFFICE: 8/27/2020-12/11/2023

SIGNATURE OF APPOINTING COMMISSION MEMBER

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

SPECIAL COMMISSION MEETING, THURSDAY, JULY 16, 2020

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in a Special Commission Meeting, Thursday, July 16, 2020, with eleven members present on ZOOM or by phone. 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; Angela Lawson, Deputy Chief Counsel; Carol Godsil, Deputy Unified Government Clerk; Gordon Criswell, Emerick Cross, Alan Howze, Assistant County Administrators; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Reginald Lindsey, Budget Manager; and Chief Michael Callahan, Fire Department.

**MAYOR ALVEY** said before I call the meeting to order, I want to announce that due to COVID-19, commissioners, staff and the public are attending remotely via ZOOM or by phone. 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 COMMISSION MEETING** of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, July 16, 2020, at 5:00 p.m., for the budget



adoption, ERP and note sale and financing projects. 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** asked are there any revisions to tonight's Special Meeting. **Carol Godsil, Deputy County Clerk**, said yes Mayor. Under the Budget Items, Item No. 4d, Attachment A was submitted regarding changes to the District Attorney's budget.

**Mayor Alvey** said we have various budget items. Before we get into those, Mr. Bach, please make some opening remarks.

**Doug Bach, County Administrator**, said before us tonight, the Commission asked for us to come back as part of the budget and provide some presentation regarding some follow-up questions. We have really three different areas we'll touch on, one of them a little more lengthy. The Commission had asked us to come back and talk about the proposal to rotate between Station 15 and 12 as an alternative that Commissioner Townsend and Johnson put forth somewhat. We wanted to give you how that can work and our recommendation regarding that. Also, some feedback regarding the Library Mill Rate and then also make sure we clarify what's on the attachment that's on your blue sheet before you take action on the recommended budget items tonight. So, Mayor, if you would like, we'll begin the presentation in that regard.



They are putting the presentation up now and I've asked Chief Callahan from the Fire Department to be present tonight to be able to walk us through this coverage model which was asked to be considered as an alternative.

## DIRECTION TO DISCUSS STAFFING STATIONS 12 & 15

▲ The Department was given direction to prepare points of discussion related to staffing both Station 12 and Station 15 with a single pumper

▲ The following slides present some of the points to consider with this type of approach

**Chief Michael Callahan, Fire Department,** said the department was given direction to prepare points of discussion related to staffing both Station 12 and Station 15 with a single pumper and crew. The following slides present some of the points to consider with this type of approach.

July 16, 2020

## COMPUTER AIDED DISPATCH (CAD) ISSUES

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- ⚠ These fragmentary transitions would require continual manual modification in the CAD system
- ⚠ These modifications would be atypical for Dispatch personnel
- ⚠ An inadvertent omission, or even temporal interruption, could prove injurious or fatal

Computer Aided Dispatch Issues (CAD); these types of fragmentary transitions between two different stations would require continual manual modification in the CAD system. These types of modifications would be atypical for dispatch personnel. An inadvertent omission, or even a temporal interruption, could prove injurious or fatal. What I mean by that is, if somebody forgets to place Pumper 15 at 12 or vice versa, and the computer system thinks that they're in a location that they're really not in, it could dispatch them to an emergency when in fact they're in the other location.

## STAFFING AND SCHEDULING ISSUES/TWO DIFFERENT BATTALIONS

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- ⚠ Personal Transportation Issues
  - Firefighters personal autos left at one Station while they are working at another
- ⚠ Protective & Personal Property Issues
  - Firefighters being required to pack and transfer their Personal Protective Equipment, clothing, and bedding food back and forth
  - Firefighters contribute to a coffee fund at their assigned stations of approximately \$15 a month to pay for their condiments, internet, cable, etc. This would require them to pay for 2 coffee funds simultaneously

Staffing and Scheduling Issues/Two Different Battalions; the Fire Department is divided up into different battalions. Each fire pumper or truck is called a company. It's based on a military model. These two stations are in two different battalions currently. Station 15 is in Battalion 1 and Station 12 is in Battalion 3. One of the issues we would be facing is firefighters beginning a shift at one of those stations and then the next crew comes in to relieve them in the morning and they go to the other station and their personnel automobiles are left at the station they began their tour of duty at.

Another issue is protective and personal property issues. The firefighters would be required to pack and transfer their personal protective equipment. That's their helmets and their protective gear and things of that nature as well as their clothing both personal and uniform and bedding back and forth between the two stations.

Also, firefighters contribute in each station to a coffee fund at their assigned station. It's approximately \$15 a month. What this fund is utilized for is to pay for condiments, internet, cable, tv, things of that nature. This would require them, since they would be in two different stations concurrently, they would be paying for two coffee funds simultaneously.

## STAFFING AND SCHEDULING ISSUES/TWO DIFFERENT BATTALIONS

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### ▲ These Stations are in two different Battalions

- Telestaff would have to be manually modified every week or month (depending on when the transfers were made) to accurately reflect staffing in the Battalion for that time period
- Scheduling required company level training would become burdensome, as that category of training is organized by the Battalion Chief
- Scheduling required Department level training would become burdensome, as that training is usually completed by battalion by battalion

The scheduling issues that present themselves in the fact that these are two different battalions and we'll go through those and please stop me if I say something, I use the term of art that somebody doesn't understand.

Telestaff, that's our automated staffing program. That would have to be manually modified every week or month, depending on when the transfers were made to accurately reflect the staffing in the battalion for that time period. So, right now, Telestaff looks at each fire station and in the fire service, we staff, we call it projected staffing. So, today is Thursday. This morning we did the staffing for Sunday. We have to project today's shift the next day they work is Sunday, so we have to do our staffing in that manner so that on Sunday morning when the tour of duty begins, everybody is where they should be.

In order to do that effectively with the model we're discussing here, we would have to go in and manually modify Telestaff to switch the pumpers and their crew from one battalion to another battalion during those time periods.

Additionally, required company level training becomes burdensome as that category of training is organized by the Battalion Chief assigned to each battalion. So, for him to set up training, that would be difficult when he is trying to organize training to get his entire battalion trained up for a particular evolution when one of the company's in his battalion is or isn't there when it should or shouldn't be based on his training schedule.

Additionally, there's another level of training which is department level training. Again, that would become burdensome. That's usually completed battalion by battalion so if one company is in a battalion one day and then moves to a different battalion, we would be chasing the company to get it trained in the proper evolutions.

## STAFFING AND SCHEDULING ISSUES/TWO DIFFERENT BATTALIONS

### ▲ Territorial Familiarity is interrupted

- Water supply knowledge e.g. hydrant locations, Target Hazard Structures e.g. which buildings present unusual tactical issues, Ingress/Egress issues are amplified when the assigned crew at a Station is only temporarily assigned to that Station

▲ If this initiative is implemented, and I am not endorsing it, I would recommend interchanging the Stations monthly, but in no event less frequently than weekly

Territorial familiarity is interrupted. So, water supply knowledge, which is your hydrant locations and the size of your watermains, target hazard structures and those are buildings that present unusual tactical issues and ingress and egress issues are amplified when an assigned crew at a particular station is only temporarily assigned to that station. Typically, in the fire service when a new firefighter goes into a station, those individuals that are there and have been there for some period of time and they are cognizant of and conversant with the things—those issues that I just went through, and they begin to train the new firefighter on those types of issues. With the model we're proposing here, that would be a little more difficult since we would not be staying at one particular station for a longer period of time.

If this initiative is implemented, and I am not endorsing it, I would recommend interchanging the stations monthly, but in no event less frequently than weekly.

### THIS IS NOT A FIRE SERVICE “BEST PRACTICE”

- ⚡ You would be hard pressed to locate a paid, professional Fire Department that operates in this fashion
- ⚡ In my over 40 years in the Fire Service, I have never seen nor even heard of this model being utilized
- ⚡ From an operational and logistical perspective, I do not recommend or support this initiative

This is not a fire service best practice. You would be hard pressed to locate a paid professional Fire Department that operates in this modality. In my over 40 years in the fire service, I have never seen or even heard of this model being utilized. From an operational and logistical perspective, I do not recommend or support this initiative.



I will take any questions that anybody might have.

**Rocki Mayes, Administrator's Office**, said, Mayor, I'm not seeing any questions. **Mayor Alvey** said thank you for checking that for me. Nope, we have Commissioner Townsend.

**Commissioner Townsend** said I don't have as many questions as just a statement after seeing the presentation. I want to thank the Chief and the Administrator for doing what I requested in an attempt to turnover every rock. You know we turned over the money rock and I just wanted to see operationally if something could be done. From the presentation the Chief gave, there are some



things that I think over time that if we went to this variation, may be overcome by time and familiarity with the firefighters going back and forth.

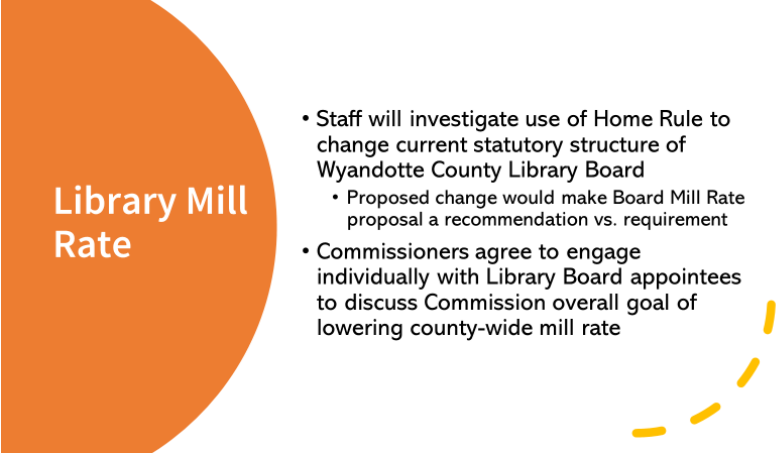
The bigger thing I see from this is that the possibility for human error is too great a risk to take. What I intended to do by broaching this subject is to not sacrifice safety, human safety, property safety of the constituents or firefighters. That to me is too great an error to risk. We're taught in law school to error on the side of caution and I don't see where—particularly if our Chief who had quite a few years behind him in this matter, would support it, that this is something we should move forward on. Safety, safety, safety is the main key.

I thank you for bringing this forward in terms of the presentation itself. Again, I just didn't want to leave any possibility—any stone unturned so to speak.

**Mayor Alvey** asked, Mr. Bach, is there a second item. **Mr. Bach** said yes there is. I'll continue on with the presentation.



**Mr. Bach** said this next item is really just to acknowledge the follow-up. I think the Commission as we threw out the mill rate, there was not satisfaction on the part of the Commission that this is something that should be left and not dealt with.



## Library Mill Rate

- Staff will investigate use of Home Rule to change current statutory structure of Wyandotte County Library Board
  - Proposed change would make Board Mill Rate proposal a recommendation vs. requirement
- Commissioners agree to engage individually with Library Board appointees to discuss Commission overall goal of lowering county-wide mill rate

We just noted that we are going to investigate the use of Home Rule to change current statutory structure of the Wyandotte County Library Board. We think since we are treated different than the rest of the state, that's typically when Home Rule can come into play, so we're going to work on this.

My thought from what the Commission asked, the purpose of doing this would be to make it so that the Board mill rate proposal would come forward to you as a recommendation versus a requirement and if that is correct, that is what we will work on and we'll bring this back to Standing Committee in the near future for your consideration.

The other one I think was just—this is more your conversation. It's not me telling you this is what you need to do, but that conversation was out there that all the board members are appointed by you all. So, as you talked about getting together and talking about lowering a countywide mill rate, that it made sense for commissioners to talk to their individual appointees about the overall goal. As that point was made by the commissioners, I just thought I would put this on this kind of summary. It seems to me these two look like the actionable items coming out of that. If there is something else I need to be doing in regard to that, let me know, but this is what our takeaway is.

**Commissioner Walters** said I just wanted to thank Mr. Bach for bringing these two items forward in the way he did. I think that's exactly the tone of the discussion that I was hearing, and I appreciate it. Thank you.

**Commissioner Bynum** said if I'm understanding correctly, those would be future actions and wouldn't change anything that we're doing tonight, correct? **Mr. Bach** said that would be correct. Anything we would do regarding Home Rule will take a few months of action. First, we just have to research everything. There could be some conversation with the Attorney General, I'm not sure, but it will take several months to make that kind of change.

**Commissioner Philbrook** said I just want to echo the thank you of following up so quickly on these two issues and items. I know, as well as the public know, that administration and our department heads are responding to what we asked, and I do appreciate that. Thank you.

**Commissioner Johnson** said ditto to what everyone else has said. I also want to appreciate the recommendation of Commissioner Townsend with regard to the fire station, so I thank both the Chief as well as Doug for you all hearing us and doing the best you can to try to at least address the issues that we've laid forth for you, so thank you.

**Mr. Bach** said that's all I have on the Library Mill Rate.

## Amended 2020 and 2021 Budget



### Attachment A

With that, I'll move on to the next area and that's regarding the straw poll action where the Commission gave us direction to do an amendment to the proposed budget. That came out to you in the form a blue sheet.

|                                              |  | COUNTY GENERAL FUND |            |
|----------------------------------------------|--|---------------------|------------|
| Department/Expenditures:                     |  | 2020                | 2021       |
| District Attorney - Community Integrity Unit |  |                     |            |
| One and half Additional FTE                  |  | 48,000              | 165,000    |
|                                              |  | -                   | -          |
| Contingency/Reserves                         |  | (48,000)            | (165,000)  |
|                                              |  |                     |            |
|                                              |  |                     |            |
|                                              |  |                     |            |
| <b>TOTALS</b>                                |  | -                   | -          |
|                                              |  |                     |            |
| Total Expenditures Published 7/2/2020        |  | 67,427,544          | 70,060,657 |
| Total Expenditures with changes              |  | 67,427,544          | 70,060,657 |

That blue sheet reflects what's on this yellow sheet, but that action was to add 1.5 additional FTEs in the form of investigators for the Community Integrity Unit that was requested for the District Attorney. We did so by structuring, so anticipating that we advertise this position late August into September, he would be able to get a person onboard in October and then add the additional time to the other half person. That would be a cost of \$48K this year and then a cost of \$165K through the year of 2021. We will take this money from our Contingency or Reserves line item so it will just reduce the amount that falls into that. Then as you see at the bottom, it just shows what the total overall County General Fund budget is. It stays the same as what was proposed at \$67,427,544 for 2020 and then the \$70,060,657 for 2021.

That is in accordance with what the Commission wanted. When the budget item comes before you tonight, it can be approved and I think we did write it anticipating, even though we didn't know when the agenda went out, that there's typically an amendment so it is written so Amendment A would be attached and that's what this would be.

**Mayor Alvey** asked, Doug, are we bringing this for a vote now or would that be—**Mr. Bach** said no. This will be—if you would like to include this for formal approval as part of the budget as proposed, then you simply just need to move on that item and we have it written in Amendment A or Attachment A, so as long as you approve it with Attachment A, this will be adopted as part of the budget. If you do not want it, then just recommend approval of the budget as originally submitted and not include it. **Mayor Alvey** said my question is, in the order of the meeting shows that coming under Item 4. Do we want to do the discussion on that now or wait until that comes up because the first thing I have on mine is a motion for the Wyandotte County Library budget.

**Mr. Bach** said, Mayor, I would leave that up to you. I just presented all the information, and this is the last item that I felt that I had any action to bring forward to the governing body to explain and at this point we are ready to start working through the approvals unless there are other questions. **Mayor Alvey** said let's go through the order which the first item is the Library budget. Commissioner Bynum and Commissioner Johnson I see you had your hands up, maybe others did too, but we'll have an opportunity for comment discussion when we come to that budget item.

**Mayor Alvey** said I will entertain a motion for the Wyandotte County Library Budget. Commissioner Johnson, I see you still have your hand up. Is it okay to wait until we bring that item up? **Commissioner Johnson** said, don't pay any attention to me Mayor. I'm trying to put it down. It won't go down, it's the system. **Ms. Mayes** said I went ahead and put it down.

**Commissioner Bynum** said do I understand correctly that we would adopt all of the items in Item No. 1 with one vote, all of that? **Mayor Alvey** said the Library Budget, that's my understanding. Right Doug? **Commissioner Bynum** said I'm sorry. The slide says adoption of the following resolutions and it includes everything. **Mr. Bach** said Item No. 1 is the budget and the budget includes several resolutions for approval. Each resolution requires an individual motion and vote, so we will opt those on the screen as we go along. **Commissioner Bynum** said I'm sorry to be picky about this. **Mr. Bach** said good question. **Commissioner Bynum** said the very first resolution then is that we are voting on is the Wyandotte Library Mill Levy, correct? **Mr. Bach** said yes.

**Commissioner Kane** said I would rather have the Integrity thing separated. **Mayor Alvey** said it is. It will be. It's under, again, 4d I believe, and so at the point, as Mr. Bach explained, we could adopt the full budget, or we could adopt the budget with the amendment for the Integrity Unit. Is that correct? **Mr. Bach** said yes. **Commissioner Kane** said when we get there, help me because I didn't quite get what you said. When you get there, please help me.

**Commissioner Townsend** said one other thing I wanted to clarify, we had taken action several weeks ago to increase the mill levy lid, not the mill levy, but as we move through tonight I just want to be clear that we are approving the mill levy at the proposed rate in the budget, correct?

**Mr. Bach** said that is correct. The proposed budget does not include any increase to the mill rate. **Commissioner Townsend** said okay. That's how I was viewing it, just wanted to be sure. It's better to ask than be wrong.

**Commissioner Kane** asked what about layoffs. **Mr. Bach** said there is some reduction of force built in to the budget that is proposed before you. **Commissioner Kane** asked, how much reduction in force. **Mr. Bach** said we are working around 30 some people probably this year and then a little over next year and as you've asked me some communication on this as I'm working through it. I'm doing my best to be able to work people into other jobs that are available within the Unified Government. We have limited hiring, but as you're all aware, you know the Sheriff's Department has several vacancy that we fill through overtime now, so like some of the Auxiliary Police Officers that we brought on, we were able to transfer those people into those positions. In our Security Guard area, which is another area of reduction, we were able to do that. There are a few others that we are continuing working with. I think there will be some reductions in force that I'm not able to transfer the personnel over to because of the nature of the type of job, it just doesn't coordinate over, but I'm hoping that will be a number that falls well less than ten and maybe less than five. In some cases, people don't want to transfer over to a different job, or they're close to retirement and when we have that conversation, they elect just to take that option.

**Mayor Alvey** said going in order. I would entertain a motion for the Wyandotte County Library budget.

# 1. RESOLUTION REGARDING WYANDOTTE COUNTY LIBRARY

**Action:** **RESOLUTION NO. R-42-20**, "A resolution expressing the Property Taxation Policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2021 Annual Budget for the Wyandotte County Library and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2021." **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook.



## 2. ORDINANCE REGARDING THE SELF-SUPPORTING MUNICIPAL IMPROVEMENT DISTRICT

**Action:** **ORDINANCE NO. O-33-20**, “An ordinance expressing the Property Taxation Policy of the Unified Government of Wyandotte County/Kansas City, Kansas with respect to financing the 2021 Annual Budget for the Self-Supported Municipal Improvement District and approving, adopting and appropriating the budget of the Self-Supported Municipal Improvement District and levying a tax for the year beginning January 1, 2021.” **Commissioner McKiernan made a motion, seconded by Commissioner, Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook.

## 3. BUDGET ITEM 3a. RESOLUTION REGARDING 2020-2021 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT

**Mayor Alvey** said there are two motions regarding this. This is the first motion. **Commissioner McKiernan** said that is correct, 3a.

**Action:** **RESOLUTION NO. R-43-20**, “A resolution that the Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized and directed to execute in the name of the Unified Government, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/Chief Executive Officer and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the 2020-2021 Annual Action Plan which includes the Community Development Block Grant Program, the HOME Investment Partnership Program, and the Emergency Solutions Grant Program along with Certification for Entitlement Grantees by the City of Kansas City, Kansas to the U.S. Department of Housing and Urban Development and to implement the 2020-2021 Annual Action Plan upon approval.” **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken

and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook.

**BUDGET ITEM 3b. RESOLUTION APPROVING THE SUBMISSION OF AMENDMENT NO. 1 TO THE 2019-2020 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT**

**Action: RESOLUTION NO. R-44-20**, “A resolution that the Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized and directed to execute in the name of the Unified Government, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/Chief Executive Officer and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to Amendment #1 to the 2019-2020 Annual Action Plan which includes additional allocations made available by the Coronavirus Aid, Relief and Economic Security (CARES) Act to the Community Development Block Grant Program, and the Emergency Solutions Grant Program along with Certifications for Entitlement Grantees by the City of Kansas City, Kansas to the U.S. Department of Housing and Urban Development and to implement Amendment #1 to the 2019-2020 Annual Action Plan upon approval.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook.

**4. VARIOUS RESOLUTIONS AND ORDINANCES SETTING UNIFIED GOVERNMENT FEES FOR SEWER SERVICE, SOLID WASTE, SETTING THE KC BPU PILOT, AND ADOPTING THE 2020 AMENDED BUDGET AND 2021 BUDGET.**

**BUDGET ITEM 4a. AN ORDINANCE ADOPTING A REGULATION ESTABLISHING THE RATE FOR SEWER SERVICE CHARGES.**

**Action: ORDINANCE NO. O-34-20**, “An ordinance relating to Sewer Service Charges, approving the regulation establishing the rate, effective January 1, 2021, as authorized by Section 30-96 of the Code of the Unified of Wyandotte County/Kansas City, Kansas, and repealing any previously adopted regulations establishing such rates.”

**Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Bynum, Townsend, McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook and two “no,” Burroughs, Kane.

BUDGET ITEM 4b. AN ORDINANCE SETTING THE SOLID WASTE FEE

**Action: ORDINANCE NO. O-35-20,** “An ordinance relating to the monthly fee on residential units in the City of Kansas City, Kansas, to fund the Unified Government’s Solid Waste Services, amending Section 31-17(b) of the Unified Government of Wyandotte County/Kansas City, Kansas Code and repealing original Section 31-17(b).” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve the ordinance.”** Roll call was taken and there were seven “Ayes,” Bynum, Townsend, McKiernan, Johnson, Markley, Walters, Philbrook and three “no,” Burroughs, Ramirez, Kane.

BUDGET ITEM 4c. A RESOLUTION REGARDING THE PILOT

**Action: RESOLUTION NO. R-45-20,** “A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for the year 2021.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook and one “no,” Kane.

**Commissioner McKiernan** said, Mayor, that brings us to Budget Item 4d, and I will turn this back to you for discussion.

BUDGET ITEM 4d. A RESOLUTION AND ORDINANCE APPROVING, ADOPTING, AND APPROPRIATING THE BUDGET OF THE UNIFIED GOVERNMENT

**Mayor Alvey** said we have Attachment A. An option to adopt the 2020 Amended Budget and the 2021 Budget to include Attachment A which establishes the Community Integrity unit as brought forward by the—it's on the blue sheet. I'll entertain any discussion.

**Commissioner Bynum** said I've been contemplating this item since our unanimous straw poll agreement on Monday and I don't believe that the need for the unit is inappropriate. I still believe that the unit itself is appropriate. We heard from the community; we've been hearing from them all week. We unanimously, I believe, agreed to find the funding and what's been on my mind ever since then is I keep going back to the 20 some odd years ago that we voted as a community to unify our city and county government. When we did that, one of the things that was extremely important to the community in that unification measure was independent ethics administration. We incorporated that directly into the Charter of our Unified Government by creating an Ethics Administrator and a Legislature Auditor and those two things still exist today, and they exist in an independent fashion separate and away completely from any and all elected officials.

So, now as I contemplate a Community Integrity Unit that would have the purpose of continuing as an investigative arm much like our Ethics Administrator functions today, but an investigative arm that particularly looks at the actions of our law enforcement, I wonder if we've placed this unit in the appropriate location within our government. I'm certainly not against the funding that we've allocated. I'm certainly not against the creation of the unit, but what I'm curious about and would certainly want to hear more conversation about is, is there a place more appropriate within our government for the placement of this unit. Even those in the community that are advocating for the unit are very specifically saying an independent investigative unit and that is the conversation I'm hoping to have tonight before we adopt. Do we need more conversation and contemplation about the appropriate place for such a unit to reside so that it can truly have independence away from any elected official?

**Commissioner Philbrook** said I hope you understood everything she said because I'm on the same wave length. I just want to make sure that it is an independent investigative unit. That's very important and so my question would be, is it possible to pass this in the budget, but hold back where the money goes, the additional money goes, until we determine that unless we have one of our lawyers on the line that can give us their idea.

