

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

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

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, July 30, 2020, with ten members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; 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; Gordon Criswell, Alan Howze, and Emerick Cross, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gunnar Hand, Director of Planning; Janet Parker, Administrative Assistant; Katherine Carttar, Director of Economic Development; and Kathleen VonAchen, Chief Financial Officer.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, commissioners, staff and public are attending by way of Zoom or phone call. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public, that is participating, knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Mayor Alvey called the meeting to order. Would the Clerk please call the roll?

Roll call: Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook, Alvey.

Mayor Alvey said, our invocation is being given by Commissioner Harold Johnson, of Faith Deliverance Church of God in Christ, and we will follow that with the Pledge of the Allegiance.

Mayor Alvey said, Commissioner, God heard your prayer. We could not. So, we'll be able to trust that the prayer was in God's hands. Thank you very much for that. **Commissioner Johnson** said okay, it was heartfelt. **Mayor Alvey** said we could tell, we could tell.

Mayor Alvey said let's begin with the Pledge of Allegiance.

Mayor Alvey said before I ask if there are any revisions, I would ask Commissioner Townsend to lead us in a moment of silence in memory of the late US Congressman John Lewis.

Commissioner Townsend said thank you, Mayor. I appreciate the opportunity to do so. A moment of silence is certainly appropriate for—in recognition of the late US Congressman John Lewis. It is appropriate this recognition be given in remembrance of him because of his work as a Civil Rights leader for over 50 years, which was done in the pursuit of the words we just repeated in the Pledge of Allegiance when we said, “and justice for all”.

As we are poised on the short slope of time, until we hear how local elections and soon thereafter a national election, Congressman Lewis actions with hundreds of others, named and unnamed, who fought for equal voting rights and justice for all, included even us in Wyandotte County. I know that in my capacity as an elected official in Wyandotte County, I am a beneficiary of the many sacrifices and the good trouble that Congressman Lewis made his life's work.

Madam Clerk, please begin the countdown for 80 seconds of recognition in silence in memory of the late Congressman John Lewis, which represents one year—one second for each year of his life, which was led in the pursuit of seeking liberty and justice for all. Thank you.

Bridgette Cobbins, UG Clerk, said, Mr. Mayor and Commissioner Townsend, that concludes our moment of silence recognizing Congressman Lewis. **Commissioner Townsend** said thank you, Madam Clerk. Thank you, Mayor, and fellow commissioners. Rest in peace, Congressman Lewis. May we all continue to get good trouble.

Mayor Alvey asked the Clerk, are there were any revisions tonight's agenda? **Bridgette Cobbins, UG Clerk**, said yes. A blue sheet has been distributed. We have a revised item. That item is up under the Administrator's Agenda Item No. 1, which is a resolution approving the

recommendations made by the Wyandotte County Coronavirus Aid Relief and Economic Security CARES Act Committee. That is the item that has been distributed as a blue sheet.

Mayor Alvey said tonight we have two distinct part to our meeting. The Planning and Zoning portion is first, followed by regular Commission Meeting. I'll ask the Clerk to read the statement required by state law governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

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

Ms. Cobbins asked if any member of the Commission wished to disclose any contact with proponents or opponents on any item on the Planning and Zoning Agenda. **Commissioner Philbrook** said on #3226 on the Non-Consent Agenda, for (inaudible). **Commissioner Kane** said both proponents and opponents of #3226. **Commissioner Bynum** said opponents and proponents of Change of Zone #3226, along with Item C1, the Master Plan Amendment #MP-2020-5. **Commissioner Burroughs** said #3226 both support and opposed, and #MP-2020-5 Master Plan, both in support and opposed. **Commissioner Walters** said opponents and proponents of #3226. **Commissioner McKiernan** said proponents and opponents of Change of Zone #3226 and Master Plan #MP-2020-5. **Commissioner Johnson** said Change of Zone #3226 and #MP-2020-5. **Commissioner Townsend** said Vacation Application #S-2020-9, opponent thereto and Special Use Permit Application #SP-2019-117 and #SP-2019-118, contact with proponent. **Mayor Alvey** said I have had contact with opponents and proponents of #3226 and #MP-2025.