**Mayor Alvey** said, Mr. Bach, if that route were pursued, it would be possible for us to come back and pass a budget amendment, right, even a month or two down the road if that was necessary. Isn't that correct? **Mr. Bach** said yes, you could approve the budget incorporating in this amount of funding into the budget with the direction that it be used for a Community Integrity Unit. Now, you would just remove it from making the attachment and putting it in the District Attorney's budget, rather you would put it into our—Reggie, I would probably look for your suggestion there, but somewhere into our County communitywide budget or you could elect to assign it directly to the Legislative Auditor's budget pending further direction for him to come back and say how he wants to use it. If you determine later, you wanted to move it from that account into a different account, you could.

**Commissioner Kane** said I really think that's a very good idea. He came in late to the meeting. I would like a little more definition about where it would go, what they would do, what has happened with the monies that he has received in the past. I would think that we could approve the monies and then take a look at it and get some more explanation and see if that would be the right place or the wrong place for it to go.

**Commissioner Townsend** said I just want to say that without reservation I believe that the Community Integrity Unit, whatever money we allocate for those functions tonight be with the organization and a representative. The DA's office brought this forward and I say that because he will be staffed with people to handle these types of investigations. He said he's bringing in certified law enforcement officers. That is currently not what our Ethic Department handles. If I am inappropriate in some way as a commissioner, that is what we're looking at, but we need to have this Community Integrity Unit under the auspices of the DA's Department. I have not spoken to the DA about this, but I would say that several years ago when he came with the first Conviction Integrity Unit proposal, he was on time and it wasn't a last minute. I believe the situation here is later than what any of us would have liked to see because up until several months ago none of us had heard of the late Mr. George Floyd and with all the things that came about as a result of his murder. Without hesitation, I believe it would be the appropriate thing because of the attorney's and the other individuals, the certified law enforcement that you would have under the DA's purview to fund it and have it under the DA's office. That's my view.

**Commissioner Johnson** said I don't want to belabor the time. I echo what Commissioner Townsend has said. It doesn't take a lot of research to go out and be able to see that Conviction Integrity Units around the country are often housed within the Prosecuting Attorney's Office. Statewide it would be housed in the Attorney General's Office. On a local basis, while I can appreciate the idea that we need to make sure that we appropriate the funds to the right area, there is a precedence that we see around the country that these types of units are often housed in the DA or the Prosecuting Attorney's Office, so I think with that it serves as a basis for us to fund the DA's Office here in local Wyandotte County with those funds as proposed by him.

**Commissioner Bynum** said I just want to be clear that I'm not changing my mind about whether the unit is needed. Commissioner Johnson, you said just now Conviction Integrity, but I'm going to guess that you meant the Community Integrity Unit. **Commissioner Johnson** said I meant Community, I'm sorry, thank you. **Commissioner Bynum** said I just wanted to clarify that. The only reason I bring it up is because it's something that's been on my mind now for several days and, again, I'm willing to go with the will of the group. I didn't feel comfortable voting until I at least brought forward what I've been contemplating for several days.

Also, just to reiterate, I do understand why it's requested and, you know, again it does take me back to that community request 20 some odd years ago that we codify the need for ethics administration and a code of ethics within our government. I feel that's been very useful and helpful to us as we've gone over the years, so that's why I brought it up in the first place, just for continued conversation about making sure we all have a comfort level for where a unit like that would be housed and we're looking at the DA's office. I would certainly be asking for if we leave it within the DA, I would certainly be asking for something, an MOU or something in writing even, that assures us that this unit would be completely walled off and separate from any prosecuting that's going on within the DA's office so that those things can be completely and entirely separate from one another.

**Commissioner McKiernan** said this is why I am so very appreciative to have all of my colleagues on the Commission who think about these things in ways sometimes differently than I do. I will say that I must not—I had some misunderstandings about this unit. I will agree with Commissioner Bynum. I completely understand the need for the unit. I completely support encumbering the



funds, that's really what we're here to do today as a function of this budget, is to encumber the funds so that they are used. As I said on Monday, this did come to us at the eleventh hour this year and so I did have some misunderstandings about the execution of it that I think I need to clear up so that I can be fully behind this unit regardless of where it ends up being located.

As much as I appreciate that there are reasons why it might operate independently of the DA's office, I do think that there are some reasons why it might actually—we might leverage current resources better if it were located there. We already have a bit of infrastructure that we built with our first funding from 2018, 2019 and 2020 and the DA has already done some planning relative to how this unit might get folded in, not Conviction, but Community Integrity.

At this point I would say that I understand the need for the unit. I definitely support encumbering the funds and then with my Commission colleagues figuring out how we best move forward to operationalize this.

**Mayor Alvey** said I'm not sure, I think that I'm clear, I think what our oversight is limited to whether we want to create the funds and how this money is utilized, how the structure is and if we put money and set it aside and do not designate it directly to the District Attorney's Office, but say we're setting this money aside for a Community Integrity Unit or some kind of oversight or investigate. In terms of how it is actually deployed in the District Attorney's Office, it's really (inaudible) and I don't know if that's what Commissioner McKiernan or Commissioner Bynum are suggesting, but if I understand right, our Attorney could weigh in on that.

**Angela Lawson, Deputy Chief Counsel**, said that's correct. Once it is voted on specifically in the District Attorney's budget, it's his discretion how to expend those funds as he's an elected official. It's different than a department that would be where the County Administrator would have oversight of. If you designated it into the District Attorney's budget, then it's up to him how to implement that. Did that answer your question? **Mayor Alvey** said yes, thank you.

**Commissioner Bynum** said I completely respect that and understand it. I don't know that there's any precedence for us encumbering monies where we have not identified—you know, to which department they would go. I can understand that it's unique. The only other thought that I had on

the matter was if we think it's something that, Mayor, your Police Task Force should contemplate and if you don't believe so, then I will live with that as well.

I'm sorry to gum up the activity tonight, but I didn't feel that I could move forward without at least sharing the thoughts that were on my mind, like I said, ever since Monday night when we agreed that such a unit is needed. So, with that, I'll yield.

**Mayor Alvey** said in regard to the Task Force on Community and Police Relations, we did hear a presentation from Mr. Dupree on Tuesday, and I had asked him to recall last Thursday if he would give us a bit more description about how this is deployed elsewhere. He brought examples of San Francisco and Baltimore. I'm just trying to sharpen the question here. If we want to appropriate the funds or encumber the funds now, designate them to a specific budget, basically the District Attorney's Office, we can do that. Once that is appropriated, if we could hold it and release it later, I think we did that with the Conviction Integrity Unit, the original, but for perhaps to have more discussion with the District Attorney and working things out. The Task Force is not really the place to do it, it's more of a listening and facilitating the conversation with the community and police, but I would think it would need to come through standing committee.

The other option I guess would be to set-aside money to the Community Integrity Unit. I don't know if we cannot designate it to a specific department or just place that into Reserve that could then be deployed which (inaudible) end up with the District Attorney or perhaps some other department. I don't know what department that would be within the city, I'm not that familiar with it, so I'm trying to sharpen the question.

**Commissioner Townsend** said I just want to reiterate again, we heard a presentation some weeks ago from the DA who laid out the need and what it was, what it was for. He talked specifically about some manpower he needed by particular idea of jobs and I think it sends a bad—it sends a questioning message to the community that several years ago he came forward with the Conviction Integrity Unit proposal and we did some of the same things, second guessing him, about what it was for and the need even though we appropriated the money. We're several years down the road. There have been no problems with it that I've heard, and I think the community we heard talk Monday made it very clear that they would expect this would be under the purview of the DA. I just can't emphasize that enough. It just looks like we're always second guessing this when it

comes forward for the money and we are right to have these discussions, but it was his brainchild. I think if we had any questions about it, we have absolute right to go back, but I think right now this needs to be, in my opinion, passed and proposed as an addition to the DA's budget.

**Commissioner Johnson** said I wish I would have gotten my hand up first because Commissioner Townsend said exactly what I was going to say. I don't recall us allocating funds in such a way as we had done previously with the DA. It seems to me that when we go about presenting a budget that those funds that are allocated are going to the departments that have requested those funds. Again, the message that it sends to the community at-large is that exactly what Commissioner Townsend said.

Additionally, I just want to reiterate, very few times we have had so many persons from the community come forward and request the same thing, person after person, we've not seen that very many times. There are some issues that have come up, but this is one of those issues where you see a strong sense of advocating for the District Attorney to create this Community Integrity—or to do this Community Integrity Unit in a way that we've not seen before and there were very few—matter of fact there were no persons that were in opposition to it, the unit itself. Again, I would echo what Commissioner Townsend has said and it should be approved as proposed.

**Mayor Alvey** asked, are you making a motion because—Commissioner Townsend, do you entertain a motion for the adoption of the 2020 Amended Budget and the 2021 Budget to include Attachment A which would fund the Community Integrity Unit. Is there a motion for that and after we have a motion and second, I would entertain also any further discussion.

**Action: RESOLUTION NO. R-46-20 and ORDINANCE NO. O-36-20**, “A resolution and an ordinance approving, adopting and appropriating the Operating and Capital Maintenance Improvement Project Budgets of the Unified Government of Wyandotte County/Kansas City, Kansas, as submitted and amended by Attachment A, for the fiscal years beginning January 1, 2020 and the fiscal year beginning January 1, 2021; approving the Five Year Capital Maintenance Improvement Program for Fiscal Years 2020 through 2025.” **Commissioner Townsend made a motion, seconded by Commissioner Johnson, to adopt the resolution and to approve the ordinance.**

**Commissioner Burroughs** said there has been much discussion about the Community Integrity Unit. The community has spoken, we made a straw poll the other night to fund this. I guess my comments are, if we find, as commissioners, that the monies aren't being spent or aren't being utilized to the benefit of the community, those funds can always be rescinded. Is that not correct? **Ms. Lawson** said once those are in his budget for this year because he's an elected official, they would stay there. **Commissioner Burroughs** said for perpetuity or can't we do it the next budget cycle? **Ms. Lawson** said right, you do not have to continue to fund in the next budget cycle, correct.

**Doug Bach, County Administrator**, said I want to clarify. That would be through 2021, so it would be for the '22 budget when you would be in a position to change that. **Commissioner Burroughs** said that would be my understanding. I wanted to bring that point forward that putting this item in the budget—the questions that have been proposed, and I respect the questions because I believe having this presented to us so late in the budget process, these are questions we as commissioners did not have a chance to discuss publicly. It is our responsibility to ensure the community tax dollars are spent in a manner that is respectful to them and their wishes. So, my comment would be, if we chose to fund this, that if we're not satisfied and don't get the answers we want or the services that are proposed by the District Attorney, then we can always pull those funds back next budget cycle.

**Commissioner Bynum** said I just will reiterate one last time, I certainly will support this budget with these funds placed in the DA's budget and certainly support the unit and, again, I just needed to bring that conversation to the full Commission purely because of the fact that the thoughts that I had around it did not come to me until after Monday night. I certainly intend to support it.

**Commissioner Philbrook** said I agree with Commissioner Burroughs and Commissioner Bynum as well as Commissioner Kane that we didn't have the time to really talk about this and ask these questions and think about it, so that's why it's happening now. Also, I appreciate the comments about the fact that if we are not pleased with how things go or if the community is not pleased with how things go, then next budget cycle we can always address that. Without us bringing these things up and having the conversations in front of our community so they understand what we're thinking about and what we're trying to accomplish in their names, I am fully aware that we need

a Community Integrity Unit and I am full-fledged with that. The questions were all legit of everybody asking and I appreciate your time of answering and talking about it.

**Mayor Alvey** said we have a motion and a second to adopt the 2020 Amended Budget and the 2021 Budget to include Attachment A which funds the Community Integrity Unit. Roll call please.

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

#### 5. ORDINANCE/RESOLUTION AUTHORIZING VARIOUS PUBLIC IMPROVEMENTS IN THE 2020-2025 CAPITAL MAINTENANCE IMPROVEMENT PLAN

**Action:** **RESOLUTION NO. R-47-20 and ORDINANCE NO. O-37-20**, “A resolution and an ordinance authorizing various public improvements contained in the 2020-2025 Capital Maintenance Improvement Program; authorizing the issuance of General Obligation Bonds and/or Temporary Notes to finance a portion of the costs of such improvements; authorizing the issuance of Utility System Revenue Bonds to finance a portion of the costs of such improvements; requesting the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its Leasehold Revenue Bonds for the purpose of financing all or a portion of the costs of certain improvements; and authorizing one or more lease purchase agreements to finance the acquisition and installation of certain equipment.” **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adopt the resolution and to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook.

#### **Item No. 2 – 20253...HOME RULE RESOLUTION: ERP AND NOTE SALE**

**Synopsis:** A home rule resolution authorizing the acquisition and implementation of an Enterprise Resource Planning System to serve the county, and issue general obligation bonds and offer for sale municipal temporary notes to finance the costs, submitted by Kathleen VonAchen, Chief Financial Officer.

**Doug Bach, County Administrator**, said, Mayor, I will recognize Kathleen VonAchen, our Chief Financial Officer, to offer comments regarding this item.

**Kathleen VonAchen, Chief Financial Officer**, said this item is with respect to the County portion of the funding of the Enterprise Resource Planning Solution Project. The City portion was included in the previous presentation. As you know, the total project that's going to be debt financed is \$5.3M of which \$1.9M is coming from excess reserves in the Debt Service Fund. We're proposing to issue temporary notes that would be paid—which would be repaid from the debt reserves in the County Bond & Interest Fund and with this note issuance we'll be able to execute that financing.

**Mayor Alvey** asked, would you just briefly, for the public, explain an Enterprise Resource Planning System. **Ms. VonAchen** said yes. Currently we have a financial system that was acquired over 25 years ago and it's considered a legacy system. It allows us to pay all of our bills and to run our payroll, over 2,300 full-time equivalent employees of the Unified Government. It also allows us process accounts receivable and supports deposits and to record them.

Unfortunately, our current system doesn't really have any capacity or ability to help us manage the human capital or human resources side of our organization. This new ERP system, which we're asking for your approval, has an entire series of modules that would greatly improve the ability of the Unified Government to manage its workforce. Since it's cloud-based, there's a significant savings—well security involved with having it cloud-based.

The other thing is, we did a business case for it. We did some business case analysis to balance the return on investment on the project, means that within 2.5 to 3 years we'll actually pay back the cost of the implementation of the entire project based on a whole variety of factors that we analyzed that demonstrated that we probably will be saving around \$5M a year across our entire \$400M budget by putting in place more streamlined business processes that the software will help us facilitate.

**Mayor Alvey** said I will entertain a motion.



**Action:** **RESOLUTION NO. R-48-20**, “A home rule resolution of the Unified Government of Wyandotte County/Kansas City, Kansas authorizing the acquisition and implementation of an Enterprise Resource Planning System to serve the County; authorizing the issuance of General Obligation Bonds of the Unified Government to finance the costs of the same; and authorizing the offering for sale of Municipal Temporary Notes of the County to finance the costs of the same.” **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook.

**Item No. 3 – 20254...RESOLUTION: OFFERING FOR SALE MUNICIPAL TEMPORARY NOTES AND GENERAL OBLIGATION BONDS**

**Synopsis:** A resolution authorizing the offering for sale of Municipal Temporary Notes and General Obligation Improvement and Refunding Bonds, submitted by Kathleen VonAchen, Chief Financial Officer.

**Mayor Alvey** asked, any questions or comments from the Commission or County Administrator. Seeing none, I would entertain a motion.

**Action:** **RESOLUTION NO. R-49-20**, “A resolution authorizing the offering for sale of Municipal Temporary Notes and General Obligation Improvement and Refunding Bonds of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook.

**Mayor Alvey** said that concludes our meeting for the evening. Thank all of us for our attendance and our diligence.

**MAYOR ALVEYADJOURNED  
THE MEETING AT 6:06 p.m.**

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Carol Godsil  
Deputy Unified Government Clerk

dt

July 16, 2020

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

SPECIAL COMMISSION MEETING, MONDAY, AUGUST 10, 2020

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in a Special Commission Meeting, Monday, August 10, 2020, with eleven members present on ZOOM or by phone. 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, and Alan Howze, Assistant County Administrators. Persons attending from the CARES Act Team: Commissioner Bynum, Commissioner Philbrook, Crystal Sprague, and James Bain.

**MAYOR ALVEY** said before I call the meeting to order, I want to announce that due to COVID-19, commissioners, staff and the public are attending remotely via ZOOM or by phone. 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 that is observing 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:** Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Alvey.

**NOTICE OF SPECIAL COMMISSION MEETING** of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Monday, August 10, 2020, at 7:00 p.m., regarding CARES

Act 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** asked are there any revisions to tonight's Special Meeting. **Bridgette Cobbins, County Clerk**, said yes Mayor. A blue sheet was distributed on Friday and in that blue sheet it provided additional information regarding the CARES Act funding, the submissions for the Municipalities resolution, Educational resolution, and a Non-Profit resolution. Also, Mayor, a clarification was sent out today and that clarification was in regard to the Non-Profit resolution, exhibit 1 and the change is limited to adjusting project descriptions to align them with the project name and does not adjust the allocations to any of the listed agencies.

**Mayor Alvey** said the only item tonight is the CARES Act funding. I would ask Commissioner Markley, Chair of the CARES Act subcommittee to make some opening remarks and to introduce staff.

**Commissioner Markley** said I want to say first thank you to the committee members and staff members who have worked on this. It has really been a marathon and a marathon where the course that we're running seem to change daily. This committee met almost daily for several weeks and several hours in each of those meetings. In addition, they did hours and hours of homework as every committee member reviewed every application afforded on a scoring metric. It was certainly a lot of work and everyone has been very dedicated. We had a great committee and I appreciate their work very much.

For some of us on the committee our work is nearly done, but I will recognize it for staff, the fun is just beginning as they will continue to track and monitor the allocations that we approve tonight. They will report back to my standing committee because this committee was formed out of that standing committee with additional members and they will be reporting to that standing

committee regularly. So, for commissioners and the public, if you're interested in seeing future updates on the CARES Act allocation tracking, those will come to the Administration & Human Services Standing Committee in the future and our committee members that are not members of that standing committee will get the packets for review.

With that, I'm going to turn it over to staff to do a presentation about our resolutions tonight.

**Crystal Sprague, CARES Act Team Lead**, said I'm going to share my screen with you so you will be able to see our presentation tonight.



First I want to say thank you so much to the committee and to staff who have just worked around the clock it seems like on massive amounts of information as I'm sure that you felt when you received your packets on Friday night.

## Planning Committee Funding Priorities



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We have had a tremendous amount of information that's been given to us and that we have been able to turn around and get out the door, but with that tremendous amount of information and in our haste to get them out to you Friday night for review, I would like to echo what the Clerk mentioned. We did have an adjustment to Exhibit 1 under the resolution for proposed funding for the allocations for the 501c3's. That amendment was to program descriptions as they did not align well with the program names. No discrepancies were found in the applicants scores, proposed allocations, or original funding request amounts. Late this afternoon we did send you an additional revised Exhibit 1B under the resolution for proposed funding allocations for Municipalities and Health Department.

Today we were able to isolate that we had three missing entry's from which the Planning Committee considered and made allocations for and those applications included Turner Vibrant Health, KVC Hospital, and an application for KU. Those were absent from the first round of documentation that you received on Friday. In addition, we would revise the recommendation for three applicants that were listed incorrectly on Exhibit 1B and not as the Planning Committee had adopted on Friday morning. That would be application 178, application 44, and application 68. There were some adjustments made during the meeting and adopted on Friday by the Planning Committee that were not reflected in your documentation that you received on Friday.

The record of the meeting was reviewed thoroughly to confirm that the Planning Committee actions on these exhibits were adjusted accordingly and any adjustments are notated on the revised exhibits. With that, I will get right to our presentation for today.

August 10, 2020



Just a reminder, that we did follow the Planning Committee's funding priorities which aligned with the State's SPARK Committee and Recovery Office Committee and those are listed here.

## Funding Formula – Adopted 7.30.2020

**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  |

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On July 30<sup>th</sup> we brought to you a funding allocation recommendation which you see before you and that funding allocation was adopted by the full Commission on July 30, 2020. If you can believe it, that's only been 10 days ago. Since that time, the municipalities, Government and Health Department have been frantically working at realigning their request to match this allotment as well as the Planning Committee, as Commissioner Markley said, has met several times. They scored more than 80 applications in a series of days and we're ready to present that information to you today.

As a reminder, anything that we submit to the Recovery Office has the final approval of the Governor's SPARK Task Force and Recovery Office. So, even if you see allocations or programs set forth today, we believe that we are putting forward our best belief that these would qualify for funding under the CARES Act, but the state holds the final decision.

August 10, 2020

| By Direct Aid Application Category                                                           | Dept Request           | Final Allocation       |
|----------------------------------------------------------------------------------------------|------------------------|------------------------|
| Adaptability, Variance, and Print postage/printing/digital advertising                       | \$555,000.00           | \$555,000.00           |
| Communications                                                                               |                        |                        |
| Recruiting Connectors and clients (print, mass media, social media, etc.)                    | \$150,000.00           | \$150,000.00           |
| Community Organization and Advisory Committee stipends                                       |                        |                        |
| \$20,000 per host site organization + stipends for Community Advisory Board members          | \$515,000.00           | \$250,000.00           |
| Contact Tracing                                                                              |                        |                        |
| Supplies and incentives for complying with isolation and quarantine                          | \$72,000.00            | \$72,000.00            |
| Contracted Staff                                                                             |                        |                        |
| 90 Connectors, 10 Supervisors, 5 Project Managers, 1 Project Lead                            | \$4,970,000.00         | \$2,712,888.00         |
| Equipment & Technology                                                                       |                        |                        |
| Equipment for live streaming                                                                 | \$11,362.00            | \$11,362.00            |
| Lab Processing                                                                               |                        |                        |
| Laboratory supplies and equipment                                                            | \$1,416,081.00         | \$1,392,082.00         |
| Mask Campaign                                                                                |                        |                        |
| Media and professional services                                                              | \$683,000.00           | \$368,000.00           |
| Media Broadcasting Room                                                                      |                        |                        |
| Design (Equipment & Consulting)                                                              | \$150,000.00           | \$150,000.00           |
| Operating                                                                                    |                        |                        |
| Shared by United Way of Greater Kansas City and Community Health Council of Wyandotte County | \$861,943.00           | \$252,943.00           |
| Personnel                                                                                    |                        |                        |
| FT Social Media Outreach                                                                     | \$425,000.00           | \$77,084.00            |
| Program Evaluation                                                                           |                        |                        |
| External evaluation conducted via an RFP process                                             | \$200,000.00           | \$0.00                 |
| Public Health Response Grants                                                                |                        |                        |
| Safety net clinic                                                                            | \$0.00                 | \$2,258,114.00         |
| Staff                                                                                        |                        |                        |
| Contractual Coordinators                                                                     | \$1,406,100.00         | \$1,382,100.00         |
| Contractual staff (July-December)                                                            | \$581,508.00           | \$484,590.00           |
| Technology                                                                                   |                        |                        |
| Laptops, surface pros, cell phones, Apricot software, etc.                                   | \$351,840.00           | \$252,840.00           |
| Computer/Internet/Software                                                                   | \$90,000.00            | \$90,000.00            |
| Testing                                                                                      |                        |                        |
| Testing supplies and equipment                                                               | \$871,100.00           | \$871,100.00           |
| Testing Campaign                                                                             |                        |                        |
| Media and professional services                                                              | \$713,000.00           | \$713,000.00           |
| Testing materials                                                                            |                        |                        |
| Robust training for all Connectors and host sites                                            | \$80,000.00            | \$40,000.00            |
| Travel                                                                                       |                        |                        |
| Mileage for staff                                                                            | \$200,000.00           | \$200,000.00           |
| Vaccination Prep                                                                             |                        |                        |
| Flu Shot Vaccine and supplies                                                                | \$290,000.00           | \$290,000.00           |
| <b>Grand Total</b>                                                                           | <b>\$14,583,099.00</b> | <b>\$12,368,265.00</b> |

## Wyandotte County Health Department Exhibit 1

Strengthen the Ability for Robust Public Health Responses

- Public Health Response Grants \$2,191,888
- Scaling of WYCO Connects Strategy based on timeline
- Focus on lab fees and testing capacity
- Balance for additional reimbursements for the end of July 2020

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We'll get right into the first resolution and, commissioners, we will be going in resolution order today and exhibit order, so if you would like to follow along, this is the resolution adopting the funding for Municipalities and Health Departments.

You see before you an adjusted department request from the Health Department. This is a request that aligns with the allotment that they were given on July 30<sup>th</sup>. The Public Health Response Grants that were previously under 501c3's have been adjusted to fit underneath the Health Department in the amount of \$2.1M. We believe that scaling the WYCO Connects supported by the Health Department Administration, scaling the WYCO Connect Program to align with the required incurred by the December 30<sup>th</sup> deadline for the State Recovery Office allowed these additional public response grants to fit under the Health Department. We believe that's the best strategy based on the timeline and it will allow us to monitor those health interventions in a more realistic way. The Health Department requests for direct aid moving forward from August 1 to December 30<sup>th</sup> has a strong focus on lab fees and testing capacity.

August 10, 2020

## Wyandotte County Health Department – Exhibit 1b



Strengthen the Ability for Robust Public Health Responses

- Applications fit best under the Public Health Goals
- Applications were scored by the Planning Committee
- Better ability to measure impacts under this goal
- Able to better spot areas of collaboration

| App # | REQUESTING ORGANIZATION                                                                                                                           | SCORE      | AWARD     | REQUEST     |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|-------------|
| 186   | Sharon Lee Family Health CARE                                                                                                                     | 50         | \$245,784 | \$245,784   |
| 204   | Children's Mercy West Cordell Meeks Clinic                                                                                                        | 49         | \$22,650  | \$22,650    |
| 54    | Turner House Clinic Inc. (d/b/a: Vibrant Health)**                                                                                                | 47.5       | \$500,000 | \$500,000   |
| 201   | Wyandot Behavioral Health Network, Inc.                                                                                                           | 47         | \$176,576 | \$235,434   |
| 66    | Swope Health Services - Wyandotte                                                                                                                 | 45         | \$134,247 | \$200,474   |
| 90    | Cornerstones of Care                                                                                                                              | 45         | \$46,663  | \$62,217    |
| 163   | Mid-America Regional Council Community Services Corporation                                                                                       | 45         | \$250,000 | \$250,000   |
| 178   | Community Health Council of Wyandotte County (CHC)*                                                                                               | 42.5       | \$215,956 | \$330,998   |
| 44    | Mercy and Truth Medical Missions*                                                                                                                 | 39         | \$267,357 | \$580,115   |
| 67    | KVC Hospitals, Inc.**                                                                                                                             | 39         | \$67,789  | \$90,385    |
| 68    | KVC Kansas*                                                                                                                                       | 38         | \$112,950 | \$150,600   |
| 170   | Latino Health For All Coalition                                                                                                                   | 37         | \$131,916 | \$131,916   |
| 99    | KC Digital Drive                                                                                                                                  | 35         | \$20,000  | \$45,000    |
| 205   | Thrive (Together Helping Reduce Youth Violence for Equity), Center for Community Health and Development, University of Kansas Center for Research | 32.5       | \$0       | \$100,588   |
| 46    | CleanAirNow                                                                                                                                       | 26         | \$0       | \$157,787   |
| 157   | University of Kansas Hospital Authority **                                                                                                        | Not scored | \$0       | \$1,400,000 |

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In Exhibit 1B you will those public health response organizations listed by application number and name. The application fits best under Public Health Goals. The committee believed this was the best place for them to be scored and the applications were all scored by the Planning Committee. This gives us a better ability to measure the impact under this goal and we're better able to spot areas of potential collaboration or overlap in services.

We'll go a little further and deeper when we get to Education and 501c3. What this score here means on the top right corner of your page, but this is a composite score from each one of the raters who rated these applications. You'll see the award amount or the allocation amount and the original request amount.

Initial Request: \$3,494,730.60  
Adopted Request: \$780,400.00



City of Bonner Springs  
KANSAS



| Project                                                            | Original Request      | Revised Request     | Difference Dollars | Percent | Remaining Funds |
|--------------------------------------------------------------------|-----------------------|---------------------|--------------------|---------|-----------------|
| Reimbursements – Public Safety Payroll COVID-19 Leave <sup>1</sup> | \$675,273.09          | \$780,400.00        | +\$105,126.91      | 155.68% | \$0             |
| Reimbursements – PPE & Modifications                               | \$75,203.49           | \$0                 | (\$75,203.49)      | 0%      | \$0             |
| Direct Aid                                                         | \$2,744,254.02        | \$0                 | (\$2,744,254.02)   | 0%      | \$0             |
| <b>Total</b>                                                       | <b>\$3,494,730.60</b> | <b>\$780,400.00</b> |                    |         |                 |

## Exhibit 2



Reimburse UG / Bonner Springs / Edwardsville for Allowable Expenses

Next we have an Exhibit 2. Exhibit 2 is the city of Bonner Springs. We have the initial request listed from the city of Bonner Springs and the adopted request on July 30<sup>th</sup> and the adjustments that the city of Bonner Springs has made in order to fit that revised adoption amount.

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|                 |            |
|-----------------|------------|
| Initial Request | \$ 926,678 |
| Adopted Request | \$ 449,400 |

| Project                       | Original Request | Revised Request | Difference Dollars | Percent | Remaining Funds |
|-------------------------------|------------------|-----------------|--------------------|---------|-----------------|
| Reimbursements                | \$ 163,788       | \$ 163,788      | \$ -               | 100%    | \$ (163,788)    |
| Remote access                 | 30,000           | 30,000          | -                  | 100%    | (193,788)       |
| City Council A/V Improvements | 41,440           | 41,440          | -                  | 100%    | (235,228)       |
| Broadband Initiative          | 25,000           | -               | (25,000)           | 0%      | (235,228)       |
| Learning Lab                  | 34,100           | -               | (34,100)           | 0%      | (235,228)       |
| MC Health/Safety Upgrades     | 21,350           | 21,350          | -                  | 100%    | (256,578)       |
| Outdoor Public Space          | 300,000          | -               | (300,000)          | 0%      | (256,578)       |
| Public Messaging              | 98,000           | 59,800          | (38,200)           | 61%     | (316,378)       |
| PD Booking Room Modifications | 100,000          | 60,022          | (39,978)           | 60%     | (376,400)       |
| PD Lobby Modifications        | 40,000           | -               | (40,000)           | 0%      | (376,400)       |
| UV Sterilizer                 | 73,000           | 73,000          | -                  | 100%    | (449,400)       |
|                               | \$ 926,678       | \$ 449,400      |                    |         |                 |



The city of  
**EDWARDSVILLE**  
Kansas

### Exhibit 3



Reimburse UG / Bonner Springs / Edwardsville for Allowable Expenses

Exhibit 3 is the same from Edwardsville with the initial request and the adopted request as allocated by the funding formula at \$449,400 and the additions or reductions that Edwardsville has elected to make. I will note with Exhibit 2 and Exhibit 3, both Edwardsville and Bonner, will be presenting these to their City Council and adopting a resolution similar to the resolution that this governing body adopted for Wyandotte County. That is expected to happen, I believe, tonight. I think they're in meeting tonight and they plan to adopt or hope to adopt this type of funding application along with the resolution.

### Unified Government – Exhibit 4



KCK / COUNTY



CARES TEAM



REIMBURSEMENT



Reimburse UG / Bonner Springs / Edwardsville for Allowable Expenses

Lastly, we have an Exhibit 4. Exhibit 4 covers Kansas City, Kansas and the county of the CARES Act Team and reimbursements.

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## KCK – WYCO Reimbursement

|                         |                         |
|-------------------------|-------------------------|
| Personnel               | \$ 3,832,311.47         |
| Contractual & Commodity | \$ 1,093,225.17         |
| <b>Total Projection</b> | <b>\$ 4,925,536.64*</b> |

| By COVID Code      | March               | April               | April               | May                 | May                 | June                | June                |                       |
|--------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|-----------------------|
| By Pay Period      | 7                   | 8                   | 9                   | 10                  | 11                  | 12                  | 13                  | Grand Total           |
| COVID 19 REGULAR   | \$99,000.82         | \$285,710.45        | \$223,345.51        | \$201,318.76        | \$191,399.34        | \$128,079.49        | \$95,955.09         | \$1,224,809.46        |
| All Other          | \$21,997.58         | \$97,488.98         | \$77,280.57         | \$53,159.86         | \$50,482.43         | \$43,875.45         | \$32,113.04         | \$375,597.91          |
| Health Department  |                     | \$24,917.33         | \$52,713.03         | \$34,090.76         | \$42,458.07         | \$37,742.25         | \$29,602.37         | \$203,571.79          |
| Public Safety      | \$77,683.24         | \$163,294.14        | \$113,465.19        | \$114,088.14        | \$98,510.84         | \$64,465.79         | \$34,189.88         | \$647,629.76          |
| COVID 19 OVERTIME  | \$73,587.15         | \$14,417.98         | \$10,027.18         | \$1,361.33          | \$7,607.46          | \$12,255.24         | \$1,744.95          | \$120,891.27          |
| All Other          | \$15.38             | \$4,082.76          | \$7.20              | \$92.32             | \$784.04            |                     |                     | \$4,911.90            |
| Health Department  | \$2,452.28          | \$2,245.20          |                     |                     |                     |                     |                     | \$4,697.48            |
| Public Safety      | \$71,279.57         | \$12,429.42         | \$10,019.96         | \$1,088.81          | \$6,823.42          | \$12,255.24         | \$1,744.95          | \$115,919.37          |
| COVID 19 SICK      | \$13,576.58         | \$59,804.29         | \$3,153.48          |                     |                     |                     |                     | \$76,534.35           |
| All Other          | \$10,811.40         | \$2,971.69          |                     |                     |                     |                     |                     | \$13,783.09           |
| Health Department  | \$240.64            |                     |                     |                     |                     |                     |                     | \$240.64              |
| Public Safety      | \$10,570.76         | \$26,792.25         | \$3,153.48          |                     |                     |                     |                     | \$40,516.48           |
| COVID 19 STANDBY   | \$4,701.28          | \$12,298.85         | \$395,265.28        | \$384,967.51        | \$288,424.04        | \$161,992.36        | \$78,699.30         | \$1,526,908.42        |
| All Other          | \$2,292.49          | \$10,189.89         | \$12,575.42         | \$124,044.18        | \$110,951.16        | \$86,043.70         | \$48,521.79         | \$614,423.63          |
| Health Department  | \$16,620.04         | \$12,524.95         | \$12,144.40         | \$10,741.50         | \$7,564.51          | \$8,704.42          |                     | \$73,899.82           |
| Public Safety      | \$2,438.82          | \$66,484.92         | \$247,285.32        | \$249,779.93        | \$187,529.33        | \$67,384.07         | \$16,493.74         | \$813,380.13          |
| <b>Grand Total</b> | <b>\$100,815.83</b> | <b>\$572,231.57</b> | <b>\$425,484.47</b> | <b>\$587,547.60</b> | <b>\$487,480.84</b> | <b>\$301,927.09</b> | <b>\$171,399.34</b> | <b>\$2,996,796.54</b> |

For Kansas City, Kansas and Wyandotte County the reimbursements are projected as such. Personnel at \$3.8M and this would be for the reimbursable period of March 1 through July 31. We project Contractual and Commodity at \$1.0M with a total projection of \$4.9M for reimbursement. You've seen this slide before as well as the slide listed below, or the graphic listed below, which lists out pay codes for the individual groupings. The Unified Government began to track COVID needs and COVID overtime immediately upon the onset of the COVID-19 pandemic to give us a really good understanding of how much time staff was expending on COVID related activities.

I will mention here that although we see Personnel at \$3.8M projected between March 1 and July 31, we do anticipate there will be some elements of these need codes that are not applicable or will not be approved through the Recovery Office at the State of Kansas. That is mainly due to the adjustment in the definition for what can be reimbursable under Personnel payroll and the burden that we must meet that says that the person must be substantially dedicated. It was an early on decision to track individual hours by employees so if we have an employee who worked, for example, three or four hours of a week on COVID related activities, they likely will not qualify to be reimbursed under Personnel here. So, we do expect some slight adjustment to that Personnel column.

We are going, although our projections have been pretty spot on, to monitor Contractual & Commodity as we closeout the month of July and we do expect this to vary just slightly, but that would be our projected number. If it varied, we would be decreasing, not increasing.

## KCK – WYCO Direct Aid

|                                    |                |                |                            |                 |                 |
|------------------------------------|----------------|----------------|----------------------------|-----------------|-----------------|
| Economic Development               | \$1,375,000.00 | \$825,000.00   | Appraiser's Office         | \$6,294.00      | \$6,294.00      |
| Finance Department                 | \$3,205,252.00 | \$1,518,609.00 | Community Corrections      | \$13,699.00     | \$10,229.00     |
| Finance Department-Budget          | \$51,517.00    | \$50,942.00    | Court Trustee              | \$20,748.00     | \$19,710.60     |
| Finance Department-Payroll         | \$6,094.30     | \$5,789.58     | District Attorney          | \$41,277.00     | \$39,213.15     |
| Human Resources                    | \$27,690.00    | \$27,904.00    | District Court             | \$107,844.00    | \$102,451.80    |
| Knowledge 311                      | \$18,000.00    | \$0.00         | Emergency Management       | \$3,410,335.00  | \$3,396,135.00  |
| Knowledge DOT5                     | \$670,212.00   | \$639,831.40   | Finance-Treasury Office    | \$17,600.00     | \$17,600.00     |
| Knowledge GIS                      | \$502,000.00   | \$297,000.00   | General Services-SOAR      | \$84,000.00     | \$0.00          |
| Knowledge P&I                      | \$2,302,650.00 | \$446,861.95   | Parks and Recreation       | \$2,866,000.00  | \$2,866,000.00  |
| Legal Department                   | \$36,333.00    | \$36,333.00    | Public Health Department   | \$14,583,099.00 | \$12,589,265.00 |
| Municipal Court                    | \$61,311.00    | \$61,311.00    | Sheriff Department         | \$46,630.00     | \$44,605.25     |
| Parking Control                    | \$3,657.00     | \$3,657.00     | UG Clerk-Mailroom          | \$1,523.00      | \$1,523.00      |
| Police Department                  | \$517,132.00   | \$46,433.00    | UG Clerk-Record Management | \$177,518.00    | \$28,973.10     |
| Procurement & Compliance           | \$7,334.00     | \$0.00         | Wyandotte County Museum    | \$4,397.00      | \$4,397.00      |
| Public Works- Admin                | \$3,500.00     | \$3,500.00     |                            |                 |                 |
| Public Works- Building & Logistics | \$1,171,850.00 | \$1,171,850.00 |                            |                 |                 |
| Public Works- WPC                  | \$3,000.00     | \$3,000.00     |                            |                 |                 |
| Public Works-Admin                 | \$25,000.00    | \$25,000.00    |                            |                 |                 |
| Public Works-Fleet                 | \$2,590.00     | \$2,590.00     |                            |                 |                 |
| Public Works-Streets               | \$81,000.00    | \$0.00         |                            |                 |                 |
| Fire Department                    | \$1,473,744.00 | \$925,482.00   |                            |                 |                 |
| BPU                                | \$1,354,777.71 | \$250,000.00   |                            |                 |                 |

County Investment w/o Health Department = \$ 6,537,129

CARES Act Response Team \$488,108.00 \$453,521.00

City Investment = \$ 6,339,474

10

The Kansas City, Kansas/Wyandotte County Direct Aid; this would be for the period. We are asking for programming or assistance to help recovery and response through Kansas City, Kansas or Wyandotte County throughout the period of time August 1 through December 30. I give you a really, really high level advantage point in your exhibit. It's spelled out a little bit more clearly what each one of these programs are. I will note they are divided by City and County Investment. You will see some departments that are a split, a 60/40 split, a 70/30 split. We've done our best to stay with the major function of that department but realize that we might have some overlap.

The other thing I would draw your attention to, we do have Public Health Department listed here although they are encapsulated in Exhibit 1. We have them listed here so that we can truly track the County Investment, but without the Health Department, you'll see that the County Investment or the County response would need to be about \$6.5M.

The CARES Team is listed here below. The initial request was \$488K. That's been reduced and like many of these asks have been reduced, one of our attempts is to gather all the technology pieces from inside each one of these asks so that we might be able to get a better purchase price on those technology pieces that are put into place or requested so that staff can work remotely, if necessary. That is the same case here in the CARES Act Response Team, we're hoping to be able to at least get a 5-10% savings on those technology items by ordering them in bulk.

**Alan Howze, Assistant County Administrator**, said just a quick note on that previous slide, the first column there is what the original request was from the department and the second column is the recommended allocation. So, again, that's true for both the City side and the County side. **Ms. Sprague** said, Alan, thanks for pointing that out. Yes, I do see that there are not strong

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column headings here. This first column here, as Mr. Howze said, is the request from the department and the second column is the actual allocation or the adjustment. Just as you saw in Bonner Springs or Edwardsville as there was an attempt to reduce where we could find overlap in services and maybe see if something was actually a reimbursement, so this is the actual allocation amount underneath the funding guidelines that were previously adapted.

3.) Based on the applicants response I believe the request meets the CARES ACT "eligible" requirements. (Select 1 option)

- ☐ 1 - It does not seem to contain any eligible expenses
- ☐ 2 - I can not be sure, it is unclear
- ☐ 3 - This request seems to meet the requirements, but needs more justification
- ☐ 4 - This request fits nicely but some areas need more justification
- ☐ 5 - The request clearly meets the requirements for eligible expenses

### Sample of Scoring Questions & Method

6.) I believe the applicant can accomplish their goals or make the purchases within the required timeframe. (Select 1 option)

- ☐ 1 This project is clearly outside the timeframe
- ☐ 2 I am not confident this can be accomplished
- ☐ 3 This will be tough and progress will need to be monitored
- ☐ 4 I believe this is a good timeline and planned out for success
- ☐ 5 I am very confident this proposal will meet all the required deadlines

10.) I would recommend funding the proposal in the following way: (Select 1 option)

- ☐ 25% or less - There is a small part of the application we should fund in Round 1
- ☐ Between 25% and 50% - There are several parts of the application we should fund, but not all
- ☐ Between 50% and 75% - Most of this application should be funded, there are a few pieces that
- ☐ Between 75% and 100% - There is one element I am concerned about
- ☐ 100% All parts of this application should be funded

- 83 Applications
- 8 voting members
- Access to all the submitted documents & application
- Composite score is
- Last question used to determine recommended funding level as a group
- Scores used as a decision guide

11

We'll take a little break and talk a little bit about how we scored applications as a group and I give you a little bit of a sampling here. Each applicant or subrecipient filled out an application. That application was then in turn replicated in the ability to rate the strength and maybe areas of improvement where the Planning Team thought independently there could be some improvement on the application or maybe the application didn't quite meet the eligibility requirements. I've given you three out of the ten questions here just as an example. Question 3; Based on the applicants response I believe the request meets the CARES Act Eligibility requirements as we know them today. Each rater or each Planning Committee Team member was able to rate each individual application one through five with one receiving the lowest score, five receiving the highest.

Number 6 is another example. I believe the applicant can accomplish their goals or make the purchases within the required timeframe. This is a really important question when it comes to the State Recovery Office eligibility, but these funds or projects have to be completed no later than December 30<sup>th</sup>. This was something that your Planning Committee was really digging through applications to see if we could get a good understanding if the plan was to complete that item or expend that money on goods or services before December 30<sup>th</sup>.

The last sample question that you will see here, and again, it was 1 through 10. They had a lot of applications to rate so we stopped at 10, but number 10 is a recommended funding or proposed funding amount based on the application giving each rater the opportunity to say what rate of funding they would recommend to the particular application received.

We had 83+ applications, 8 voting members, each one of the voting members had not only the scoring guide but access to all submitted documents and the applications submitted by the subrecipient. We used a composite score, meaning that we reviewed each individual question by each individual rater and elected a composite score that would give us a quick snapshot of where each one of those applications fell in relation to each other. We used the last question to determine recommended funding levels as a group and, just as a reminder, the score guide was used as a decision guide for discussion and gave us an opportunity to really see where those applications shook out in merit and eligibility.

| Allocations Informed with Data |                         |                |                     |                 |               |                   |                   |              |  |
|--------------------------------|-------------------------|----------------|---------------------|-----------------|---------------|-------------------|-------------------|--------------|--|
| Vote in Bucket                 |                         | Use Rate       |                     | Use Rate        |               | Use Rate          |                   | Use Rate     |  |
|                                |                         | \$             |                     | \$              |               | \$                |                   | \$           |  |
|                                |                         | 2,670,269      |                     | 2,670,269       |               | 2,670,269         |                   | 2,670,269    |  |
| Project #                      | Type of Organization    | Funding 100%   | Funding Recommended | Composite Score | % recommended | Funding Committee | Committee Funding | Request      |  |
| 51                             | Educational Institution | \$ 2,670,269   | \$ 2,670,269        | 48              | 88%           | \$ 2,670,269      | \$ 5,000.00       | \$ 5,581     |  |
| 35                             | 501(c)(3) Non-profit    | \$ 2,664,487   | \$ 2,665,385        | 47.5            | 100%          | \$ 2,665,385      | \$ 26,340.00      | \$ 26,340    |  |
| 65                             | 501(c)(3) Non-profit    | \$ 2,590,427   | \$ 2,591,125        | 47              | 100%          | \$ 2,591,009      | \$ 50,000.00      | \$ 50,000    |  |
| 78                             | Educational Institution | \$ 2,401,033   | \$ 2,440,979        | 47              | 75%           | \$ 2,431,909      | \$ 100,000.00     | \$ 100,000   |  |
| 41                             | Educational Institution | \$ 2,200,573   | \$ 2,200,754        | 46.5            | 75%           | \$ 2,201,009      | \$ 100,000.00     | \$ 100,000   |  |
| 153                            | 501(c)(3) Non-profit    | \$ 2,190,182   | \$ 2,207,503        | 46              | 100%          | \$ 2,208,988      | \$ 1,411.00       | \$ 1,411     |  |
| 188                            | Educational Institution | \$ 2,113,148   | \$ 2,332,813        | 45              | 75%           | \$ 2,343,598      | \$ 16,000.00      | \$ 16,000    |  |
| 103                            | 501(c)(3) Non-profit    | \$ 2,000,827   | \$ 2,210,591        | 44              | 60%           | \$ 2,213,576      | \$ 12,212.00      | \$ 12,212    |  |
| 151                            | Educational Institution | \$ 1,207,985   | \$ 1,500,885        | 43.5            | 75%           | \$ 1,651,376      | \$ 580,000.00     | \$ 891,943   |  |
| 151                            | 501(c)(3) Non-profit    | \$ 1,178,825   | \$ 1,528,025        | 41.5            | 75%           | \$ 1,654,376      | \$ 17,000.00      | \$ 17,000    |  |
| 174                            | Educational Institution | \$ 965,420     | \$ 1,165,137        | 40              | 85%           | \$ 1,254,576      | \$ 880,000.00     | \$ 885,455   |  |
| 208                            | 501(c)(3) Non-profit    | \$ 555,142     | \$ 1,143,988        | 39.5            | 50%           | \$ 1,310,376      | \$ 21,000.00      | \$ 21,000    |  |
| 25                             | Educational Institution | \$ (1,519,814) | \$ 120,248          | 39              | 25%           | \$ 352,376        | \$ 900,000.00     | \$ 4,095,001 |  |
| 177                            | 501(c)(3) Non-profit    | \$ (1,549,988) | \$ 115,128          | 37              | 50%           | \$ 324,876        | \$ 7,500.00       | \$ 7,500     |  |
| 130                            | Educational Institution | \$ (1,495,801) | \$ 78,817           | 35.5            | 25%           | \$ 274,876        | \$ 50,000.00      | \$ 50,000    |  |
| 99                             | 501(c)(3) Non-profit    | \$ (1,740,301) | \$ 67,617           | 35              | 25%           | \$ 274,876        | \$ 50,000.00      | \$ 50,000    |  |
| 138                            | Educational Institution | \$ (1,493,241) | \$ 39,441           | 35              | 25%           | \$ 274,876        | \$ 50,000.00      | \$ 50,000    |  |
| 140                            | Educational Institution | \$ (1,519,151) | \$ 24,444           | 34              | 25%           | \$ 274,876        | \$ 110,000.00     | \$ 110,000   |  |
| 107                            | Educational Institution | \$ (1,438,070) | \$ (107,063)        | 34              | 25%           | \$ 124,876        | \$ 124,876        | \$ 124,876   |  |
| 137                            | Educational Institution | \$ (1,493,241) | \$ 39,441           | 33              | 0%            | \$ 124,876        | \$ 124,876        | \$ 124,876   |  |
| 98                             | Educational Institution | \$ (1,008,911) | \$ 0                | 33              | 0%            | \$ 124,876        | \$ 124,876        | \$ 124,876   |  |
| 60                             | 501(c)(3) Non-profit    | \$ (1,771,801) | \$ 0                | 29.5            | 0%            | \$ 124,876        | \$ 124,876        | \$ 124,876   |  |
| 148                            | Educational Institution | \$ (2,222,181) | \$ 0                | 23              | 0%            | \$ 124,876        | \$ 124,876        | \$ 124,876   |  |

This is a lot of information, but this is what your Planning Committee was reviewing as they were making their funding decisions and we like to call this Allocations Informed with Data. On the very first column here is the application number and this is an example or a sample with the total bucket for this particular sample being \$2.6M. You will see the type of organization listed here to the left and the attempt was to provide a couple of different mechanisms to use the composite score and rate the individuals on the composite score with a 100% funding and then if we incorporated the recommended funding on that Question 10. Then we gave the committee a space here to have discussion and make adjustments where necessary. What you see the green to yellow to red is the burn rate of that particular bucket, so your Planning Committee knew when they ran out of money

based on this type of methodology versus this type of taking the percent of recommended funding into question and then what it would look like if we made some slight adjustments based on individual input through discussion.