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

Mayor Alvey asked, does any member of the Commission, Administrator, or public wish to set-aside any item on the Planning and Zoning Consent Agenda? If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. **Gunnar Hand, Director of Planning**, said I'd

like to set-aside the Vacation Application #S-2020-9. A member of the Public Planning Commission was unable due to technical difficulties to provide comments and I think they would like to do so tonight. Additionally, I'd like to set-aside #4 under Miscellaneous, the ordinance bringing special use permit, the drainage resolution for the co-part case has not yet been resolved at the DRC and I'd like to continue that for 30 days.

Mayor Alvey asked, Rocki, or Bridgette, is there anyone from the public who has asked to set-aside?

Bobbie Thomas said I have an item for a zoning change for 4520 Parkview Ave. I don't believe that I heard that mentioned. **Ms. Cobbins** said, Mr. Mayor, that item is on the Non-Consent Agenda. That will be heard next. **Mayor Alvey** said that will be part of another part of the agenda. It's not part of the Consent Agenda so, you do not need set that aside. **Ms. Thomas** said okay, thank you. **Mayor Alvey** said you're welcome.

Mayor Alvey said seeing no hands raised, I would entertain a motion. **Rocki Mayes, Program Supervisor in the County Administrator Office**, said we do have one more. **Mayor Alvey** said oh, I'm sorry.

Artieme Barnett said for the #S-2020-9, for the vacation of N. 35th St., I see, well I'm kind of getting use to the language, but I believe it is going to be a set-aside for further discussion. **Mayor Alvey** said yes, ma'am. **Ms. Barnett** said okay, alright, thank you.

Mayor Alvey asked Rocki, is that done? **Ms. Mayes** said yes, Mayor.

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

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 20270...CHANGE OF ZONE APPLICATION#3224 - KYLE ROSE WITH ROSE PROPERTY MAINTENANCE, LLC

Synopsis: Change of Zone from R-1 Single Family District to M-2 General Industrial District for a contractor's office, shop and storage yard at 1908 South 74th Street, submitted by Gunnar Hand, Director of Planning. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3224 to MP-2 Planned General Industrial District, subject to:

Planning and Urban Design Comments:

1. COZ will be recommended for approval to a "planned district." If the application had requested MP-2 Planned General Industrial District, the preliminary and final plan would have been considered with the application, but the application was submitted for non-planned zoning.
2. If COZ 3224 is approved for planned zoning, that will include the preliminary plan review.
3. More information is needed for the final plan. Please see engineering comments below.
4. If approved, the applicant must submit the required information and apply for a final plan.
5. If approved, Special Use Permits must be obtained for the use of shipping containers as storage units.
6. If approved, all signage must be adhered to the sign code and be properly permitted.
7. If approved, trees must be provided at not less than one per 10,000 square feet of site area. Six-foot high architectural screening, in combination with a buffer area, is to be provided alongside and rear property lines common to or across an alley from residentially zoned property.
8. Parking standards. Uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the Director of Planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided.
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. If the check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Engineering Comments:

Items that require plan revision or additional documentation before engineering can recommend approval:

1. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

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2. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Items that are conditions of approval: none.
4. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: none.

Conditions:

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application #3224 to MP-2 Planned General Industrial District, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 2 –20271...CHANGE OF ZONE APPLICATION#3225 - REGGIE KEMNA WITH RELENTLESS, LLC

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for hay and to raise bees at 2914 South 74th Street, submitted by Gunnar Hand, Director of Planning. The applicant has stated that their property is comprised of undeveloped land, rolling hills and dense foliage. The applicant has stated that there is no sewage, no utilities, no structures, and

few open areas. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3225, subject to:

Planning and Urban Design Comments:

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

Planning Engineering Comments:

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

Conditions:

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application #3225, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

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SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 20274...SPECIAL USE PERMIT APPLICATION #SP-2020-36 - ADRIAN JASPER WITH ELEVATE ENTERPRISES, LLC