I know that's a lot to look at, but your Planning Team had one of these for every type of application that they received and were able to make those determinations and get to the best possible result for our community.

| Education - Exhibit 1                                                                                                                                                                          |  | REQUESTING ORGANIZATION                                   | SCORE | AWARD     | REQUEST     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------|-------|-----------|-------------|
|  Improve the Adaptability of Taxing Entities<br>Initial Request \$9,381,724<br>Approved Allotment \$2,670,269 |  | Kansas State Research & Extension                         | 48    | \$5,000   | \$5,582     |
|                                                                                                                                                                                                |  | Kansas City Kansas Foundation for Excellence              | 47.5  | \$24,260  | \$24,260    |
|                                                                                                                                                                                                |  | PCs for People Kansas City (formerly Connecting For Good) | 47    | \$50,000  | \$50,000    |
|                                                                                                                                                                                                |  | Donnelly College                                          | 47    | \$160,000 | \$189,394   |
|                                                                                                                                                                                                |  | USD 202 Turner                                            | 46.5  | \$130,000 | \$200,460   |
|                                                                                                                                                                                                |  | Stony Point Christian Church Preschool                    | 46    | \$1,411   | \$1,411     |
|                                                                                                                                                                                                |  | USD 204 (Bonner Springs/Edwardsville School District)     | 45    | \$56,000  | \$86,014    |
|                                                                                                                                                                                                |  | KidZone Learning Center of Wyandotte County, Inc.         | 44    | \$12,222  | \$12,222    |
|                                                                                                                                                                                                |  | Kansas City Kansas Public Schools                         | 43.5  | \$580,000 | \$892,942   |
|                                                                                                                                                                                                |  | The Urban Scholastic Center                               | 41.5  | \$17,000  | \$29,160    |
|                                                                                                                                                                                                |  | Piper School District                                     | 40    | \$380,000 | \$585,405   |
|                                                                                                                                                                                                |  | Groundwork Northeast Revitalization Group, Inc.           | 39.5  | \$22,000  | \$38,278    |
|                                                                                                                                                                                                |  | Kansas City Kansas Community College                      | 39    | \$800,000 | \$4,085,001 |
|                                                                                                                                                                                                |  | Uncle Sam's Academy for Tots                              | 37    | \$7,500   | \$10,039    |
|                                                                                                                                                                                                |  | University of Kansas Medical Center                       | 35.5  | \$50,000  | \$145,404   |
|                                                                                                                                                                                                |  | University of Kansas Medical Center                       | 35    | \$0       | \$152,743   |
|                                                                                                                                                                                                |  | University of Kansas Medical Center                       | 34    | \$150,000 | \$504,108   |
|                                                                                                                                                                                                |  | University of Kansas Medical Center                       | 34    | \$0       | \$41,917    |
|                                                                                                                                                                                                |  | University of Kansas Medical Center                       | 33    | \$0       | unknown     |
|                                                                                                                                                                                                |  | University of Kansas Medical Center                       | 32    | \$0       | \$909,791   |
|                                                                                                                                                                                                |  | Future Leaders Outreach Network                           | 29.5  | \$0       | \$362,014   |
|                                                                                                                                                                                                |  | University of Kansas Medical Center                       | 23    | \$0       | \$1,000,580 |

Using that type of methodology, we look at Education – Exhibit 1, the initial request for Education was \$9.3M and the approved allotment or allocation was \$2.6, and I go back to the approved allotment from July 30<sup>th</sup>. You'll see a similar slide here that you saw with the medical group listing all the applicants to the left, their composite score in the second column, their allocation amount based on vote from the Planning Committee and the original request amount. So, that's Exhibit 1 under the Education resolution.

Before we go into the 501c3's I might want to go back and stop since we are at a nice break to consider the first resolution with the exhibits from Municipalities and I would ask whether or not action would want to be taken on the first resolution we have presented before we move into Education. **Mayor Alvey** said I would ask the Commission, any comments or questions.

**Commissioner Bynum** said I would like to ask Crystal to go back to the beginning slide. This is slide where we—I need clarification on the County column in terms of the dollar amount that we've allocated specifically to Wyandotte County because it says to me \$1.479M, correct? **Ms. Sprague** said that's correct. **Commissioner Bynum** said if you move slides forward several I

thought I heard Alan say that the righthand column was the allocation, so these departments are not necessarily broken up by whether they are a City or a County department. For example, my specific question is with the Parks & Rec line. That must be on the City side, correct? **Ms. Sprague** said we have it listed here as a countywide agency, but it's one of those departments similar to say the Finance Office in which most of the funding is broken down by the percent of time that office works or that service is provided to City or County. Parks & Rec is listed here just for ease of listing them here, but I could absolutely see where, Commissioner, you would see that they fit better under the City side and we can definitely make some of those adjustments because it's not lost on us that the allocation for the County is \$1.4 and the County Investment without the Health Department here is listed at \$6.5. In the limited timeframe that we had, as you know, the Budget Office spends months and months and months dividing up different services to make that the appropriate budget is set-aside for City and County during the budgetary process. In this particular example with the speed at which we needed to put these documents together, this is where staff recommended that the Parks & Rec Department set at least for the visual of seeing the County Investment.

**Commissioner Bynum** said I really appreciate that. I'm asking more as a matter of being very, very clear for our public that, you know, for example, the Appraiser's Office is a County function, etc. and identifying whether the functions shown on this slide are in fact City or County functions. I appreciate what you're saying, at the same time I want to be crystal clear for our entire community, the County of Wyandotte's total allocation is \$1.4M countywide for the County side departments.

I had just one other comment that probably will be echoed repeatedly as we move our way through the rest of this presentation, but I really want to thank Juliann VanLiew with our Unified Government Public Health Department for taking the 501c3 related health requests away from the 501c3 bucket and taking them into the allocation that we had agreed on with Public Health because had she not done that, our task in allocating funds to the 501c3's would have been almost impossible. What you're seeing here is that these are non-profit organizations and they applied as 501c3's, but our Public Health Department encumbered these within the dollars that have been allocated to Public Health. That moved these requests out of our small, small bucket for the rest of the 501c3 organizations that we were trying to support and that's what allowed us to make allocations to everyone else. Again, thank you to Juliann VanLiew.

**Mayor Alvey** said at this time I would entertain a motion for the Municipalities resolution that includes Health Department, Bonner Springs, Edwardsville, Wyandotte County/Kansas City, Kansas and the Board of Public Utilities.

**Action: RESOLUTION NO. R-54-20**, “A resolution adopting WYCO CARES Funding proposals. That the WYCO CARES funding requests for the Wyandotte County Health Department and health priorities and the municipalities of Bonner Springs, Edwardsville, and Kansas City/Wyandotte County, attached hereto as Exhibit 1, Exhibit 2, Exhibit 3, and Exhibit 4 are hereby adopted and recommended by the Board of Commissioners with the authority granted to the County Administrator to make adjustments as necessary.”

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

**Mayor Alvey** said we now go to the Education resolution. Crystal again.

**Ms. Sprague** said just to recap, the Education – Exhibit 1 is listed here with a total approved allocation or allotment at \$2.6M. The Education dollars are listed here for the allotment and the request on the far right side. Mayor, that’s the totality of the second resolution.

**Mayor Alvey** said I will entertain any questions. I do have a question. Looking at the request from Kansas City Kansas Community College, the award was for \$900K. The request was for \$4.1M. Anything in general we need to know about the significant gap? **Ms. Sprague** said I would say that we were able to look at the—I say we; the Planning Committee was able to take into evaluation how many dollars of CARES Act funding each one of the organizations had previously received and then we went by the scores where each Planning Team member was able to score those applications. As you can see, the Kansas City Kansas Community College application scored at a 39 where many other applications scored at a higher percentage and perhaps one of the team members on the line would be able to elaborate a little bit more.

**Commissioner Markley** said I think the biggest explanation is we didn't give them \$4M, so that was just the reality. I do think there were parts of the application that were more closely aligned to our higher priorities as a committee and as, I think, a government at this stage. There are other things in the application that were wonderful ideas and that we would have loved to fund, but because not all parts of the application were sort of in that higher priority grouping, that's why we awarded not the entire amount or a lesser amount than what was requested. You'll also see KU Med made some significant requests. Same sort of circumstance. We didn't have enough money to allocate to everyone in this category, so we had to look at the application and how it was going to impact our residents here in this county and how closely it aligned to the goals of this committee which, you know, the highest priority was related specifically to protecting public health. That's really what this committee was looking at and how we were evaluating these applications as we went through the scoring process and then as we allocated dollars. **Mayor Alvey** said thank you. That's helpful.

**Mayor Alvey** said seeing no more questions, I would entertain a motion.

**Action: RESOLUTION NO. R-55-20**, "A resolution adopting WYCO CARES Funding proposals. That the WYCO CARES funding requests for Educational organizations, attached hereto as Exhibit 1 is hereby adopted and recommended by the Board of Commissioners with the authority granted to the County Administrator to make adjustments as necessary." **Commissioner Bynum made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

**Mayor Alvey** said that takes us to the Non-Profit resolution. Crystal again.



| 501c3 - Exhibit 1                                                                                                        |  |              |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------|--|--------------|--|--|--|
|  Grow Requisite Health & Human Services |  |              |  |  |  |
|  Build in Community Resiliency          |  |              |  |  |  |
| Initial Request                                                                                                          |  | \$11,808,296 |  |  |  |
| Approved Allotment                                                                                                       |  | \$3,754,634  |  |  |  |
| 1 of 3                                                                                                                   |  |              |  |  |  |

| App # | REQUESTING ORGANIZATION                                                                | SCORE | AWARD       | REQUEST     |
|-------|----------------------------------------------------------------------------------------|-------|-------------|-------------|
| 30    | Community Housing of Wyandotte County (CHWC)                                           | 49    | \$100,000   | \$100,000   |
| 172   | United Way of Greater Kansas City                                                      | 48.5  | \$1,245,000 | \$3,761,120 |
| 62    | Kansas City Kansas West Kiwanis Foundation                                             | 48    | \$5,778     | \$5,778     |
| 181   | St. Paul's Episcopal Church (St. Paul's Neighborhood Pentry & Breakfast at St. Paul's) | 48    | \$18,863    | \$18,863    |
| 176   | Young Women on the Move                                                                | 47.5  | \$20,000    | \$20,000    |
| 55    | Youthfront                                                                             | 47    | \$50,000    | \$50,000    |
| 71    | KC Healthy Kids                                                                        | 47    | \$36,750    | \$36,750    |
| 53    | Bethel Neighborhood Center                                                             | 46.5  | \$50,000    | \$50,000    |
| 8     | Choices Health Services Inc.                                                           | 46    | \$35,000    | \$35,000    |
| 69    | LA FAMILIA DEAN LOZOYA FOUNDATION INC                                                  | 46    | \$25,000    | \$25,000    |
| 190   | Argentine Neighborhood Development Association                                         | 46    | \$45,289    | \$45,289    |
| 218   | Avenue of Life                                                                         | 46    | \$660,014   | \$931,000   |
| 29    | Mt. Carmel Redevelopment Corporation                                                   | 45.5  | \$38,000    | \$101,700   |
| 28    | Fellowship Christian Church (DOC)                                                      | 45    | \$18,000    | \$30,000    |
| 120   | Harvesters - The Community Food Network                                                | 45    | \$300,000   | \$450,000   |
| 130   | Cross-Lines Community Outreach                                                         | 45    | \$45,000    | \$75,000    |

**Ms. Sprague** said I would say this was the most challenging funding as we had the most amount of applications, the largest requests, and the most valuable, innovative ideas presented as well as just like we talked about on July 30<sup>th</sup>, just some really pragmatic ways to help our community. I know that this was the most difficult, the most thought provoking conversation that we had and some of it was just scaled, the just sheer number of applications that we had.

The initial request minus the medical requests that were moved to the Health Department or the medical allocation, the initial request in this group \$11.8M. The approved allotment was \$3.7. It was actually a little under \$3.7, but there were a few dollars left in the Educational allotment that the group decided and voted to move to the 501c3 allotment making it \$3.754M and we have several slides here. Three of which contain the information that was presented in your Exhibit 1.

They are in score order, so you'll see the first application receiving a 49 out of the 50 on the score and you'll see several applications here that the committee elected to fund or recommended funding at 100%. Just to give you some ideas about what some of these applications are, application #62 was a very pragmatic approach to helping folks out with food baskets. If we look down a little further to Avenue of Life, application #218, really focused at wraparound services for many, many members in their community and this was a very innovative approach to—or what the committee found an innovative to wraparound services with many different organizations involved.

501c3 - Exhibit 1

 Grow Requisite Health & Human Services

 Build In Community Resiliency

| App # | REQUESTING ORGANIZATION                                                              | SCORE | AWARD     | REQUEST     |
|-------|--------------------------------------------------------------------------------------|-------|-----------|-------------|
| 179   | Keeler Women's Center                                                                | 45    | \$4,001   | \$4,001     |
| 97    | Giving the Basics, Inc.                                                              | 44.5  | \$48,000  | \$70,000    |
| 202   | Dotte Local Grocer, Inc. (fiscally sponsored by Groundwork NRG, a 501c3 non-profit). | 44.5  | \$40,000  | \$56,727    |
| 206   | Mt. Carmel Church of God in Christ                                                   | 44.5  | \$8,000   | \$9,653     |
| 39    | Boys & Girls Clubs of Greater Kansas City                                            | 44    | \$33,000  | \$58,000    |
| 119   | Wyandotte Economic Development Council                                               | 44    | \$350,000 | \$350,000   |
| 122   | The Family Conservancy                                                               | 44    | \$275,000 | \$2,487,810 |
| 38    | Guiding Star Missionary Baptist Church                                               | 43.5  | \$4,439   | \$4,439     |
| 52    | Catholic Charities of Northeast Kansas                                               | 43    | \$10,000  | \$16,150    |
| 81    | Urban Scholastic Center                                                              | 43    | \$20,000  | \$69,300    |
| 224   | NBC Community Development Corporation                                                | 42.5  | \$18,000  | \$23,400    |
| 116   | Hillcrest Ministries of MidAmerica, Inc., dba Hillcrest Transitional Housing         | 42    | \$60,000  | \$152,450   |
| 96    | The Farm School at Gibbs Road Inc.                                                   | 41    | \$20,000  | \$44,165    |
| 194   | Young Women on the Move                                                              | 41    | \$10,000  | \$75,000    |
| 203   | Police Athletic League of Kansas City, Kansas                                        | 41    | \$13,000  | \$27,450    |

2 of 3

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Slide 2 of 3, and you can tell how tight some of these scores were, lists applications as varied from our religious community to The Farm School at Gibbs Road.

501c3 - Exhibit 1



Grow Requisite Health & Human Services



Build In Community Resiliency

Initial Request

Approved Allotment

\$11,808,296

\$3,754,634

3 of 3

| App # | REQUESTING ORGANIZATION                                    | SCORE | AWARD    | REQUEST             |
|-------|------------------------------------------------------------|-------|----------|---------------------|
| 187   | Kansas City Dream Center Co                                | 40.5  | \$30,000 | \$60,000            |
| 225   | Moneytalk Financial Foundations, Inc                       | 40.5  | \$0      | \$50,000            |
| 134   | KCK Alcohol Safety Action Project                          | 39    | \$10,000 | \$25,000            |
| 165   | Board of Public Utilities                                  | 39    | \$0      | \$1,100,000         |
| 192   | Argentine Neighborhood Development Association             | 39    | \$0      | \$570,000           |
| 193   | Argentine Neighborhood Development Association             | 35    | \$0      | \$394,250           |
| 211   | Kansas City Kansas Chamber of Commerce                     | 34.5  | \$16,000 | \$25,000            |
| 126   | Humane Society of Greater Kansas City                      | 34    | \$90,000 | \$223,653           |
| 188   | Made Men Inc.                                              | 34    | \$0      | \$60,939            |
| 199   | Due West Therapeutic Riding Center                         | 30    | \$2,500  | \$48,000            |
| 45    | KC Roller Warriors Inc                                     | 29    | \$0      | \$42,500            |
| 109   | Civic Leadership Training Council Inc. DBA Leadership 2000 | 29    | \$0      | \$13,337            |
| 112   | Allegro Choirs of Kansas City                              | 27.5  | \$0      | \$11,572            |
| 12    | American Fallen Warrior Memorial Foundation                | 20    | \$0      | Unable to determine |

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Slide 3 of 3, I'll give you a second to look at that. Again, some of these applications were not funded based on recommendations from the Planning Committee and of scoring noticing timeframe, noticing things for eligibility, what would be considered eligible based on the Treasury response.



With the conclusion of the 501c3 applications, Mayor, I will mention, Commission, I will mention that with those three areas of funding the taxable entities are Educational, the Health & Human Services and Building Resiliency in the Community. The group was able to set-aside \$9M of the CARES Act funding to go into those three funding priorities and go straight into our community. Mayor, that's all I have on that resolution, resolution #3 presented tonight.

**Commissioner Townsend** said I would also like to thank the committee for what I know had to be an overwhelming task in such a short time, but nevertheless, they rose to it clearly. So, thank you. I have some questions and I think the Clerk has already referred to this and maybe Ms. Sprague, but I'm looking at the original for this application and I notice that with respect to a couple of individual organization there was apparently a mix-up with names and the detail provided. I just want to make sure if you could put those exhibits up again, Ms. Sprague, how this looks. I will tell you I'm looking particularly for 176, Young Women on the Move. I verified with their director that they did request \$20K. The description on what we were initially given did not coincide with what they told me they were about or what they had asked for with regard to rent and something else, utility assistance, so maybe that's been corrected.

**Ms. Sprague** said we did absolutely have a sorting error on our exhibit before we sent it out on Friday in our haste to get it out to you as quickly as we possibly could after the committee's final recommendation. We had not aligned the description appropriately with the individual application number. That did not impact the composite score, the recommended award, or the original request for any of the 501c3 organizations, but it did miss a line, the description. That was published this morning, I believe, about 12:30 and we certainly wish we could have had

a little bit more time to doublecheck and apologize for that inconvenience, not only for our commissioners, but also for our citizens and applicants who were reviewing that, as I would have been reviewing that, after it was posted on Friday. **Commissioner Townsend** said well good. I was not able to see that with some other things, so I just wanted to make sure having talked to some of the persons involved with the organization.

Youthfront, application #55, is that really—the description they gave, I’m confused about what Youthfront is, so what is Youthfront because I talked to Pastor David Lee at Guiding Light Baptist Church and they were the ones who sought tablets for seniors and that was the amount they requested, but it was under the name of Guiding Light Baptist Church, not Youthfront. **Ms. Sprague** said just a second and I will pull up the description for that application. You said it was application 55? **Commissioner Townsend** said it’s showing here as 55, but on the original edition of this exhibit the award was \$50K and the request was \$50K and the detail had to do with request for 50 tablets for seniors. What I’m questioning here is Youthfront. The description and the amount coincides with the application from Guiding Star Missionary Baptist Church which I see later as application 38 and it’s significantly less for \$4,439 and the description talks about a variety of things including veterinary service. I can assure you Guiding Star Baptist Church has nothing to do with veterinary services. In this case I’m really making sure that we got money going to the right requestor for the right program. **Ms. Sprague** said the aligned or corrected exhibit reads application 55, Youthfront, received a 47. It was a \$50K award for \$50K ask and the description of the project or the Direct Aid request was Youthfront was requesting \$50K to package 150,000 non-perishable meals to distribute in Wyandotte County through our Something to Eat Meal Packing Program.

**Commissioner Townsend** said okay and then Guiding Star is showing now and asking and receiving how much money and for what purpose? **Ms. Sprague** said Guiding Star Missionary Baptist Church is application #38 and I’ll bring it up on the screen for you. Application 38 receiving a 43.5 composite score, requesting \$4,439, receiving \$4,439. Requesting funds to provide 50 seniors with tablets and I believe, if I’m getting the summation right, the tablets were to assist with medical appointments and contacts with their physicians as well as some technical assistance to help them navigate setting up those tablets. **Commissioner Townsend** said and you’re saying the requested amount was what? **Ms. Sprague** said \$4,439, application #38. Commissioner, if you would like, as we proceed I would be happy to actually pull that application

up so the Commission members can see it. **Commissioner Townsend** said okay, that would be great. Their application was not for \$50K. **Ms. Sprague** said that's correct. Their original request as listed here as \$4,439 and that was to provide 50 tablets for seniors within the community. **Commissioner Townsend** said okay. That seems consistent then with what they wanted, what they had identified. The amount was off a bit but alright, thank you for that clarification.

**Commissioner Burroughs** said I had one question. I see where the Harvesters had requested \$450K and were awarded \$300K and then I look down and I see the Wyandotte Economic Development Council requested some additional dollars, \$350K for Harvesters, which gives them a total of \$650K. Is there a reason why we just didn't meet Harvesters initial request and cut WYEDC. I'm just curious as to why the decision to fund it through two different sources. **Ms. Sprague** said, Commissioner Burroughs, I think that's a really great question. Wyandotte Economic Council or WYEDC had initially asked for over a million dollars in a request that they pared down pretty significantly on Friday morning adjusting their requested amount to the amount that you see here. They did flash a lot of elements of their program that they thought either could not be met and I don't want to speak directly for the agency. I'm reading basically what is off the adjusted amount request that was submitted on Friday, but they significantly cut some services that would be overlap services as well as cut services because of fear they would not be able to get them completed by the December 30<sup>th</sup> date. They had an initial request when they first submitted their application of over a million dollars and then Friday morning pared that down significantly to the amount that you see.

As far as the funding goes, based on again the score, the requested funding in the scoring mechanism and then the discussion amongst the team members on Friday morning, that's how we reached the dollar amount that you see here today.

**Commissioner Markley** said I will also jump in and just say I know it's difficult when you're seeing the applications in this format where it's just the entity name listed, but it's important to note that there is a score. We're not necessarily awarding money to the entity although we are, but we're awarding for that application and in fact we have some entities as you saw in some of the previous slides like for Education, we had some where multiple applications came from a single entity. We were scoring the application, not the entity and so it could be that the information in

one application that involved an entity with different kind of service or a different type of set-up than with a different application. So that's sort of clear as mud, but I guess I would just say, keep in mind we were evaluating the esthetics of the application, not necessarily the entity as we were going through that scoring process and the application and what that specific application provided for that entity to do with the money is what was graded and scored.

**Commissioner Burroughs** said it came to my attention that the request for Harvesters wasn't granted, the full request, but yet others recognized how significant and important Harvesters is at this particular time in our community. I'm in full support of Harvesters. I was just curious as to why Wyandotte County Economic Development would choose to ask for the additional dollars for Harvesters and ensure that they got it. I'm pleased to see Harvesters get the money. I'm just curious why were using two different funding mechanisms to provide the dollars. That's my comment.

**Mayor Alvey** said seeing no more questions, I would entertain a motion.

**Action: RESOLUTION NO. R-56-20**, "A resolution adopting WYCO CARES Funding proposals. That the WYCO CARES funding requests for Non-Profit organizations, attached hereto as Exhibit 1 is hereby adopted and recommended by the Board of Commissioners with the authority granted to the County Administrator to make adjustments as necessary." **Commissioner Philbrook made a motion, seconded by Commissioner Townsend, to adopt the resolution.** Roll call was taken and there were ten "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

**Mayor Alvey** said once again on behalf of the Commission and on behalf of our residents, I want to thank you for all the hard work that the committee has put forward on this. I think it served the community well. That concludes our meeting for the evening.



**MAYOR ALVEYADJOURNED  
THE MEETING AT 7:47 p.m.**

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Bridgette Cobbins  
Unified Government Clerk

dt

August 10, 2020

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

SPECIAL SESSION, THURSDAY, JULY 30, 2020

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Monday, July 30, 2020, with ten 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 (arrived online at 5:03 p.m.); Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Markley, Commissioner Sixth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; James Bain, Assistant Counsel, Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Emerick Cross, Alan Howze and Melissa Sieben, Assistant County Administrator's; Juliann VanLiew, Director of the Health Department; Dr. Allen Greiner, Local Health Officer. Persons attending from the CARES Act Team: Commissioner Bynum, Commissioner Philbrook, Crystal Sprague, and James Bain.

**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, Walters, Philbrook, Alvey.

**NOTICE OF SPECIAL SESSION** of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, July 30, 2020, at 5:00 p.m. by way of ZOOM for a COVID Update followed by a CARES Act review.

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 we're first having an update on COVID-19 and then we will have a presentation regarding the CARES Act review. I will turn this over to Mr. Bach to introduce staff.



**Doug Bach, County Administrator**, said we haven't done one of these updates in a while, so we have Juliann VanLiew, our Health Department Director, and Dr. Allen Greiner, our Health Officer, both here to do presentation with probably some other staff members. I will turn this over to Ms. VanLiew.

**Juliann VanLiew, Director of the Health Department**, said it is just myself and Dr. Greiner tonight. We're trying to rotate out and actually send staff on some PTO to keep us all afloat. We'll be happy to take any questions once we get through our presentation.

July 30, 2020

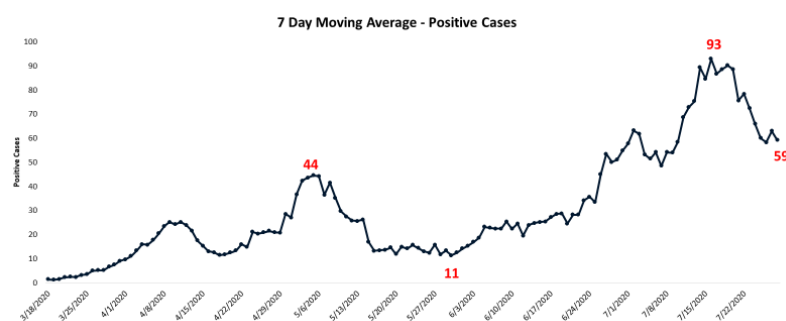
## COVID-19 Update

| INDICATOR          | KANSAS | JOHNSON COUNTY | KANSAS CITY, MO | WYANDOTTE COUNTY |
|--------------------|--------|----------------|-----------------|------------------|
| Positive cases     | 26,870 | 4,781          | 3,526           | 4,268            |
| Deaths             | 349    | 98             | 62              | 95               |
| Rate (per 100,000) | 924    | 817            | 732             | 2,597            |



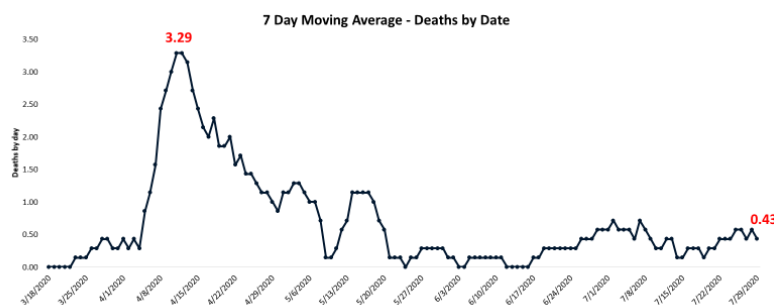
We'll do as we normally do and start with an update on the data. We've been surpassed by Johnson County in total cases, but unfortunately, of course, given the population difference our rate remains considerably higher.

## Rolling Averages: New Cases



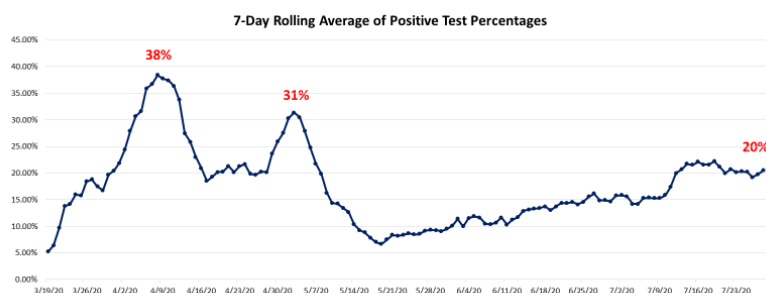
Our 7-day positive moving average has come down in the last two weeks. You can see here we were up between 90 and 95 for a few days about two weeks ago and we're not around 60 which is very encouraging. We're trying not to get ahead of ourselves, but it is positive. This is not the exact trend being seen around the metro unfortunately. Jackson County and Johnson County are seeing their trends a little bit differently. They're not seeing it come down like we have in the last couple of weeks and Jackson County is actually seeing a spike. Of course, we do not live on an island here in Wyandotte County, so that has an ability to affect us well, but currently we're watching the trend come down and feeling good about that.

## Rolling Averages: Deaths



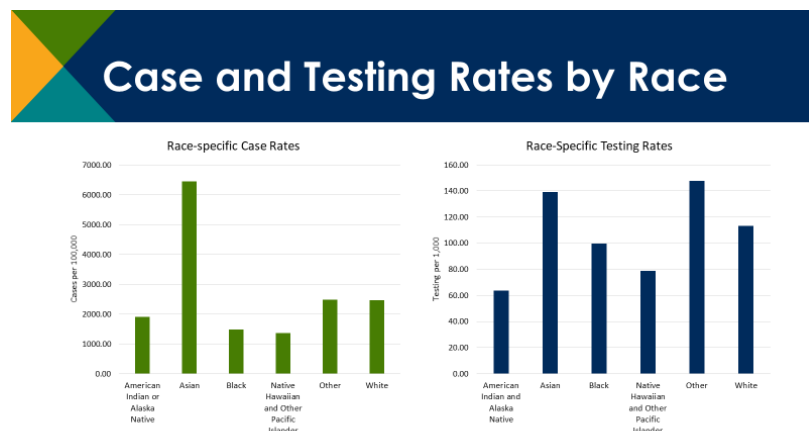
Our rolling averages for deaths is up just slightly. Unfortunately, we actually had two deaths within the last day or so. You're seeing that rolling average trend up just a bit. We haven't had significant outbreaks. I believe some of these deaths we've had in recent weeks are related to the several outbreaks that we currently have in long-term care facilities. We've been intervening and working closely with a number of those, but again, our deaths overall remain fairly low.

## Percent Positivity: Wyandotte County

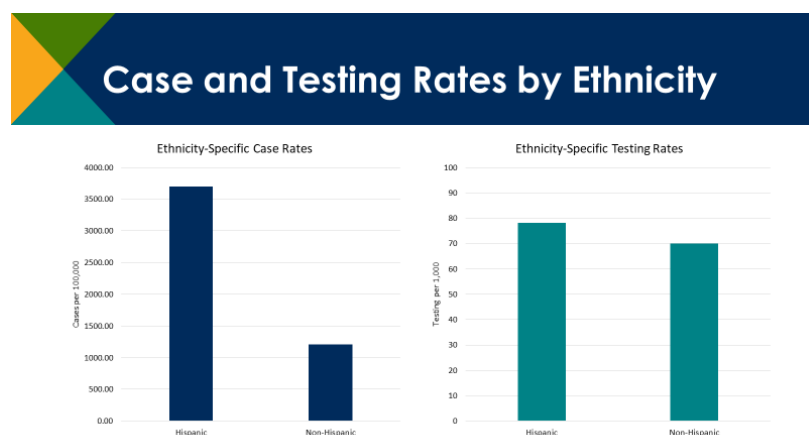


When we look at percent positivity we're still hovering around that 20% mark. This is the same thing that can be said for our testing within the Health Department, so our own testing is coming back positive at about 20% and that's the same for the county. You can see it's just coming down slightly over the last week or two. We're monitoring that closely. Again, aside from the large health systems, very few places in the county are doing asymptomatic testing so we believe a large reason why our percent positivity is high, we are screening fairly well and keeping testing for individuals who are either symptomatic or have been exposed to a known positive case. Again,

we would like to see this rate come down below 10% before we really know that we're starting to get on top of this thing, so we've got a ways to go on this indicator.



I wanted to do another quick update on race ethnicity in terms of case rates and testing. You can see on the left-hand side here our Asian demographic in Wyandotte County still has significantly higher race-specific case rates than any other race. You can see the Black race is a bit below White which is a little bit surprising for some. It's different than the trends that we saw at the outset of COVID. When you compare that to testing by race in our community, it's a little bit different, so again, the Black community is a little bit lower than we would like to see their race-specific testing rate at least up on par with the White population if not closer to the Asian population to be sure we're catching those positive tests.



The real story is related, unfortunately, to ethnicity. We're seeing Hispanic case rates three or more times than Non-Hispanic case rates and I think anecdotally we would say from the Health



Department that's absolutely what we're seeing unfortunately. When you look at testing rates, they're actually testing at a higher rate than Non-Hispanics as well, so we're glad about that. We've been pushing really hard ensuring all of our communications that are appropriate are translated to Spanish, getting out there on Spanish radio and other ways to promote testing among that community just because we know that their case rates are so high right now. This again remains a large concern for us and our Health Equity Task Force is taking it really seriously and ensuring that our pop-up sites are in locations where we can get to that demographic.

**Commissioner Bynum** asked, can you go back two slides, that one. The slide on the left is confusing me. The number 7,000, 6,000, 5,000; what is that? **Ms. VanLiew** said great question. We work with rates in public health which means the number of cases per a certain number of population, but that does not compare apples to apples to just to look at. So, the number of Black cases, for example, compared to the entire population of Wyandotte did not make a lot of sense. We look at the number of cases per the Black population and the number of cases within the White population against their full population count. Does that make sense?

Looking at the rate only within that particular race. I'm making these numbers up, but if we had 10,000 folks who identified as Black in our community and 2,000 were positive, we would have a rate of about a fifth. We're doing it per the Black population rather than 2,000 Black individuals out of 165,000 in our community which would make their rate much, much lower than it is. When I say it's race-specific, it's talking about the number of positive cases per that entire demographic population, not the entire population of Wyandotte County. Does that make sense?

**Commissioner Bynum** said I'm getting there. The numbers along the left side, what do those numbers represent?

**Dr. Allen Greiner, Local Health Officer**, said let me throw another wrench in here. If, for example Commissioner Bynum, if we had 100,000 Asians in Wyandotte County, which we do not, but if we did have 100,000 Asians in Wyandotte County, there would be 6,300 cases of COVID. **Commissioner Bynum** said that's the part I was not grasping. That's what I needed. I was looking at the Asian bar and going that's higher than the total number of cases in Wyandotte County total.

**Ms. VanLiew** said I'm really glad you asked. Thank you Dr. Greiner for bailing me out. It's something when you know it, it feels intuitive, but it's difficult to explain.

## Contact Tracing Update

- 10 contracted contact tracers + 5 staff members
- About 800 cases behind
- Contact tracing blitz
  - July 14 – 15: reached 300 cases
  - Week of Aug 3 – 7
- 40.2% of all traced cases report having a difficult time accessing food or cleaning supplies while isolated or quarantined



I wanted to give you an update on how contact tracing is going in our community and first to let you know that we are not alone in being significantly behind in contact tracing, so virtually every county in the metro is significantly behind and if you're watching the national news, the same can be said across the country unfortunately. In the past four to five weeks we've hired on two to three new contracted contact tracers every week, so we're trying to bring people on as quickly as we can. It does take a fair amount of training both through KDHE and our own process and workflow, so it's hard to bring on a whole much of new staff at the same time and then we do have existing Health Department staff members who have been repurposed and are also contract tracers.

We've got this group of 15 or so of folks doing this fulltime paid and then we also still have a group of volunteers of about 10 or 15, so we do have a significant group of people doing this and yet we are about 800 cases behind which is very problematic because testing is only as effective as our contact tracing. So, if we're getting back to people and asking them to isolate 10 days after a positive test, it's likely that they have been out in the community before then. We do give them guidance when they get tested to remain quarantined or isolated until they hear back about their test results, but that doesn't always happen. We are vigorously trying to be creative about this and how we get caught up.

Last week we did a contact tracing blitz where we got about 15 or so other UG staff members from different departments and some community volunteers to come in and do two days of eight hours of contact tracing and they knocked out 300 which was a great success. We plan to

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do that again next week with many of the same individuals to just try to keep knocking out a few hundred cases this way. Our current ability to contact trace is really equal to the new positive cases we're seeing, so we're seeing about 60 new cases a day and we can contact trace around between 55 and 65 cases a day with our current staffing load, so we're keeping up, but we still have this backfield that we've really got to get under control. We're moving as quickly as we can. We're allowing fairly significant overtime for staff to do this on the weekends to try to come out of this hole as much as we can. It's just a very difficult one.

One other thing that I just wanted to kind of throw on people's radar because I know you will be considering the CARES funding later. One of the reasons why we in Wyandotte County have not outsourced our contact tracing to a third party firm or the Kansas Department of Health & Environment is that our contact tracers do ask a number of screening questions and provides significant resources to the folks that they are contact tracing and it's of note I think that 40% of all the cases that we have traced in the last several months report having difficulty accessing food or cleaning supplies. So, they either don't have someone who can get it for them so that they can remain quarantined or isolated or they've lost a job or currently is unemployed and cannot afford it. I think this speaks—this again is just the positive cases in our community; those who are infected with COVID but speaks to just some of the need that is experienced by that population.

We've got a few more updates here. I'll send it over to Dr. Greiner to talk about health orders.

## Masks Order

- Wyandotte order 7-1-20, State order 7-3-20
- Adopted State order with clarifications (daycare, gyms...)
- Enforcement with "education" first; possible fine second
- New case rolling average suggests possible mask use impact
- Remaining in Phase 3.0



**Dr. Greiner** said some of this is a repeat of what you all seen before, but I just wanted to mention again that the mask ordinance and mask order, and of course, we had our order in slightly before

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the State of Kansas order that came along on the 3<sup>rd</sup> of July. We adopted that order with a few clarifications into our order so that we were requiring masks in places such as daycares and gym settings and then there was a little bit of language about offices as well. We've got the same sort of enforcement, that's education first, just as we had back with the stay-at-home order. I do think it is possible that our new case rolling 7-day average decrease could be related to this. You know we're getting to see that in the last week or so and we've had this order in place about 3.5 weeks, so that is encouraging to us.

I think we're going to get a lot more information on the national level and from public health and epidemiology experts on this in the coming weeks as well. I think we are probably going to continue pushing really hard for mask compliance because we think it's a major way we can control all of this. For now, we will be remaining in what we're calling Phase 3 and so gatherings will be limited to 45 people or less where social distancing cannot be guaranteed or maintained.

## Health Order for Schools

- No in person educational activities until 9/8/20
- Mask use by all students and staff
- Cohort students/staff as much as possible
- 50% student density in buildings & facilities
- Districts must submit plans and have approved by Public Health Department



We've been working really closely with all the school districts and the private schools as well in the county. We had a great meeting last week and finalized our order regarding school reopening and in-person activities at educational facilities this Monday. We've put in place in that order that no in-person educational activities will occur until the day after Labor Day, so September 8<sup>th</sup>. That mask use will be mandated by students and staff at the kindergarten level and above. That we will ask school districts and schools to cohort students and staff, so keep the same groups of students and teachers together as much as possible at as many of the grade levels as possible as well. We want each district to develop a plan so that they are essentially achieving 50% of the student density

in their buildings or facilities. That might mean in one building, but it also could mean they're doing that across multiple buildings and using space that wouldn't typically be used for educational activities, but they're using it to keep students social distanced from each other.

We'll be working with the districts to have plans submitted to us that Dr. Corriveau and I will review and work with them individually to finetune those so that they're already to go hopefully far before September 8<sup>th</sup>. In fact, I think a couple of them said today on our 11 a.m. call that they've got their plans ready to go, so we will be working on that in the coming days as well.



**Ms. VanLiew** said we're happy to take additional questions.

**Commissioner Johnson** said I don't know, Dr. Greiner or Juliann, either one of you might be able to answer this and I have always asked questions about our level of communication either regionally and/or also, I guess today, my mind is really relative to how we coordinate with the state. How frequently are we in contact with Dr. Norman in terms of making an assessment of where we are as a community and then how does that align with how he is along with the Governor making those same kind of decisions for the state. It just seems like there's a bit of—it gets kind of rocky sometimes in terms of when we come out with a policy, they come out with a policy, we revert back to their position in terms of alignment. I'm just trying to figure out is there a way (inaudible) have or already attempted to do this and that's just the way it's going to have to be or is there some easier way of doing it. I realize they have all the counties around the state to contend with as well. I just wanted you to speak to that one way or the other, either one of you.

**Dr. Greiner** said I'll just speak to the issue with Dr. Norman. I feel like we've been in close touch with him throughout the pandemic. I don't know that I talk to him every day but we're text messaging back and forth on a regular basis trying to keep things coordinated. I do think, as you say, we could probably do a better job in making sure that we're not having to switch ordinances and orders and backtrack and so forth. We will be working to do that as best we can.

I do think they're facing challenges at the state level that we may not face so there may be times we're going to have to continue to do independent things to protect our citizens. I think we've probably done more, I would say, in the last month really working on the metro and trying to coordinate with the CORE4 and that continues to go well. We've got some support from MARC, Mid-America Regional Council on that and I think that will be an area where we've got to keep working as well.

**Commissioner Bynum** said I just wanted to step back and dwell for a minute on that bullet point of remaining in Phase 3 because the concerns that have been coming to me are questions about whether we're going to step back. So, I'm happy to see that answer appears to be no right now. Is that right? **Dr. Greiner** said that's right. I think the two primary data points that are keeping us feeling like we don't need to step back, we don't need to look necessarily at closing bars and restaurants right now, are that the death rate continues to be really low for us both in Wyandotte County and the metro and that at least in our county anyway, that 7-day rolling average of new cases has begun to drop. Like Juliann said, we're not necessarily seeing that all across the Kansas City metro, but we're also seeing that in some other states around the country. Again, we're very hopeful that the mask use is what's driving that and that we can focus on that in the coming days rather than having to think about how do we step back or what sorts of new things we put in place to restrict people. We just want to get people wearing masks all the darn time and we think that can be really has impact for us.

**Ms. VanLiew** said I will also note too to both Commissioners Johnson and Bynum's question, the Administrators and Health Directors were on a call this morning across the metro and it sounds like the other jurisdictions plan on holding tight where they are as well. Jackson County is considering reducing their gathering size but likely not looking at other more restrictive measures within the next week or so. I think we will reconvene in 10 days or so and look at the data again.



**Mayor Alvey** said, Dr. Greiner, if I might; did not Governor Kelly suggest that for the State of Kansas there may be a need to step back to a more restrictive zone? **Dr. Greiner** said if she did, I missed it. Maybe Juliann saw something and can comment. **Ms. VanLiew** said she did earlier this week, but we know she does not have authority to that until at least early September given recent legislation passed. It's where she would prefer some communities to be, but I don't think there is any ability for her to make that call.

**Commissioner McKiernan** said I'm just curious. Are we getting hospitalization data any more regularly than we were at least a couple of months ago? **Dr. Greiner** said we have found a couple new pathways to get data. We've got the Chief Medical Officer at the University of Kansas Health System, Dr. Stites, giving us weekly data from a meeting where all the Chief Medical Officers in the metro get together, so that's been helpful. We're also having regular meetings now with the executive team over there and there tends to be more communication among the executive teams at those hospitals I think than maybe we originally realized, so that's been a good source of data for us for the past few weeks.

You may have seen the federal order that changed the reporting of hospital data from CDC to HHS. That's very worrisome to us because right before that order came out we got wind that we were going to start having the ability of this data we had wanted for months. We think this workaround strategy we have is going to be helpful to us and there seems to be more coordination. Our understanding was the biggest problem was the HCA hospitals in the region not wanting to contribute their data, but it seems like maybe that is changing and they're cooperating and contributing a little more now.

**Ms. VanLiew** said I also would like to publicly thank Representative Kathy Wolfe Moore who is sending us daily the hospitalization, ICU and vent counts, but she's also has begun giving us an update on how many Wyandotte County specific residents have been admitted the day before or the two days before. Previously it has been hard to know with KU because they serve so many jurisdictions what of that is Wyandotte and so we're just starting to get that information as well which is helpful.

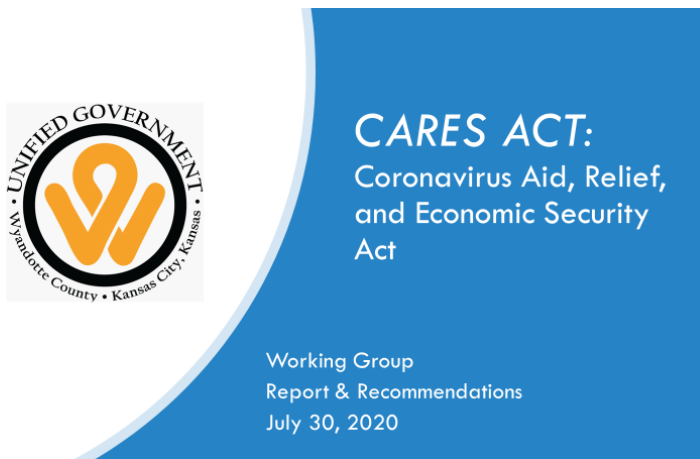
**Commissioner McKiernan** said so I would assume that our hospitalization rate is still good or that there is still headroom or capacity available and that we are not reaching any sort of

a saturation or a getting full standpoint. **Dr. Greiner** said in our county things really look fine. KU numbers are higher right now of COVID patients than they were at their absolute peak in March. At Providence, they're relatively low as well. KU has been very full overall, not with COVID patients, but with overall patients in general. We've had meetings with them in the last 10 days where they've assured us that they have significant expansion capacity if they needed to find a mechanism to do that. They feel confident that they could do it, so I don't think we're worried at all about the hospitals in our county and I think the same is probably true metro wide. It seems like, again, we kind of were expecting the number of hospitalizations, even though they're up right now compared to where they were, I think we thought they would be even higher as of today, maybe even 30%, 40% higher than what they are for the COVID patients and it hasn't happened. Probably that's because younger people in general are getting COVID at this point and even the hospitalized patients are slightly younger as an average, but I think it's good overall in terms of capacity.

**Ms. VanLiew** said just to give you some level of context, they're sitting really around 30 to 35 positive COVID patients in their facility for about the last 10 days or so, so it has leveled off even though it has increased as Dr. Greiner mentioned.

**Mayor Alvey** said thank you. We will now move on the presentation regarding the CARES Act.

**Doug Bach, County Administrator**, said as the Commission is well aware, a few weeks ago the Mayor assigned to the administration—basically to the standing committee to break it out and form a subcommittee of their group to go through and start evaluating a methodology we could for putting together—or evaluating how we would spend the \$37M that was awarded to Wyandotte County from the CARES Act. Our committee is here tonight to offer that presentation. I'm going to turn this over to Commissioner Bynum who is filling in for the Chair of that committee, Commissioner Markley, and I believe Commissioner Bynum is going to introduce what the committee is proposing to do tonight.



**Commissioner Bynum** said tonight I'm as the Interim Chair of our CARES Act subcommittee, which was designated, as Mr. Bach said, by Mayor Alvey and County Administrator Bach to bring you the resolution that you're going to see in our full Commission agenda. Before we start that, I just want to personally thank and commend our staff and the specified voting members of the subcommittee which also includes Commissioner Jane Philbrook and Commissioner Angela Markley as the other two elected officials along with a whole host of staff and reps from Bonner and Edwardsville for the dozens of hours that we've already put into this effort. I want to particularly thank and appreciate our partners in the cities of Bonner and Edwardsville because they've come together with us every step of the way so that our communities interests are heard from every corner east to west and north to south.

What we're bringing tonight is a walkthrough of our efforts to date and I'm happy to say that as we make our way through the slides, hopefully, you'll come to understand how we did our work in the extremely short time constraints under which we are tolling, our nonstop focus on COVID-19 response, mitigation, and hope for eventual recovery.