Synopsis: Renewal of a Special Use Permit (#SP-2017-67, expired 1/25/2020) for a drinking establishment with live entertainment at 7540 Armstrong Avenue, submitted by Gunnar Hand, Director of Planning. The business is located in the West State Plaza Shopping Center. No notices of violation have been issued to date. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-36, subject to:

Planning and Urban Design Comments:

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

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

3. The stipulation per the previous Special Use Permit are as follows; what actions have been taken to come into compliance?
 - a. Approval will be for two years.
 - b. Hours of operation shall not exceed 11 AM-2 AM M-F and 9 AM-2 AM Saturday and Sunday.
 - c. The parking areas indicated on attached survey on the south and east sides of the building must be painted prior to a business license being issued.
 - d. 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.
 - e. The business must use an ID card reader starting at 10 PM. After 10 PM the business operates primarily as a night club with live entertainment.

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

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

Sundays: 12 – 8 PM

Mon -Thursday: 12 PM – 10 PM Friday
& Saturday 12 – 2 AM.

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

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customers who attend our events. Outside licensed security companies are employed when needed for large scale, private and public events.

4. Approval of the Special Use Permit is for two years.
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) following the Unified Government Board of Commissioners' meeting within 30 days. The approval will not go into effect until the ordinance is published in the newspaper.
6. The Special Use Permit shall be valid for two 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 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: none.

Business License Comments:

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

Conditions:

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. 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. The approval will not go into effect until the ordinance is published in the newspaper;
5. Approval of the Special Use Permit will be for two years; and
6. The Special Use Permit shall be valid for two 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 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-36 for two

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years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 2 – 20275...SPECIAL USE PERMIT APPLICATION #SP-2020-38 - KRISTEN RYMAN AND KATE LYNCH

Synopsis: Renewal of a Home Occupation Special Use Permit (#SP-2018-9, expired 1/2/2020) for a short-term rental/Airbnb at 2824 North 99th Terrace, submitted by Gunnar Hand, Director of Planning. This is the applicant’s primary residence. There have been no code violations on this property. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-38, subject to:

Planning and Urban Design Comments:

1. Please provide updated site photos and a floor plan.
Staff Comment: Applicant has provided updated photos and a floor plan. They are attached below.
2. How will you communicate with the neighbors if there is an issue?
Applicant Response: In person – we have a good relationship with our neighbors. Facebook or I have neighbor’s phone numbers.
3. How will you pay appropriate lodging taxes?
Applicant Response: Will pay taxes if owed.
Staff Comment: How have you paid taxes in the past? For example, does Airbnb pay the appropriate taxes?
4. How many rooms are rented?
Applicant Response: One room.
5. What is the maximum number of people that will be staying at any one time?
Applicant Response: Two to three people.
6. What is the maximum number of vehicles and where will they park? Please provide a site plan that indicates where parking is located.
Applicant Response: One vehicle. Park on street or in front of our house.
Staff Comment: Applicant has provided a site plan/diagram indicating where parking is located. It is attached below.
7. How often are guests in the residence on average?
Applicant Response: 60% - 70%.
8. Please provide proof of a rental license from the Unified Government.
Applicant Response: Expired.
Staff Comment: If approved, applicant will need to obtain the appropriate rental license from the Unified Government.
9. Provide a detailed description of the areas rented for Airbnb.
Applicant Response: One large bedroom located on the ground floor. This is the floor you enter in on as you come in through the garage. There are no stairs unless you go upstairs to

use the kitchen or laundry area. You have your own bathroom which has a shower, toilet and sink. There is a lock on the bedroom door. Plenty of closet space. On street parking in front of the house on either side of the driveway.