At the end, the chart that demonstrates we've reached consensus as a working group, we're going to show you that. As to the formula that we're using for allocations to public health, cities, and the county and additionally we're going to bring you our commitment that in August for your final approval we'll be bringing a breakdown of allocations in our non-profit and educational sectors.

With that, I'm going to hand it to our Project Coordinator, the extraordinary Crystal Sprague, and let her walk us through the slides. Just on a final note, since our time is limited in

this session, if we could maybe hold questions and comments. Jot your questions and comments and when she's done, the Mayor can facilitate our conversation.

With that, thank you very much to all and, Crystal, I will hand this to you.

**Crystal Sprague, CARES Act Team**, said this has been a process that all parties involved have undertaken with a certain degree of soberness understanding that but for the hardships in our community we would not be undertaking this task, but equally we're also approaching this with a sense of optimism as this dollar amount coming to our community presents an incredible opportunity for Wyandotte County to recover and head down the path that will lead us there.

## CARES ACT FUNDING OVERVIEW

- Federal legislation provided \$1.25 billion to State of Kansas for COVID-19
- Governor established Strengthening People and Revitalizing Kansas (SPARK) Taskforce
- Federal Dept of Treasury Guidance - payments may only be used to cover costs that:
  - Were necessary expenditures incurred due to the COVID-19 public health emergency
  - Were incurred between March 1 and December 30, 2020
- **Prohibited: replace lost revenue, supplant budgeted expenses or capital construction**
- Funding from State to be presented in 3 rounds

I'm going to start by giving you an overview of the Coronavirus Virus Aid, Relief, and Economic Security Act or the CARES Act. Commissioners, I believe you've seen this slide before, but just as a placeholder here to let you know that the CARES Act was federal legislation which brought \$1.25B to the State of Kansas. The task of allotting that amount of money out to the State of Kansas was given by the Governor to the SPARK Taskforce. They were tasked with figuring out how to equitably provide these dollars in the most impactful way and they divided this funding into three phases. The CARES Act dollars were bound by several guidelines including rules from the US Treasury and then, of course, the CARES Committee or SPARK Taskforce clarified some of those guidance issues for us and provided some reporting requirements that we must follow.

## WYANDOTTE COUNTY ALLOCATION

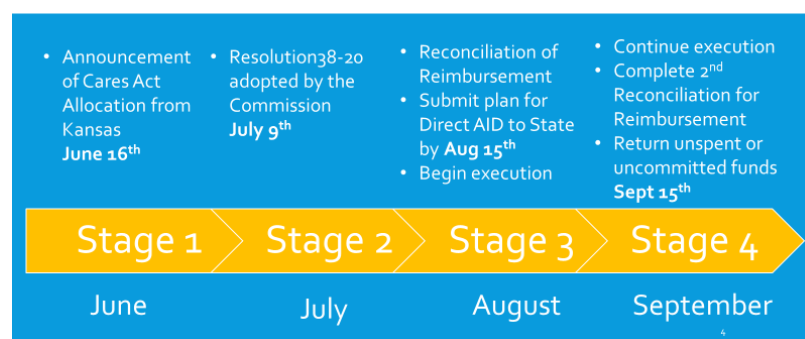
- Wyandotte Allocation
  - \$226 per resident with a population of 165,429
  - \$32,136,238 from state CARES Act funds
  - \$5,194,696 from state impact fund
    - Wyandotte heavily impacted based on COVID cases and job loss
- \$37,330,934 received

3

The first round of funding is specific to Kansas communities. In reference to Wyandotte County, the SPARK Taskforce adopted a formula for distribution based on population. Wyandotte County was allotted \$194 per citizen as was each other county in the State of Kansas. Due to our direct impact of COVID positive tests and COVID cases including our impact of job losses and unemployment, Wyandotte County received an additional \$34.40 per resident resulting in a direct allocation to Wyandotte County of just over \$37M.

These funds, again, were subject to CARES Act legislation, Treasury guidance, and direct oversight from the Governor's Office of Recovery.

## CARES ACT TIMELINE - PHASE I FUNDING



4

To say this timeline is compressed is the understatement of 2020. This timeline for CARES Act dollar allocation has presented and continues to present some amazing challenges not only for us but any of the subrecipients who are awarded money from this allotment. This, like every other COVID-19 pandemic issue, has been filled with fluid, pivoting to say the least. Sometimes we

have weekly and even daily changes in the Treasury guidance and the guidance from the Governor's Recovery team.

The announcement of the county's allocation was on June 16<sup>th</sup>. Work by Wyandotte County started immediately, and we got to work on what we would do to allocate these dollars. I want to echo what Commissioner Bynum said. The timeline between June 16<sup>th</sup> and today's date has been 44 calendar days, so your working group has worked tirelessly to make sure that we get this money allocated in the right way and in the most impactful way. The timeline does not improve as we have our first round of reconciliation of reimbursement reports due to the State of Kansas no later than August 15<sup>th</sup>.

## CARES ACT WORKING GROUP

- Commissioner Angela Markley – Chair
- Commissioner Jane Philbrook
- Commissioner Melissa Bynum
- Maureen Mahoney – Chief of Staff, Mayor's Office
- Alan Howze – Assistant County Administrator
- Kathleen VonAchen – Chief Financial Officer
- Juliann Van Liew – Director of Public Health Department
- Michael Webb – City Manager, City of Edwardsville
- Matt Zayas – Asst to City Manager, City of Bonner Springs

### Goals

1. Establish Priorities
2. Create Application Process
3. Develop Allocation Recommendations

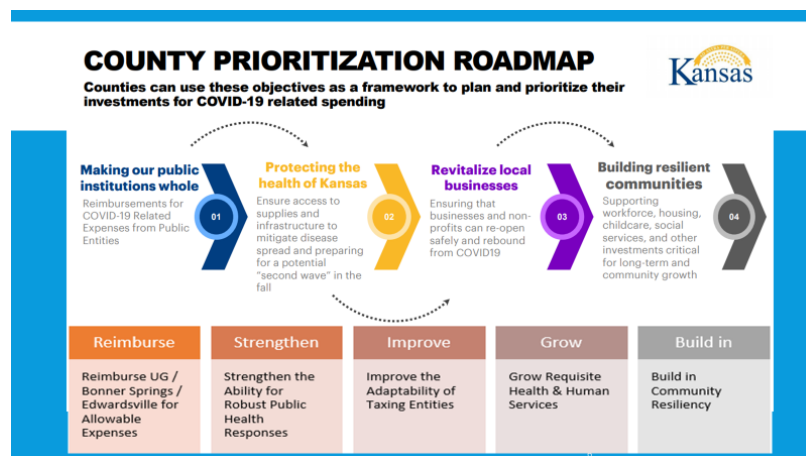
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As Commissioner Bynum mentioned, the CARES Act Working Group was made up a cross-section of commissioners and staff as well as a City Manager, Mike Webb, from the city of Edwardsville and Matt Zayas, the Assistant to the City Manager of the city of Bonner Springs.

Immediately Wyandotte County issued this planning committee, drew us together, and even before the Recovery Office began assistance and direction to us, this group was meeting and establishing goals for what they planned to get accomplished in this very short timeframe.

The first goal was to establish funding priorities for our county. The second was to create an application process, and the third was to develop allocation recommendations back to this group. The application for funding was immediately released on June 26<sup>th</sup> followed by a series of press releases, several webinars for possible applicants, and community outreach and group notice that application was posted.





The State of Kansas provided us on the 26<sup>th</sup> a roadmap for recovery. That roadmap for recovery issued a series of funding priorities that counties might want to follow. Since your working group was already hard at work, they were able to establish five priorities areas in which they would like to see funding and it's nice that those funding priorities echoed what the state laid out in the roadmap.

We utilized the roadmap throughout the working group work as well as established these priorities listed at the bottom. They are listed in priority order with the first being to reimburse the Unified Government, Bonner Springs, Edwardsville for all allowable expenses. The second, to strengthen our ability to respond in a robust way to public health emergencies particularly COVID-19. The third, to improve the adaptability of taxing entities. The fourth, to grow requisite Human & Health services, and the fifth, to build community resiliency.

### ELIGIBLE EXPENSES: DEFINED BY CARES ACT AND KANSAS RECOVERY OFFICE

|                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reimbursement</b> <ul style="list-style-type: none"> <li>Defined by CARES Act and Kansas Recovery Office</li> <li>Expenses related to recovery/response</li> <li>Reimbursement period March 1 - July 31</li> <li>County must produce itemized documentation</li> <li>Focused on governmental expenses</li> <li>Eligibility determinations made by Kansas Recovery Office</li> </ul> | <b>Direct Aid</b> <ul style="list-style-type: none"> <li>Direct Aid period August 1 – December 30</li> <li>All funds must be incurred by County or subrecipient before December 30</li> <li>May include a grant to cover reimbursable expenses</li> <li>Not permitted for Capital Infrastructure or already budgeted items</li> <li>Eligibility determinations made by Kansas Recovery Office</li> </ul> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

County holds the fiduciary responsibility for ensuring that funds are spent within the guidelines

I spoke a few seconds ago about the pivoting on the recommendations even after the application was released. As clarification was provided by the state, the restrictions and terms of the CARES

Act dollars became more clear and the allocation was to be awarded in two categories, awarded and reported in two categories. The first being Reimbursement and the second Direct Aid. Clarity for this came after the application was already released. So, commissioners, if you've heard potential applicants mention words like I applied for a program or I applied for a combo application, please understand that all applications were accepted with the knowledge that definitions and restrictions were evolving in real time.

We have broken all the applications into two funding sources which would be Reimbursement and Direct Aid. Reimbursement was defined as eligible by the CARES Act and Kansas Recovery Office. It was related to expenses specific to the response and recovery of the COVID-19 pandemic. The reimbursement period was focused between March 1 to July 31 and counties must provide itemized documentation not only for reimbursements requested at the county level, but also for any subrecipient. The reimbursement is really focused on governmental agencies and, of course, eligibility determinations for the final approval will be made by the Kansas Recovery Office.

When we talk about Direct Aid, we're talking about dollars that are requested to respond and recover to the COVID-19 pandemic between the period of August 1 and December 30. All funds awarded in this category must be incurred by the county or subrecipient before December 30<sup>th</sup>. That's a pretty steep timeline for some of our community partners. It may include grants to cover reimbursements to some of those community partners and it's not permitted to be used for capital infrastructure or already budgeted items. Again, eligibility determinations are finalized at the State of Kansas Recovery Office and we do expect those to be audited by the Treasury at some point. In both types of funding, Reimbursement and Direct Aid, the county holds the fiduciary responsibility for ensuring that funds are spent within the guidelines.

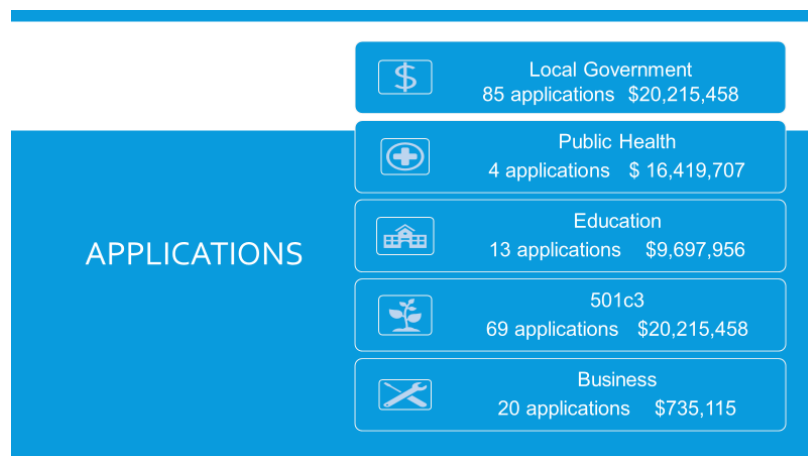
## APPLICATION REQUESTED NEEDS

|                                                      |                                                                                                                                        |
|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Emergency needs                                      | Medical responses                                                                                                                      |
| Housing assistance                                   | Testing, contact tracing, PPE, medical staff.                                                                                          |
| Food insecurity                                      | Payroll reimburse & assistance for new positions or reassigned positions which are substantially dedicated to COVID related activities |
| Utility assistance                                   | Modifications to allow for citizen access to government remotely                                                                       |
| Community Health Worker assistance                   | Childcare relief for essential workers                                                                                                 |
| Economic Disruption relief for Business & Nonprofits |                                                                                                                                        |
| Addressing safety needs for first responders         |                                                                                                                                        |
| Modifications & Adaptation costs                     |                                                                                                                                        |
| Remote working technology                            |                                                                                                                                        |
| Physical barriers                                    |                                                                                                                                        |

We put out the applications and the application deadline was the 19<sup>th</sup> of this month. We did receive a great response. We received applications through the working group and that working group has been assigned the daunting task of reviewing thoroughly those applications and scoring them.

We received applications whose contents ranged from very pragmatic innovations and then very stout innovations that would be able to be carried on past December 30<sup>th</sup> if other funding was available. The range went from problem solving what some would consider individualized type problems such as human connection for our seniors by purchasing tablets to allow them to have a remote medical visit all the way to innovative healthcare models that would benefit our community for years to come.

I also want to draw attention to applications that showed a substantial impact that this COVID pandemic has had on our local services, our government agencies and our first responders. Again, we've had a range of applications that I've listed some here for you, but those also include those food insecurity areas, utility assistance similar to what Juliann was talking about, economic disruption and relief for business and nonprofits, addressing those safety needs for first responders and we saw that across the board, a tremendous response from our first responders in asking for items that would prevent any possible infection and protect their first responders going out on scene. Of course, modifications and adaptation to remote working technology. Certainly, medical response items; testing, contact tracing, PPE. We did see payroll reimbursement requests and assistance for positions that had been redirected substantially to COVID related activities and even childcare relief for essential workers.



We spoke about those five areas that the Commission had—or that the working group had set-aside as the priority areas for funding. Within those priority areas, applications were received in five categories, local government through business. We have listed here the number of applications and the total dollar amounts of the ask. At quick glance, you'll very astutely know, that our immediate ask was higher than the allotment from the State of Kansas. I think this demonstrates not only the impact of the pandemic, but also the uncertainty that we are facing moving into the fall. Clearly, the working group has and will have some difficult work ahead sifting through these applications and making some determinations.

## APPLICATION VARIABLES

- May not meet the burden set forth by the CARES Act legislation
- May not meet the required deadline for incurring expenses
- Some will be recommended to be funded in part, not in whole
- Some are overlapping services
- Some applicants have already received CARES Act allocations
- Some applications have been withdrawn or already reduced by the agencies

As the working group has embarked on that task already, doing that thorough review of those applications, there are some things we already have noticed and will know. As much as the group would love to meet all the needs that are presented, there are applications even though their merit is high and their impact could be significant, that just simply will not meet the requirement of the CARES Act legislation. Some cannot be completed by the deadline and others just—even though

their merit is fantastic and high, just will not be able to be funded as whole. We've also noticed some overlaps in services. Some applicants have already received some CARES Act dollars or allocations and I will say that some applications have already been withdrawn or altered. We just had one altered today based on a longer ability and time to review those applications.

I want to acknowledge that the government agencies had a very short and limited timespan to really coordinate priority areas and I think the funding allocation that the working group is bringing to you today will provide some extension to that so that our local government agencies will have an opportunity to really prioritize their needs.

With that, Commissioner Bynum, if you would like to introduce the funding formula that we're asking approval for tonight.

## RECOMMENDATION FOR ALLOCATION

- Adoption of an allocation formula for funding across the established priority areas
- Utilizes population and established priority areas to allocate the \$226 per resident
- 33.6% Health Department
- 1.2% Administer CARES Act funds
- 44.2% Kansas City, Bonner Springs and Edwardsville
- 4.0% Wyandotte County to address county specific expenses and needs
- 16.9% Educational and 501c3 selected applications
- Funding for businesses will be directed to cities for review and approval

11

**Commissioner Bynum** said this will be within the—I guess I should say this is the allocation formula's to date, if you will, that we're asking be adopted in the resolution that's on the full Commission agenda tonight. We utilized population and established the priority areas, again, which are the priorities that Crystal has just walked us through with the two highest priorities being the reimbursements to the local governments and protecting the public health. Those are the priority areas for allocation of this \$226 per resident.

You'll see in the slide that's coming, that it breakdown as 33.6% to our Wyandotte County Unified Government Public Health Department, 1.2% in administration of these actual CARES Act funds, 44.2% to the cities of Kansas City, Bonner Springs and Edwardsville, 4% to Wyandotte County as a whole for the county specific expenses, and then 16.9% which, again, we will bring you as a series of allocations among those 501c3 applicants and the educational

applicants. Funding for businesses, we're going to direct to the cities, to each of those cities, for review and approval and so that's why you don't see a specific percentage among the small business categories. With that, we'll move into this next slide Crystal.

## RECOMMENDATION FOR ALLOCATION

| 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  |

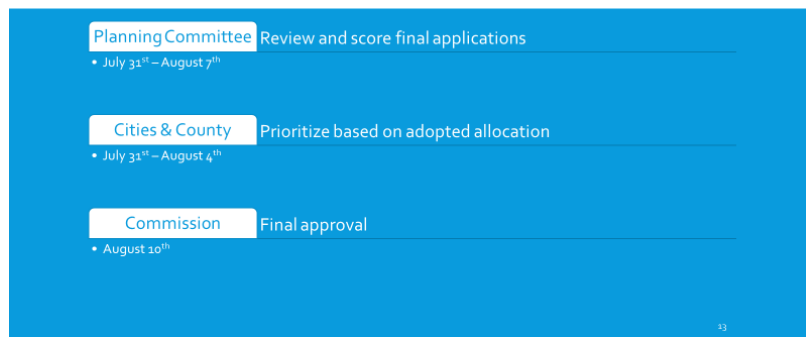
**Ms. Sprague** said here's the math related to that. As you can see, we've got in this top line here that per resident x population at \$226 and each one of the priority areas listed with Health, CARES Team and that's the administrative function, Cities, County, Educational, and 501c3's. When we break those dollar amounts out into those specific areas, you'll see that \$76 of the \$226 should go or will go with adoption to the Health Department to allow the Health Department to continue responding to this health crisis. \$100 to the cities or 44% of the total allocation and then Commissioner Bynum mentioned the 16.9% which is a combination of the education and the 501c3 dollars or roughly \$16.20 out of the \$226 per resident Educational and \$22 out of the \$226 to 501c3's.

Again, I'll reiterate, you'll see this Business column is blank because we thought it best to utilize the existing structures in the cities to be able to handle those applications and in doing so put support long-term assistance technical and financial to those businesses who have applied rather than to provide them a one-time grant and not any wraparound services after.

You'll see the Jurisdictional breakdown at the bottom with the individual populations as recorded by the cities and the county and the amount associated there.



## NEXT STEPS



What are our next steps? Our next steps as a Planning Committee is to review and score those final applications and we will finish that actually between July 31<sup>st</sup> and August 7<sup>th</sup>. The cities and the county now have an ability to take the applications that have been presented, review the allocation that is hopefully adopted today and prioritize based on the allocation that has been adopted. That will give them an additional period of time to be able to find out what they would like to prioritize within that funding sector that meets the needs of their population in the best possible way. We will be bringing, as Commissioner Bynum mentioned, for final approval that last package back to you on August 10<sup>th</sup>.

I want to take a minute to say thank you very much for giving us some time. I really want to thank the working group who have spent as many hours as there have been days since the announcement. They've spent well over 44-45 hours working on this endeavor. Specifically, I want to thank Chair Markley and Assistant Chair Bynum for stepping in and leading us over the finish line last night and, of course, Commissioner Philbrook for keeping us on task. Special thanks to Mr. Webb and Mr. Zayas for coming to the table and really bringing different perspectives into that discussion and a thank you to my newly formed CARES Act team who have pivoted away from their regular job duties to focus on, again, what we believe is a somber thing to have to do, but also an exciting tremendous opportunity for our county to really see some impact in our recovery process from the pandemic.

At this time, I'm sure the committee members present and myself will be ready to answer any questions that you might have.

**Mayor Alvey** asked, any comments or questions.

**Commissioner Townsend** said I want to express my appreciation to the committee involved. This was a yeoman task to undertake with no blueprint for anything like it before. Just having said that, let me just ask a couple questions. We could have started with the last slide that was up there, but that's okay. Let me go to the section I guess that—or the recommendation for allocation that has to do with education and 501c3 organizations. By my quick math we're looking at what, about \$6.2M that's eligible for dividing among groups that were fallen out in those categories? **Ms. Sprague** said, Commissioner, I can certainly put that slide back up. I wanted to hesitate from flipping back and forth but I think this is the material you're looking for, but you are absolutely correct. Your math is spot on. It's a combination of these two items here under Educational and 501c3, so we're close to \$6M, yes.

**Commissioner Townsend** said, for instance, I'm aware that I think there may be churches who have put in applications for different things that seems to appear to fit the criteria that you showed earlier. Is that where they would be considered as opposed to a business for which we're saying zero up here? **Ms. Sprague** said yes, that is correct.

**Commissioner Townsend** said on August 10<sup>th</sup> the full Commission will be asked to do what, again, look at each of these particular or specific allocations that have been proposed similar to—likening it to the casino grant awards that we're going to undertake tonight. Will August 10<sup>th</sup> be the first time that the full board will see these proposed allocations by specific designee's? **Ms. Sprague** said what we're asking for tonight is the approval of the funding formula. **Commissioner Townsend** said this process. **Ms. Sprague** said this process and then we would be bringing back to you the specific allocations in the Educational and 501c3 as the final product on the 10<sup>th</sup>. **Commissioner Townsend** said that would be the first time though. I guess that's my point. Will we have time before August 10<sup>th</sup> to see whatever your proposing specifically? **Ms. Sprague** said yes. We have a pretty straight forward timeframe to get you that material so that you've got time to look through it prior to the 10<sup>th</sup> and we're hoping to get you that material the morning of the 7<sup>th</sup> at the very latest.

**Commissioner Bynum** said just to reiterate, yes, Commissioner Townsend, we want to give you the chance to see the potential allocations among Education and nonprofit and tonight what we're saying is that our committee has reached consensus on the categories and the allocation breakouts for Health, the CARES team administration, the cities and the county, so we're hoping that those

are decided and the balance of our work is in the last two categories, if that helps at all. Then, yes, certainly to share that with the full Commission so that you can see it before we're all having to decide. **Commissioner Townsend** said I think that's the understanding. I want to make sure that tonight we're talking about this semantic you're proposing now, but I wanted to know what opportunity the board would have to look at the specific recommendations you're making before the 10<sup>th</sup>, so I understand that's going to be on the 7<sup>th</sup>, right? **Ms. Sprague** said yes, at the very latest. We will have a working group meeting the day before, I think, actually on Wednesday before and we're hoping to get to final recommendation on that day, so as soon as staff can get that material packaged, we'll get it out.

**Commissioner Townsend** said, again, I understand that you all are starting from scratch on a mission that there has been no blueprint for before because of COVID, so the only thing I can likening it to, as I said, the process that we use for the allocation of the casino grant funds to some degree, trying to likening it to that process. Thank you again for your work.

**Commissioner Walters** said I understood the first part of the presentation and it had like five priorities or five criteria's that I think you said was contained in the legislation. Could you go back to that slide for me? It looks like almost all of the \$37M would be taken up with the Priority #1 and Priority #2. Then you went into some sort of what you called math and started dividing the money up based on population and that's where I lost your train of thought. Looking at this, I would think that Local Government and Public Health would consume almost all the money unless we elevated some of these lower priorities ahead of the requests of the higher priorities. Am I missing something there?

**Ms. Sprague** said I think it's very astute to realize that those first two categories would certainly make up the \$37M, but I think it was important and Commissioner Bynum and Commissioner Philbrook will correct me if I'm wrong, that we wanted to make sure that we are impacting the Health & Human Services field as well or those 501c3's. When we started getting the applications in for local government, it was pretty clear that would be a daunting task and maybe the local cities and governments needed a little bit more time to align their applications to—and again, at the same time, we're having new funding guidelines.

There were lots of questions about what incurred meant and so we had applications that came in that might involve request for funding beyond December 30<sup>th</sup> because at that time the only

guidance that we had was a little vague on what those asks would be. I think the working group got to a place where they said okay, we know that the ask is great. We have an ask that is double the size of the allocation that we have to give, so how would be another equitable way to make sure that our funding priorities get funded in the fairest way possible. I think that's where, and again Commissioner Bynum correct me if I'm wrong, we changed the conversation or the lens on the conversation to say now we have \$37M and we're working backwards; what do we feel is the most appropriate impact value in each one of those areas. Then let's look at the applications that would feel up that area based on merit and their fit into the funding criteria that we know now after of four weeks of clarity from the Treasury Office.

**Commissioner Bynum** said if you would move forward a couple of slides to the math chart. Commissioner Walters, yes, I would say that if as a subcommittee we said reimbursement to cities and counties and health were the top priorities, which I would maintain they still are, you can see that they do take up certainly the bulk of the funding. Out of the \$37M they take up \$30M, almost \$31M of the total and just to add to that, in this community since March we've been watching our churches, our non-profits, our social service agencies, and safety-net clinics absolutely stop on a dime and immediately transition the way they do business to response. Watching that has been an absolutely incredible thing to view.

In addition to that, with the allocation of this money we allowed for them to make application for some of these CARES Act dollars. While it would be easy and defensible to say well public health and cities and counties need all of the funding, I certainly would not be able to morally or ethically say to the 501c3's and educational institutions while we know you are doing an incredible job with almost nothing, but we need all this money for ourselves even though we said you could apply for some. I'm sharing with you my personal belief on part of the way this mathematic chart has come to be, and I'll certainly pause and let Commissioner Philbrook weigh-in if she so chooses. Frankly, I think we have some other subcommittee members online if anyone else would so choose to speak on it.

**Commissioner Philbrook** said I'll just say something really quickly. (Inaudible) 501c3 areas is that they are already doing their yeoman's work right now and (inaudible) several chunks of change. The 501c3's overall, most of them have not and they're doing a shoestring budget and in

some cases and then getting a backing from independent (inaudible) and we as a government can't take care of keeping people in their homes by ourselves. We're not set-up to do that, but these companies—the 501c3's that have been doing this work for our community for quite a while, they are capable of stepping up to the plate and doing a lot of this work for our community. So, that's why they're in there and I don't even want to think about what it would be if they weren't and so I definitely have to see them still in here. That's where I am on this and this has been a hard fought situation with all of us on this committee to try to find something that is respectful of all entities in here. Crystal, how many applications were there for the 501c3's? **Ms. Sprague** said about 69. **Commissioner Philbrook** said just 69 which I have not read all of yet, so we know what I'm going to be doing. Of the ones that I have read, they are very—most of them are very heartfelt and well taken. Some of them just won't pass the mustard to be into this, but on the other hand, a lot of them will and so I just hope you guys pray for us as we continue to go through these applications and look.

**Commissioner Walters** said getting back to my question. Did I understand that those five levels were part of the legislation or was that the recommendation of the committee? **Ms. Sprague** said the first slide that I pulled up had a basic roadmap that was not part of the legislation, but a roadmap to help counties provided by the State Recovery Office. The legislation says that these dollars must be used for direct response and recovery to the COVID pandemic and then it gives us a certain set of not allowable expenses. For example, capital infrastructure or items that were previously budgeted for. **Commissioner Walters** said just looking at the chart, there is no way for us who are not a part of your committee to have any idea whether this all makes sense. I understand the role of 501c3's in our community, but I don't know how I could get questions answered based on this information presented. That's it for me.

**Commissioner Burroughs** said I do want to thank the committee for the well thought out plan. I really like the \$100 based on population of both city and county. I think that's really a fair place to start, so I commend the committee on coming up with that. That way we have a base in which we can start from a negotiation phase, I guess, so to speak, to determine what other dollars will need to be spent. So, thank you for thinking of that because everyone is represented fairly in that by population by the \$100 per person even the county portion, so I commend you for that.

I too kind of share Commissioner Walters concerns about the 501c3's due to the fact that some of them have already been allocated money as was stated earlier and the same way with the business community. I think it's appropriate that you're sending the money back to let cities determine what businesses—I guess my question would be, right along the same line as Commissioner Walters question, to what extent will we as commissioners have in determining which businesses and/or which 501c3 companies or organizations receive those dollars. Will we have an opportunity to—is it going to be all voted up and down in one vote or will they come forward and we'll have a chance to discuss them? I think that's about the only question that I have. Again, I appreciate the work of the committee. I know this wasn't easy.

**Ms. Sprague** said I will add two items there about the 501c3's. The first being, I know that the Director of the Health Department—I can hear her voice right now saying, hey, don't forget those 501c3's that provide pop-up testing, particularly in our Hispanic community and they are inside those 501c3 applications. We did get a fair number of medical support for testing partners that would be within those 501c3's and you are absolutely right, some of those 501c3's have received CARES Act dollars already and that it taken into account in the scoring criteria that's been set forward by the working group to make sure there's an understanding.

Additionally, the State of Kansas Recovery Team has been asked this very question several times, how can we make sure that we have a good accurate reflection of who has received. Is this a self-report or do we have some methodology for checking and the Recovery Team has committed to the counties that they will be willing to put together some type of public release that we can consume in an easy way to say, okay, well we've got an organization we would like to make a separate subrecipient, let's check that against what's been received. That should be coming. I would also mention that this compressed timeline does make it very difficult even for a group of nine to review 69 applications just in that 501c3 pile.

What we're hoping to bring back to you later in the month of August, if this funding modality is adopted, is a group of recommendations and some scoring criteria so that you can see those scoring criteria's and how each individual 501c3 came out when we're looking at things like can they meet the timeline, is the intent of the application, does it fit within the legal guidelines. I will also tell you if it does not, the Recovery Team at the Governor's Office will send that application back to us and no funding will be released to any subrecipient until it has been approved as eligible at the state level. I get the understanding there and I respect the question because I



certainly, in your shoes, would want to know what each one of those applications said and we'll do our best to get you the jest of those applications before the 10<sup>th</sup> so you have time to look at them. I hope that helps.

**Mayor Alvey** said I think Mr. Bach wants to weigh-in to answer this question. I think he wants to describe how the vote will happen which I think, Commissioner Burroughs, was the final question you had, correct? **Commissioner Burroughs** said that's correct Mayor. I just want to ensure that if these are presented to us—I mean I trust my commissioners and the work they do and these committees, we're all able to make these decisions. It's just a matter that we're all held responsible too. I would just like to know how the process is going to work.

**Mr. Bach** said the committee will be coming with their recommendations. How we'll treat this is kind of like an agenda package coming out for you. As Crystal said, we would weigh out the directive that they need—I won't say directive, the objective, they would try to get it out at least by Friday. If we can put it out before, I recognize that only gives you a couple of days to go through it, but that is a couple of days to get into in these specific categories in the Educational area and the 501c3's and see those breakouts from that perspective. You'll be able to move those dollars around if you want to. When you get to the meeting Monday night and you see a declare area that maybe you don't think should have the same amount of money or some other area should have more. I think the committee will be able to answer questions and go to it, but then ultimately you'll be able to make votes and advance it and you can advance it as a package, trying to look at it to see how it comes up of whether it's broken out by Educational or 501c3, but you may determine you want to move money from one group over—I think this sets out there are going to be 16.2 in Education and 22 in 501c3's. There will be two separate packages that you'll vote on, but how those are allocated with each one and that will be the Commission's final decision as to how much money they're getting.

I also wanted to note that the work of this committee and as I talk to our friends in Johnson County and Jackson County, we're all aware there were direct allocation communities. They've been working on their formula's a month and a half before we saw anything and they're at about the same point we are now. It wasn't like they've got theirs out there in the public eye and started dividing out a few weeks ago and breaking it out different, so I really commend this committee for

the advancement of what they've done in 44 days, basically half the time or less, than what the other jurisdictions had. They have more money, but they also have bigger committees working on and more staff members going through all their stuff too as well. A lot of work to get through.

When they showed me this information as it was coming forward for the agenda, I was quite amazed at the work they put together to get this broken down this way and I think make it so everyone can grasp it and understand it and we can continue to advance this on the timeframe that the state has set out for us, which is very short. Then, after we get the awards we have to move through and do a lot of work to make sure that the money is spent according to all the allocations as are set out as well which is also going to be a huge task.

**Commissioner Burroughs** said, Mr. Bach, thank you for that clarification. I guess one of the questions I also have, Mayor, is it doesn't matter who receives this money, that once we allocate it to them, if they misappropriate those dollars, we are held accountable as a Commission for those dollars that are misspent. Is that my understanding? **Commissioner Philbrook** said what I will tell you is that we will have MOU's with everybody that gets money. They will have to sign-off on them and say they will be responsible for reporting in a timely manner as to what we're requesting from them because we have to make reports to the state constantly about how the money is being spent. If we have problems with them, hey, there's always (inaudible) hope not. Is that what you're asking Tom?

**Commissioner Burroughs** said yes, I truly believe it's important that it's important that if we're going to make these decisions and we're going to be held accountable, we want every safety mechanism in place that we can including those businesses that might have a member of the Commission serves on their board. Those kind of things need to be disclosed, should be disclosed, I mean that's a pretty transparent process. We all have our entities within the community that we serve and I'm not suggesting anything would happen, but I'm just stating I think in full transparency, those kind of things can come back to bite us a little bit, all of us. I think the more we communicate and the more transparent we are—as I stated, I commend the work. This formula is very simplistic. I believe it's pretty fair. I like the \$100 set-up on population. I think that is very well thought out and the county portion—I don't even find the administration fee to be exorbitant because I really know it's going to take some time. I do commend all of you that have worked on this and thank staff for putting it in easy to read communication.

**Commissioner Philbrook** said, Tom, I appreciate your questions because we have been working really hard to make sure that everybody is accountable because we know we are and working on this committee just brings it home to the fact of how accountable we are and how we have to ask our partners to be the same when we do this, so thanks Tom.

**Commissioner Bynum** said just two quick things. With regard to Commissioner Burroughs question, I see James Bain who is our legal counsel that's been walking us through this whole process. He's listed as an attendee, not a panelist, so I don't know if he can speak from the legal aspect to that issue of the accountability for the dollars. I'm also not sure, but I have this vague recollection that MOU's that are created between the Unified Government and other entities do include disclosures of things like elected officials that serve on those Board of Directors, so I think certainly we would use one of the templates that we already have in place. I don't know if Mr. Bain is able to respond to that particular issue or not.

**James Bain, Assistant Counsel**, said to Commissioner Burroughs first question about the responsibility. My understanding of how it works a year from now, two years from now, if there's an audit, we collect the documentation from the 501c3's, we would collect documentation from Edwardsville and Bonner. They would come to us for that audit. Of course, in the MOU the organization has to cooperate with us in the audit and so if there is inappropriate spending, the state would come back to the Unified Government for reimbursement. Of course, we would put in our MOU and then the MOU binding, that the other organization would have to reimburse us. We've talked about this. Commissioner, a lot of times in grants, and you all know this, you may only get a monthly piece of your grant. Your grant may be broken up into two or three parts. In order to get the second part of the grant, you have to provide documentation of the first part and so we talked about that or other safeguards. I know Crystal has other ideas on how to distribute the money and holding folks accountable for how they're spending the money without giving the entire chunk.

**Mayor Alvey** said seeing no more questions, Commissioner Bynum, are there any final remarks?

**Commissioner Bynum** said I hope it's clear as mud what we're asking for in our 7:00 meeting, but the resolution that's going to be in front of you at 7:00 is for basically this allocation formula

moving forward. Then, given approval for that, finishing out our work on the timeline that's been laid out, so other than that, I would just encourage any of you if you've got a remaining question that's gone unanswered or a concern that you're not satisfied with yet, please email Commissioner Markley and Crystal Sprague because we certainly want the questions to be answered. Other than that, thank you so much for hearing us out.

**Mayor Alvey** said thank you. Very good presentation and thank you for all your hard work.

**MAYOR ALVEY ADJOURNED  
THE MEETING AT 6:15 p.m.**

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Bridgette D. Cobbins  
Unified Government Clerk

dt

July 30, 2020



Suite 323  
Kansas City, Kansas 66101-3070

# Unified Government Clerk's Office

Bridgette D. Cobbins  
Unified Government Clerk

Phone: 913-573-5260  
Fax: 913-573-5299  
<http://www.wycokck.org>

## Memorandum

**To:** Doug Bach  
County Administrator

**From:** Bridgette Cobbins  
UG Clerk

**Date:** August 6, 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. PUBLIC NOTICES:

Alandon Tow, 6224 Kansas Avenue, held a public auto auction on August 4, 2020 at 10:00 a.m.

**Action:** Received and filed.

## 2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding a 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>               |
|------------------|-----------------|--------------------|---------------|-------------------|--------------------------------------|-------------------------------------------------|
| 875817           | Yes             | 3/27/2020          | \$ 57.58      | 790 2113          | Wilkes, Stanley E                    | Lost warrant                                    |
|                  |                 |                    | \$ 20.00      | 160 2125          | Wilkes, Stanley E                    | Lost warrant                                    |
| 875009           | No              | 3/13/2020          | \$540.00      | 160 12400505259   | KACSO Kelly Johnson Treasurer #20670 | Other (Explain) Spring Conference was cancelled |
| 875010           | No              | 3/13/2020          | \$945.00      | 160 12400805259   | KACSO Kelly Johnson Treasurer #20670 | Other (Explain) Spring Conference was cancelled |

**Action:** Received and filed.

## 3. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 4, 2020:

### Section I - Appointments

| <b>Name</b>         | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b>              |
|---------------------|----------------------------|------------------|-------------------------------|
| Arvonte C Gayden    | Sheriff/Detention          | 8/6/20           | Deputy                        |
| Ariana Sanchez-Ruiz | Comm Corr/Adult            | 8/6/20           | Intensive Supervision Officer |

### Section III - Separations

| <b>Name</b>          | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b>         |
|----------------------|----------------------------|------------------|--------------------------|
| Jasmine A Belalcazar | Finance/Treasury           | 7/25/20          | Fiscal Support Assistant |
| James N Brinkley     | NRC/Code Enforcement       | 7/27/20          | Inspection Supervisor    |
| Victoria Hamilton    | NRC/Code Enforcement       | 7/27/20          | Inspector I              |
| Dominique R Jones    | Health/WIC                 | 7/30/20          | Program Aide             |
| Hollie Meeks         | Police/Communications      | 7/18/20          | Public Safety Dispatcher |
| Brady D Yantis       | Police/Patrol              | 7/8/20           | Senior Patrolman         |

### Section IV - Leaves of Absence

| <b>Name</b>      | <b>Department/Division</b> | <b>Lv. Beg</b> | <b>Lv. Ends</b> |
|------------------|----------------------------|----------------|-----------------|
| Erin R Nugent    | Health/WIC                 | 7/24/20        | 8/23/20         |
| Ashley N Schmalz | Fire/Communications        | 7/31/20        | 8/30/20         |



#### **Section V - Increase per Memorandum of Understanding**

| <b>Name</b>    | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b>      |
|----------------|----------------------------|------------------|-----------------------|
| Devon M Bryant | NRC/Rental                 | 6/20/20          | Building Inspector, I |

**Action:** Received and filed. Copy previously forwarded to Payroll.

#### **4. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 6, 2020:**

##### **Section I - Appointments**

| <b>Name</b>           | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b>        |
|-----------------------|----------------------------|------------------|-------------------------|
| Daniel E Johnson      | Sheriff/Detention          | 8/6/20           | Deputy                  |
| Steven M Jolly        | Sheriff/Detention          | 8/6/20           | Correctional Specialist |
| Victor Molina         | Sheriff/Detention          | 8/6/20           | Deputy                  |
| Elizabeth L Pflieger  | Sheriff/Detention          | 8/6/20           | Correctional Specialist |
| Brandon L Woods       | Sheriff/Detention          | 8/6/20           | Deputy                  |
| Angel Villanueva-Nava | Parks and Recreation       | 8/6/20           | Groundskeeper I         |

##### **Section II-Transfers**

| <b>Name</b>         | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Former Job Title</b>  | <b>New Job Title</b>                   |
|---------------------|----------------------------|------------------|--------------------------|----------------------------------------|
| Crystal L Sprague   | CAO/CARES                  | 7/9/20           | Manager                  | Manager<br>Part Time 911 Call<br>Taker |
| Jabrea D Strickland | Police/Communications      | 8/6/20           | Public Safety Dispatcher |                                        |

#### **Section V - Increases per Memorandum of Understanding**

| <b>Name</b>       | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b>             |
|-------------------|----------------------------|------------------|------------------------------|
| Marlon Richardson | PW/Parking Control         | 8/1/20           | Parking Control Officer<br>I |
| Lori L Wilson     | NRC/Business License       | 6/8/20           | Admin Coordinator            |

**Action:** Received and filed. Copy previously forwarded to Payroll.

#### **5. SUMMONS:**

Justin Wood vs. Unified Government of Wyandotte Kansas City Kansas, a municipal entity; Officer Carlos Mena and John Doe, Case No. 2020-CV-000400. (2)

**Action:** Received and filed. Copy previously forwarded to Legal.

#### **6. CONTINUATION CERTIFICATES:**

Miscellaneous Bond  
Pawn Shop

**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:** August 13, 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. BOARD OF PUBLIC UTILITIES' REPORT:

2020 Second Quarter Unaudited Financial Statement for the period ending June 30, 2020.

**Action:** Received and filed.

## 2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

| <u>Warrant #</u> | <u>Reissue?</u> | <u>Date Issued</u> | <u>AMOUNT</u> | <u>FUND / ACD</u> | <u>Vendor Name/Number</u>           | <u>Reason for void (dropdown)</u> |
|------------------|-----------------|--------------------|---------------|-------------------|-------------------------------------|-----------------------------------|
| 877341           | No              | 5/22/2020          | \$725.00      | 160 18100015273   | EM Specialists, PA #14379           | Other (Explain)                   |
| 871688           | Yes             | 1/17/2020          | \$63.32       | 790 2113          | Dickerson, Nilene D #7767Z          | Stale dated                       |
|                  |                 |                    | \$7.50        | 160 2125          |                                     |                                   |
| 875408           | Yes             | 3/20/2020          | \$203.78      | 790 2113          | Graves, Amanda Leigh #8150Z         | Stale dated                       |
| 875409           | Yes             | 3/20/2020          | \$145.44      | 790 2113          | Graves, Tyler Weston #8163Z         | Stale dated                       |
| 878091           | YES             | 6/12/2020          | \$225.00      | 790 2118          | Fae Holdings #8493P                 | Stale dated                       |
| 879540           | No              | 7/31/2020          | \$13.02       | 790 2118          | William H Griffin Chapter 13 #8610P | Issued in error                   |

**Action:** Received and filed.

## 3. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 11, 2020:

### Section I - Appointment

| <b>Name</b> | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b>              |
|-------------|----------------------------|------------------|-------------------------------|
| Rita S Hye  | Police/Communications      | 7/27/20          | Part-time B 911 Call Operator |

### Section II-Transfer

| <b>Name</b>      | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Former Job Title</b> | <b>New Job Title</b>                                            |
|------------------|----------------------------|------------------|-------------------------|-----------------------------------------------------------------|
| Calvin L Johnson | Comm Corr/Programs         | 8/6/20           | Program Coordinator     | Program Director<br>(Administrator of Criminal Justice Program) |

### Section III - Separations

| <b>Name</b>               | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b>                     |
|---------------------------|----------------------------|------------------|--------------------------------------|
| Lideana J Laboy Rodriguez | PW/Engineering             | 7/29/20          | Lead Engineer<br>General Maintenance |
| Julio C Lopez             | PW/WPC                     | 8/7/20           | Worker                               |
| Kelly N Peterson          | Police/Operations/Patrol   | 5/3/20           | Master Patrolman I                   |
| Anthony G Rojas           | Fire                       | 7/29/20          | Firefighter V                        |

## Section VII - Reclassifications

| Name               | Department/Division     | Eff. Date | Former Job Title       | New Job Title            |
|--------------------|-------------------------|-----------|------------------------|--------------------------|
| Morgan B Fotovich  | PW/WPC                  | 8/6/20    | Professional Assistant | Professional Fiscal Asst |
| Samantha R Saysoff | PW/Fleet                | 5/28/20   | Clerk II               | Professional Assistant   |
| VACANT             | PW/WPC                  | 8/2/20    | Professional Assistant | Admin Coordinator        |
| VACANT             | Police/Animal Services  | 8/2/20    | Animal Control Officer | Program Aide             |
| VACANT             | Buildings and Logistics | 5/11/20   | Custodian              | Caretaker                |

## Section VIII - Other Requests

| Name                 | Department/Division  | Action Requested and Explanation         |
|----------------------|----------------------|------------------------------------------|
| Elizabeth Groenweghe | Health               | ACD code change effective 8/6/20         |
| Wesley McKain        | Health               | ACD code change effective 8/6/20         |
| Christina Van Cleave | Health               | ACD code change effective 8/6/20         |
| Raymond Hernandez    | Parks and Recreation | Amend 7/30/20 PAC to reflect correct ACD |

**Action:** Received and filed. Copy previously forwarded to Payroll.

## 4. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 6, 2020:

### Section I - Appointment

| Name          | Department/Division | Eff. Date | Job Title               |
|---------------|---------------------|-----------|-------------------------|
| Alexis B Mock | Sheriff/Detention   | 8/6/20    | Correctional Specialist |

### Section II-Transfer

| Name              | Department/Division | Eff. Date | Former Job Title | New Job Title |
|-------------------|---------------------|-----------|------------------|---------------|
| Daniel R Everhart | Sheriff/Detention   | 8/6/20    | Deputy           | Sergeant      |

### Section III - Separation

| Name         | Department/Division | Eff. Date | Job Title |
|--------------|---------------------|-----------|-----------|
| Scott A Wood | Sheriff/Detention   | 12/11/19  | Deputy    |

### Section IV - Leave of Absence

| Name            | Department/Division   | Lv. Beg | Lv. Ends |
|-----------------|-----------------------|---------|----------|
| Kristine M Bais | Police/Communications | 7/28/20 | 8/5/20   |

### Section V - Increases per Memorandum of Understanding

| <b>Name</b>        | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b>                      |
|--------------------|----------------------------|------------------|---------------------------------------|
| Krista C Owens     | Police/Records             | 8/23/20          | Office Assistant III<br>Public Safety |
| Zachary A Quigley  | Police/Communications      | 8/9/20           | Dispatcher                            |
| Andrew J Alvey     | Police/Operations          | 8/15/20          | Patrolman II                          |
| Jordan M Briones   | Police/Operations          | 8/15/20          | Patrolman II                          |
| Sine E Delatorre   | Police/Operations          | 8/15/20          | Patrolman II                          |
| Patrick J Fanning  | Police/Operations          | 8/15/20          | Patrolman II                          |
| Mason C Fortner    | Police/Operations          | 8/15/20          | Patrolman II                          |
| Richard A Jansen   | Police/Operations          | 8/15/20          | Patrolman II                          |
| Ricardo R Madrigal | Police/Operations          | 8/15/20          | Patrolman II                          |

### **Section VIII - Other Requests**

| <b>Name</b>       | <b>Department/Division</b> | <b>Action Requested and Explanation</b>                                     |
|-------------------|----------------------------|-----------------------------------------------------------------------------|
| James N. Brinkley | NRC/Code Enforcement       | Amend PAC 8/4/20 to reflect correct effective date of separation to 7/13/20 |

**Action:** Received and filed. Copy previously forwarded to Payroll.

### **5. TRAVEL REQUEST:**

Carlos Navarro, Narcotic's Unit/DEA Task Force, Laredo, TX, August 16 – 18, 2020, to attend the Mission Purpose (proffer).

**Action:** Approved by Administrator's Office and received and filed.

### **6. CERTIFICATES OF INSURANCE:**

ABC Professional Tree Services, Inc.  
David Abernathy DBA Abernathy Tree Service  
Norred & Associates, Inc.  
Plaza at the Speedway FSU (02501) – E & W Hospitality, LLC  
Semper Securus LLC DBA Signal 88 Security of Douglas  
Titan Protection & Consulting, Inc.

**Action:** Referred to License.

### **7. BUSINESS BONDS:**

Electrical Contractor's Bonds  
BEC, LLC  
Electrical Freedom, LLC  
Urban Electrical and Design

Plumber's Bonds  
Midwest Heating, Cooling & Plumbing, LLC  
Pierpoint Plumbing, LLC



**Action:** Referred to License.

## **8. CONTINUATION CERTIFICATES:**

Sign Hanger's Bonds  
Mid-America Sign, LLC  
Roderick Advertising Co., Inc.

Mechanical Contractor's Bond  
Peak Roofing & Construction, LLC

**Action:** Referred to License.

## **9. REINSTATEMENT NOTICE:**

Miscellaneous Bond  
M&M Service, Inc.