10. Describe how you will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house
Applicant Response: Multiple smoke detectors throughout the house. All wired together.
 - b. GFCI outlets required in bathrooms:
Applicant Response: Yes
 - c. Double keyed locks are not allowed:
Applicant Response: No
 - d. Copper cannot be used for gas supply lines:
Applicant Response: No
 - e. Windows must be operable, not blocked or boarded:
Applicant Response: Yes
 - f. Handrails are required at sets of 4 or more stairs/risers:
Applicant Response: Yes
 - g. Hot water tank and furnace must be vented properly and operational:
Applicant Response: Yes
 - h. Electric panel and circuits must be safe:
Applicant Response: Yes
11. Have you been in compliance with the stipulations outlined in SP-2018-9, which states:
The maximum number of guests is limited to five people. *Applicant Response:* Yes
12. Please provide a guest manual that outlines the rules and regulations.
13. Applicant Response:
 - a. The room is suitable for children two to twelve years old when accompanied by an adult.
 - b. The listing is not suitable for pets.
 - c. This is a non-smoking home.
 - d. No parties or events are to occur on the premises.
 - e. Please treat our house as your own. No smoking inside of the house. Smoking is allowed outside as long as you dispose appropriately of the butts. No pets allowed. If you are staying during the week, my spouse and I get up at 6:00 AM and will need to exit through the garage. Please park on the street. No loud music or noise after 10:00 PM. No other guests except for the ones that have been approved are permitted.
 - f. You must be able to climb stairs to get to your room. This home is not suitable for those with mobility issues.

Business License Comments:

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

Planning Engineering Comments: none.

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Conditions:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
2. The Special Use Permit shall be valid for two 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 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:
The maximum number of guests is limited to five 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.
 - i. That no inventory or storage other than that immediate samples, are stored on the premises.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-38 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 3 – 20276...SPECIAL USE PERMIT APPLICATION#SP-2020-47 - PATRICIA SOTO

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Synopsis: Renewal of a Special Use Permit (#SP-2017-57, expired 1/11/2020) to keep one horse at 741 South 76th Street, submitted by Gunnar Hand, Director of Planning. The applicant lives on site and keeps the property well managed and clean in order to provide a safe, healthy, and habitable environment for the horse. The applicant has received no notices of violations since their previous approval. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-47, subject to:

Planning and Urban Design Comments:

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

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

4. Approval of the Special Use Permit is for five years.
5. Special Use Permit is for one horse.
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.
7. The Special Use Permit shall be valid for five 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 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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Planning Engineering Comments: none.

Conditions:

1. Special Use Permit is for one horse.
2. Approval of the Special Use Permit is for five years;
3. Supplementation of grain and grass provided for the horse with additional food sources in order to ensure adequate diet and manage current vegetation on site;
4. Provide fresh water for the horse daily;
5. Application of additional seed/sod to the area to establish better ground cover;
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper; and
7. The Special Use Permit shall be valid for five 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 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-38 for five years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 4 – 20264...SPECIAL USE PERMIT APPLICATION #SP-2020-53 - IRVIN JACKSON, JR. WITH JACKSON TRUCKING

Synopsis: Renewal of a Special Use Permit (#SP-2019-41, expired 6/27/2020) for the temporary use of land to park two semi-trucks at 3232 Sewell Avenue, submitted by Gunnar Hand, Director of Planning. No notices of violation have been issued by Code Enforcement since the previous approval. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-53, subject to:

Urban Planning and Land Use Comments:

1. Please provide pictures of property and the proposed use.
 2. Please review conservation district comments and provide a response.
 3. Please describe how equipment is being stored.
- Applicant Response:* The trucks are stored in the rear of the property uncovered.

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4. How often are the trucks on site?

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

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

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

Staff Response: Provide a scaled site plan to confirm.

6. Approval of the Special Use Permit is for two years.
7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.
8. The Special Use Permit shall be valid for two 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 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: None.

Business License Comments:

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

Staff Response: Applicant was directed to contact Business Licensing.

Conservation District Comments:

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

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

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Conditions:

1. Acquire a business license to operate trucking business;
2. Require/confirm improved surface for truck storage and driveway via scaled site plan as related to concerns that greater than 40 percent of the lot is paved and related to concerns of erosion expressed by the Conservation District;
3. Approval of the Special Use Permit is for two years;
4. The Special Use Permit shall be valid for two 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 months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-53 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 5 – 20277... SPECIAL USE PERMIT APPLICATION #SP-2020-54 - RONDA DUMOVICH

Synopsis: Special Use Permit for a small marketing and assembly business at 11552 Parkview Avenue, submitted by Gunnar Hand, Director of Planning. The applicant has stated that there are no employees nor customers on the premise. The desired use will utilize machinery, but no chemicals, and the applicant will be assembling steel and aluminum parts to create tools which are used to round the corners on paper products. The applicant takes the finished product to a UPS store for shipping. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-54, subject to:

Planning and Urban Design Comments:

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

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2. Please detail your operation. You may provide a business plan.
Applicant Response: Kustom Corners is a one-man operation; no employees. No machinery and no chemicals. I assemble steel and aluminum parts with screws to create an 8" x 13" manual tool which rounds the corner of paper products. I sell one or two units a month, dropping them off at the UPS store for shipping.
3. Please detail your intended hours of operation.
Applicant Response: Hours are sporadic as orders are infrequent and I also work around my part-time bookkeeping position.
4. How and where will the necessary materials and machinery be stored? Will it require off-street parking?
Applicant Response: The applicant shared a floor plan of the basement where the operation will take place. No off-street parking will be required as there are no employees and no in-person contact with customers.
5. What steps will be taken to minimize noise?
Applicant Response: The only "machinery" is a battery-operated drill.
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.
7. Approval of the Special Use Permit is for two years.
8. No signs.
9. No employees other than members of the immediate family residing on the premises.
10. Hours of operation being 8:00 AM to 5:00 PM.
11. The Special Use Permit shall be valid for two 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 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: none.

Business License Comments:

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

Conditions:

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

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6. The Special Use Permit shall be valid for two 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 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-54 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 6 – 20265...SPECIAL USE PERMIT APPLICATION #SP-2020-55 - JACOB S. PATTON

Synopsis: Renewal of a Special Use Permit (#SP-2019-75 – expires 07/25/2020) for a short-term rental/Airbnb at 819 Southwest Boulevard, submitted by Gunnar Hand, Director of Planning. This allows for the operation of a short-term rental in one unit of a duplex. This is now the applicant’s primary residence. There have been no notices of violation issued on this property during its time of being operated as a short-term rental. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-55, subject to:

Planning and Urban Design Comments:

1. Please provide updated site pictures of the property.
Staff Comment: Applicant has provided pictures of the property. They are attached below.
2. Provide a dimensioned site plan. Indicate parking areas for guests.
Staff Comment: Applicant has provided site plan which includes area for parking. It is attached below.
3. Provide a dimensioned floor plan.
Staff Comment: Applicant has provided dimensioned floor plans. They are attached below.
4. How will you communicate with the neighbors if there are any issues?
Applicant Response: We intend to give out our contact information at the neighborhood meeting as well as times that we meet neighbors face to face. We will also provide out contact information in the mailers for notification of the neighborhood meeting.
5. How will you pay appropriate lodging taxes?
Applicant Response: We will list our home through services that collect appropriate taxes for us i.e. Airbnb and VRBO.
6. How many rooms are rented?

Staff Comment: This property is a duplex. Applicant has stated that one unit will be owner-occupied and the other will be listed. Each unit consists of three bedrooms and two full bathrooms.

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

Applicant Response: We would prefer to list the maximum occupancy at six people.

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

Applicant Response: We will request that guests bring no more than two vehicles. We have three parking spaces available in our driveway which would require one vehicle to be parked on the street if the maximum number of vehicles are at the property.

9. How often are guests in the residence?

Applicant Response: Guests are in the residence several times per week.

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

Applicant Response: Yes

11. Provide a detailed description of the areas rented for Airbnb.

Applicant Response: The unit at 819 Southwest Boulevard consists of three bedrooms, a kitchen, living room, dining room and entry. Each bedroom has its own closet and each bathroom has a shower and vanity. The interior of the property has been completely remodeled to provide the modern amenities for safety and comfort. The only shared space between the two units is on the exterior including the yard, deck and private parking spaces attached to the home. Each unit has its own private entry with a coded, automatic deadbolt.