**Action:** Referred to License.

## **10. CANCELLATION NOTICES:**

Electrical Contractor's Bonds  
Current Electric, LLC  
Fiedler Electric, LLC DBA Fielder Electric, LLC  
Neil Powell DBA N.P. Heating and Cooling  
Phaze One Electric, LLC

HVAC  
Cool Heat KC, LLC

Mechanical Contractor's Bonds  
Cool Heat KC, LLC (2)  
TJ'S Heating & Cooling DBA Jones Heating & Cooling

Miscellaneous Bonds  
J&S Plumbing and Heating, LLC  
Jck Electric Company, LLC  
Sun Solar, LLC

Sign Hanger Bond  
Springfield Sign & Graphics, Inc.

**Action:** Referred to License.

## **11. APPLICATION FOR CMB LICENSE (PKG):**

Family Dollar, Inc./Teri L. Wilson DBA Family Dollar Store #28726, 1200 N. 7<sup>th</sup> St.  
Family Dollar, Inc./Teri L. Wilson DBA Family Dollar Store #30647, 1999 N. 63<sup>rd</sup> Dr.  
Family Dollar, Inc./Teri L. Wilson DBA Family Dollar Store #30758, 8049 Leavenworth Rd.  
Family Dollar, Inc./Teri L. Wilson DBA Family Dollar Store #31247, 800 Kansas Ave.  
Family Dollar, Inc./Teri L. Wilson DBA Family Dollar Store #31511, 4601 Parallel Pkwy.  
Kaw Fresh Market, LLC/Michael J. Davis DBA Fresh Market 6700 Kaw Dr.  
Teki Investments, LLC/William Hutton DBA 7-Eleven Store #38574A, 7552 State Ave.

**Action:** Referred to License.

## **12. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:**

Adrian Jasper DBA Elevate Bar & Grill, 7543 State Ave.  
Apple Central, LLC/Rick Rehorn DBA Applebee's Neighborhood Grill & Bar, 3404 Rainbow Blvd.  
Apple Central, LLC/Rick Rehorn DBA Applebee's Neighborhood Grill & Bar, 1700 Village West Pkwy.  
Darren Allen/Kenneth Robinson DBA Lounge 42, 4220 Leavenworth Rd.  
JIAJ, Inc./Diana Salazar DBA Tapatis Mexican Grill, 151 S. 18<sup>th</sup> St. Suite A  
Jose Ricardo Romo/Lilia Fabiola Torres DBA Taqueria Mexico #4, 3300 Rainbow Blvd.  
Nestar Ornelas/Ronald A. Mayden DBA Taqueria Arandas, 7901 State Ave.  
Richard Thurber DBA KC Bowl, Inc., 8201 State Ave.  
Sonia Davis/Jessy Haworth DBA Hoops, LLC, 7912 State. Ave.

**Action:** Referred to License.

## **13. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:**

PHVIF Kansas City F & B, LLC/Joseph S. Rockey DBA Hilton Garden Inn, 520 Minnesota  
Steve Beaumont/William Hutton DBA Chateau Avalon, 701 Village West Pkwy.

**Action:** Referred to License.

## **14. APPLICATION FOR PRIVATE CLUB CLASS B:**

Darty Saunders/Jeffery Carter DBA Bill's 32 West, 6500 Kaw Dr.

**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:** August 20, 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.

tpl

Attachment

## 1. ELECTION ABSTRACT:

Abstract of votes cast in Wyandotte County, State of Kansas, at the Primary Election, held August 4, 2020.

**Action:** Received and filed.

## 2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

| <u>Warrant #</u> | <u>Reissue?</u> | <u>Date Issued</u> | <u>AMOUNT</u> | <u>FUND / ACD</u> | <u>Vendor Name/Number</u>   | <u>Reason for void (dropdown)</u> |
|------------------|-----------------|--------------------|---------------|-------------------|-----------------------------|-----------------------------------|
| 878819           | YES             | 7/2/2020           | \$9,691.61    | 791 98150015571   | HM Apartments LP #T1021     | Lost warrant                      |
| 880254           | YES             | 8/21/2020          | \$2,246.00    | 110 11400015295   | Remco Demolition LLC #27554 | Wrong amount                      |

**Action:** Received and filed.

## 3. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 18, 2020

### Section I - Appointment

| <b>Name</b> | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b>         |
|-------------|----------------------------|------------------|--------------------------|
| Traci R Ash | Police/Communication       | 8/20/20          | Public Safety Dispatcher |

### Section III - Separations

| <b>Name</b>                | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b>              |
|----------------------------|----------------------------|------------------|-------------------------------|
| Kristine M Bais            | Police/Communications      | 8/9/20           | Administrative Coordinator    |
| Tara N Brown               | Sheriff/Detention          | 8/10/20          | Deputy                        |
| Leatrice A Carrillo        | Police/Internal Affairs    | 9/17/20          | Admin Support Specialist      |
| MacKenzie D Hatteshohl     | Fire/Trainee               | 8/26/20          | Firefighter Paramedic Trainee |
| Monica M Palomeque-Murillo | Health                     | 8/27/20          | Program Aide                  |
| Aaron Quinn                | Police/Security            | 9/16/20          | Unarmed Security Officer      |
| Rance P Quinn              | Police/Services            | 9/10/20          | Major                         |
| Royal L Radar              | Police/Security            | 9/16/20          | Unarmed Security Officer      |
| Tyler Romero               | Fire/Trainee               | 8/26/20          | Firefighter Paramedic Trainee |
| Charles D Stanturf         | Police/Patrol              | 9/10/20          | Sr Master Patrolman           |
| Scott D Thoman             | PW/Streets                 | 9/17/20          | Equipment Operator IV         |
| Michael D Warczakoski      | Police/Investigations      | 9/9/20           | Master Detective              |

### Section V - Increases per Memorandum of Understanding

| <b>Name</b>       | <b>Department/Division</b> | <b>Eff. Date</b> | <b>Job Title</b>         |
|-------------------|----------------------------|------------------|--------------------------|
| Justin K Kozol    | Fire/EMS Transport         | 8/29/20          | Firefighter Paramedic II |
| Shauntyle L Maple | Police/Records             | 9/13/20          | Office Assistant III     |

|                 |                |         |                                            |
|-----------------|----------------|---------|--------------------------------------------|
| LaTonya A Nolan | Police/Records | 9/6/20  | Office Assistant III<br>Equipment Operator |
| Conrad S Vega   | PW/Street      | 9/5/20  | I<br>Equipment Operator                    |
| Mario Velasquez | PW/Street      | 9/19/20 | I                                          |

#### Section VIII - Other Requests

| Name           | Department/Division | Action Requested and Explanation              |
|----------------|---------------------|-----------------------------------------------|
| Jessica R Diaz | Municipal Court     | Out of class pay effective 8/10/2020          |
| Vacant         | Technology          | Transfer from NRC to DOTS effective 8/12/2020 |

**Action:** Received and filed. Copy previously forwarded to Payroll.

#### 4. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 20, 2020

##### Section II-Transfers

| Name             | Department/Division | Eff. Date | Former Job Title  | New Job Title     |
|------------------|---------------------|-----------|-------------------|-------------------|
| Michael A Davila | PW/WPC              | 8/20/20   | Plant Operator II | Plant Operator II |
| Bryan D Rangel   | PW/WPC              | 8/20/20   | Plant Operator II | Plant Operator II |

##### Section VIII - Other Request

| Name         | Department/Division | Action Requested and Explanation                                   |
|--------------|---------------------|--------------------------------------------------------------------|
| Tara N Brown | Sheriff/Detention   | Amend PAC 8/18/20 to reflect change in comp time effective 8/10/20 |

**Action:** Received and filed. Copy previously forwarded to Payroll.

#### 5. CLAIMS FOR DAMAGES:

Tina Ring & Shelly Van Winkle, 5728 Leavenworth Rd., KCK, alleging her home has experienced damage due to the work done outside of the home causing cracks on the ceiling and cracks on the wall.

Felicia Wilson, 2115 N. 43<sup>rd</sup> St., KCK, alleging on May 18, 2020, she hit the drain cover in the Dollar General lot causing damage to her vehicle because the covers of the drains were missing.

**Action:** Received and filed. Copies previously forwarded to Legal.

#### 6. REQUEST FOR DEFENSE:

Police Officer Carlos notification of suit pursuant to the Kansas Tort Claim Act in Case 2020-CV-000400.

**Action:** Received and filed. Copy previously forwarded to Legal.



## **7. CERTIFICATES OF INSURANCE:**

Associated Wholesale Grocers, Inc.  
Garda World Security Corporation/Garda USA Inc.

**Action:** Referred to License.

## **8. BUSINESS BONDS:**

Electrical Bonds:

Affordable Comfort, LLC  
Express Electric, LLC  
Sachs Electric Company

Plumber's Bond:

Dove Construction Company

**Action:** Referred to License.

## **9. CONTINUATION CERTIFICATES:**

Plumber's Bond:

Blue River Plumbing, Inc.

**Action:** Referred to License.

## **10. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:**

GM Restaurants of Kansas, Inc./Mary Ann Young DBA Olive Garden Italian Restaurant, 10670 Parallel Pkwy.

Rare Hospitality of Kansas, Inc./Paula Jo Penegar DBA Longhorn Steakhouse, 1708 Village West Pkwy.

**Action:** Referred to License.

## **11. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:**

HOA Kansas Restaurant Holder, LLC/Kimberly A. Groves DBA Hooters, 1712 Village West Pkwy.

**Action:** Referred to License.

## **12. APPLICATION FOR PRIVATE CLUB CLASS A:**

Louis Torrez DBA Quindaro Post 199 American Legion, 7942 Leavenworth Rd.

**Action:** Referred to License.

**13. APPLICATIONS FOR MASSAGE THERAPIST LICENSE:**

Allison Edmonds DB/with Chateau Avalon, 701 Village West Pkwy.

Ashlee S. Thompson DB/with Chateau Avalon, 701 Village West Pkwy.

**Action:** Referred to License.

**14. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:**

Champion National Security, Inc./Isaac Lowe DBA Champion National Security, Inc, 1616  
Gateway Blvd., Richardson, TX

Securitas Security Services/Amalia Mendez DBA Securitas Security Services, 9 Campus Dr.,  
Parsippany, NJ

Simmons Security & Protection Services DBA Simmons Security & Protection Services, 428 N.  
5th St. #1

**Action:** Referred to License.



# Staff Request for Commission Action

Tracking No. 20300

**Full Commission Meeting Date:** 8/27/20

**Committee:** Neighborhood & Community Development

Date of Standing Committee Action: 8/10/20

(If none, please explain):

**Publication Required:** No

|                                                                                                                                                                                                                                                                                            |                                         |                                |                                                |                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------------------|------------------------------------------------|-------------------------------------------------------|
| <u>Date:</u><br>8/24/2020                                                                                                                                                                                                                                                                  | <u>Contact Name:</u><br>Gordon Criswell | <u>Contact Phone:</u><br>x5024 | <u>Contact Email:</u><br>gcriswell@wycokck.org | <u>Department/Division:</u><br>Administrator's Office |
| <u>Item Description:</u><br>An MOU between Western University Association of the A.M.E. Church, Inc. and the Unified Government which sets forth the intent of the parties to form a trust in order to own property, seek grants and donations, and to develop the Quindaro Ruins Project. |                                         |                                |                                                |                                                       |
| <u>Action Requested:</u><br>Approve and advance to Full Commission                                                                                                                                                                                                                         |                                         |                                |                                                |                                                       |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                                                                                                                     |                                         |                                |                                                |                                                       |
| <u>Attachments List:</u><br>Memorandum of Understanding v02a (003)                                                                                                                                                                                                                         |                                         |                                |                                                |                                                       |

## Memorandum of Understanding

This Memorandum of Understanding (“MOU”) is made effective as of the date last executed by and between Western University Association of the A.M.E. Church, Inc. (“Western University”) and the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”). This MOU is not intended to be a binding agreement or enforceable against either party, but is merely an expression of the intent of the parties to proceed in good faith with negotiations toward a final and binding agreement. This MOU is entered into in connection with the potential partnership between the parties related to the proposed future preservation and development of the Quindaro ruins site located in and around the site of the former Quindaro township in Kansas City, Wyandotte County, Kansas (“Quindaro Ruins Project”). Therefore, the parties express their mutual intent as follows:

1. The parties will proceed in good faith to identify the physical boundaries of the land to be included in the Quindaro Ruins Project, but it is the expectation of the parties that it will approximately include the property outlined and identified on Exhibit A.
2. It is the intention of the parties to form a trust (the “Trust”) to own the property included in the Quindaro Ruins Project, to apply for and seek grants, government funding, and donations, and to develop the Quindaro Ruins Project in accordance with the purposes of the Trust outlined in the Trust Agreement. The parties intend for the Trust to qualify as a tax-exempt entity under the federal income tax code.
3. The parties will proceed with drafting and negotiating the Trust Agreement. Western University will draft the initial draft of the Trust Agreement, and the parties will then proceed with good faith negotiations to finalize the Trust Agreement. The costs of preparing the Trust Agreement and applying for and obtaining tax exempt status for the Trust will be initially borne by Western University, but will be reimbursed from funds, once available, of the Quindaro Ruins Project.
4. The Trust Agreement will set forth clearly defined purposes for the Trust related to the use of the Quindaro Ruins Project property, the use of funds, and the development of the Quindaro Ruins Project. The Trust Agreement will also include specific project milestones to be accomplished by the Trust to ensure that the project is progressing, including the immediate need to take the actions necessary to comply with The Quindaro Ruins Preservation Covenant (2004), and the Trust Agreement will provide a process by which the property contributed to the Trust by the parties will revert back to the parties if the milestones are not accomplished by the dates set forth in the Trust Agreement.
5. Once the Trust is formed and achieves tax-exempt status, the property to be included in the Quindaro Ruins Project will be conveyed by each of the parties to the Trust.
6. Majority control of the Trust, and therefore, the Quindaro Ruins Project, will be held by Western University. The Trust will be governed by a Board of Trustees, and all decisions of the Trust will be made by a majority vote of the Board of Trustees. The Board of Trustees must at all times consist of a majority of Trustees appointed by Western

University (e.g. if there are 5 Trustees, Western University will appoint 3, and if there are 7 Trustees, Western University will appoint 4, and so on). The Unified Government will appoint the remaining Trustees to the Board of Trustees, although the parties may agree to allow some of the remaining Trustees to be elected “at large”; provided however, that the Trustees appointed by the Unified Government and those appointed “at large”, in the aggregate, will always constitute a minority vote of the Board of Trustees.

7. The Board of Trustees may appoint officers, such as a President and/or Executive Director, to carry out the directions of the Board of Trustees.

The parties acknowledge that this MOU sets forth an accurate non-binding summary of their mutual intent on how to proceed with the negotiation of the preparation and formation of the Trust and the Quindaro Ruins Project.

Western University Association of the A.M.E.  
Church, Inc.,  
a Kansas not-for-profit corporation

The Unified Government of Wyandotte  
County/Kansas City, Kansas,  
a political subdivision of the State of Kansas

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

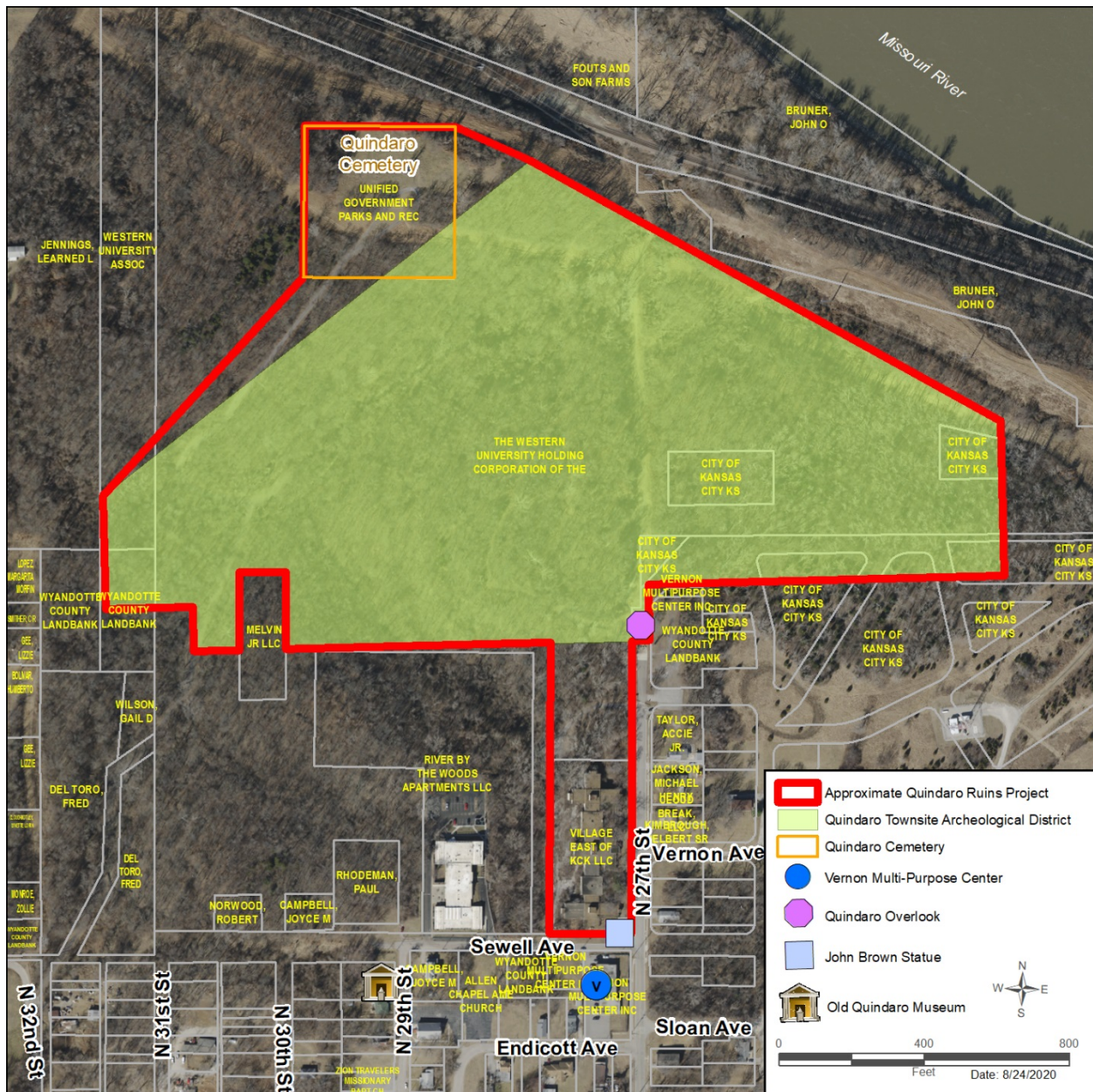
By: \_\_\_\_\_  
David Alvey, Mayor/CEO

Date: \_\_\_\_\_, 2020

Date: \_\_\_\_\_, 2020

## Exhibit A

### Proposed Quindaro Ruins Project (outlined in red)





# Staff Request for Commission Action

Tracking No. 20299

**Full Commission Meeting Date:** 8/27/20

**Committee:** Neighborhood & Community Development

Date of Standing Committee Action: 8/10/20

(If none, please explain):

**Publication Required:** No

|                                                                                                                                                                                                                                    |                                   |                                |                                             |                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------|---------------------------------------------|-----------------------------------------------------|
| <u>Date:</u><br>8/21/2020                                                                                                                                                                                                          | <u>Contact Name:</u><br>Jud Knapp | <u>Contact Phone:</u><br>x5472 | <u>Contact Email:</u><br>jknapp@wycokck.org | <u>Department/Division:</u><br>Economic Development |
| <u>Item Description:</u><br>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><br>Approve and advance to FC 8/27/20                                                                                                                                                                      |                                   |                                |                                             |                                                     |
| <u>Budget Impact: (if applicable)</u><br>Amount:<br>Source:<br>Included In Budget:<br>Other (explain):                                                                                                                             |                                   |                                |                                             |                                                     |
| <u>Attachments List:</u><br>NCD Roger New Construction 8.10.20                                                                                                                                                                     |                                   |                                |                                             |                                                     |





**Wyandotte County Land Bank**  
Economic Development Department  
Jud Knapp, Manager

701 North 7<sup>th</sup> 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:** July 28, 2020  
**SUBJECT:** Applications for consideration

The following application(s) are being presented at the August 10<sup>th</sup>, 2020 meeting:

### **New Construction**

- 2725 Farrow– Rogelio Avalos (New Construction)

The property is adjacent to a current home is in the land bank rehab program. The applicant is requesting to build a deck and driveway.

The property is currently zoned R-1(B) and will support the planned build.

No violations for their property taxes or code violations.

The Land Bank Advisory Board will be contacted, and any comments will be presented at the meeting.

The Staff Advisory Team will be contacted, and any comments will be presented at meeting.

See attached sheets for more information

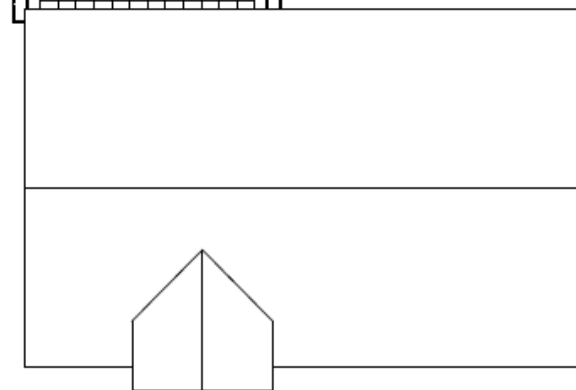
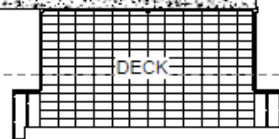
# Land Bank Rehab Yard Extension

## 2725 Farrow Ave

- Adjacent home is currently being rehabbed in the land bank rehab program (3217 N 29<sup>th</sup> ST)
- Need Yard extension to build deck and new driveway



FARROW AVE



**LEGAL DESCRIPTION**

KLINE PLACE, S30, T10, R25, ACRES 0.140000, L2

**PARCEL:** 164800

**ADDRESS:**

2725 FARROW AVE KANSAS CITY KS 66104

**LEGAL DESCRIPTION**

KLINE PLACE, S30, T10, R25, ACRES 0.120000, L1

**PARCEL:** 164801

**ADDRESS:**

3137 N 29TH ST KANSAS CITY, KS 66104

29TH ST

## 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

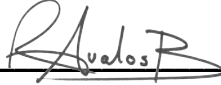
*NOTE: The reversionary right is to protect the WCLB in case the buyer fails to complete the project, as agreed. If the property is reverted, the buyer will not be reimbursed for any losses and will be ineligible to purchase any future land bank property*

- 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.

 \_\_\_\_\_ Date: 07/08/2020

Sign here

Rogelio Avalos

Print Name

## Application to Purchase Land Bank Property for New Construction

Land Bank Property Address: 2725 Farrow Ave

Parcel ID Number: 164800

### Applicant and Contractor Information (Please Print)

#### Buyer Information

Name: Rogelio Avalos

Company/Organization: Pillar KC LLC

Mailing Address: 1904 South Stagecoach Drive, Olathe, KS 66062

Phone Number(s): [REDACTED]

E-mail(s): [REDACTED]

#### Contractor

Name: Rogelio Avalos

Company/Organization: Pillar KC LLC

Mailing Address: 1904 South Stagecoach Drive, Olathe, KS 66062

Phone Number(s): [REDACTED]

E-mail(s): [REDACTED]

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.*



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: \_\_\_\_\_
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?

*The project will be to construct a new driveway and deck for the house on 3137 N 29th Street.*

Residential Projects:

Concrete Driveway 1,179 SF x \$10.00 = \$11,790.00  
Deck 141SF x \$12.00 = 1,692.00  
Total = \$13,482.00

4. Following construction, will the applicant occupy the building?  
Yes \_\_\_\_\_ No ☒ \_\_\_\_\_
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

## 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

- 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.

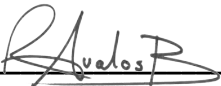
## Proof of Funds

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.

 \_\_\_\_\_ Date 07/08/2020  
Sign here

Rogelio Avalos  
Print Name

## Required Attachments

Please initial all of the following attached to this application:

- ☐ RA List of additional contractors
- ☐ RA Information on Wyandotte County properties owned by applicant ☐
- ☐ RA Construction Plan
- ☐ RA Project Narrative and Evidence of Experience
- ☐ RA Project Budget
- ☒ Proof of funds

### RETURN TO:

Wyandotte County Land Bank  
701 N 7<sup>th</sup> St, Suite 421  
Kansas City, KS 66101