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

- a. Working smoke detectors in each bedroom plus each level of the unit/house.
- b. GFCI outlets required in bathrooms.
- c. Double keyed locks are not allowed.
- d. Copper cannot be used for gas supply lines.
- e. Windows must be operable, not blocked or boarded.
- f. Handrails are required at sets of four 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: This property has undergone a full remodel. Building permits were pulled for the project and the building has been brought up to current building code requirements. Some updates include hardwired smoke detectors and CO2 detectors installed throughout the house per current code. GFCI outlets have been installed in kitchens and bathrooms. Exterior doors are not double keyed. All copper gas lines have been removed from the property and replaced with steel gas lines. All windows throughout the house have been refurbished so that they are operable, and all broken glass has been replaced. Handrails have been installed in appropriate locations. Each hot water tank and furnace have been recently serviced and proper venting has been verified. Each unit has had a brand-new electric service panel installed per current code.

13. Please provide a guest manual that lists rules and regulations, including the language “no parties are allowed.”

Staff Comment: Applicant has provided a guest manual that lists rules and regulations. It is attached below.

14. Describe how you have been in compliance with the conditions outlined in SP-2019-75 which state.

- a. Lodging taxes to be paid;
- b. Two units to be rented, each consisting of three bedrooms and two bathrooms;
- c. Maximum occupancy for each unit of six people;
- d. Maximum vehicle allowance of two per unit, with availability for one three to park in the drive and one on the street;
- e. Host may or may not be onsite. If not on site, the host will likely be at their residence, approximately eight minutes away.

Applicant Response: Lodging taxes are without and submitted by Airbnb. I monitor the remaining guidelines below and make sure all guests are aware of the guideline. Regarding guideline “e.” below, this unit will now be owner occupied.

15. Upon approval, an ordinance publication fee of \$125 will be required.

Planning Engineering Comments: none.

Business License Comments:

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

Conditions

1. If approved, the Special Use Permit will be valid for two years.
2. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners’ meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
3. All conditions applicable to SP-2019-75 will still apply, which include.
 - a. Lodging taxes to be paid.
 - b. Maximum occupancy for the rented unit of six people.
 - c. Maximum vehicle allowance of two for the unit, with availability for three to park in the drive and one on the street.
4. The Special Use Permit shall be valid for two 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 months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
5. Applicant must comply with all conditions outlined in the Home Occupation Special Use Permit petition, which state:
 - a. No exterior advertising or identification signs will be erected;
 - b. Only members of the immediate family residing on the premises will participate in the business;
 - c. No outside display showing any non-residential use will be present on the property;
 - d. No machinery will be used that will interfere with adjacent neighbor’s radios or televisions;
 - e. No heavy equipment or trucks of greater than 10,000 pounds GVWR shall be stored on the premises (only a single such truck) other than customary passenger vans or pick-up

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- 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-55 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 7 – 20266...SPECIAL USE PERMIT APPLICATION #SP-2020-57 - TOM ELLIOTT AND MERRITT BOLD WITH ALL AMERICAN TRAILER, LLC

Synopsis: Renewal of a Special Use Permit (#SP-2018-58 – expires 7/26/2020) for sales of semi-trailers at 2330 State Line Road, submitted by Gunnar Hand, Director of Planning. Since their previous approval, the applicants have received no notices of violation from the Code Enforcement Department. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-57, subject to:

Planning and Urban Design Comments:

- 1. Please provide updated pictures of your site and operation.
- 2. Provide a scaled site plan.
- 3. Please detail your operation and any capacity in which it has changed since your previous approval.
Applicant Response: Operation has not changed in any capacity.
- 4. Please describe how you have been in compliance with the conditions outlined in SP-2018-58, which state:
 - a. The Special Use Permit requires final site plans prepared by a professional engineer licensed in the state of Kansas. Provide a final site plan showing property lines, dimensions to existing building, proposed parking spaces, drive aisles, utilities, contours and/or elevations, etc., in accordance with UG standards and criteria. Further discussion or a meeting with staff may be needed prior to a resubmittal.
 - a. The existing parcel is with FEMA floodplain. Show existing floodplain lines, base flood elevation, and floodplain note referencing FEMA map number and applicable information, and existing building floor elevation, etc., on the site plan.
 - b. Please coordinate with Kim Portillo, CFM, regarding UG floodplain requirements, as applicable.

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- c. On the site plan, indicate the existing and proposed impervious areas in SF, and indicate net increase in impervious area, even if it is zero or negative SF.
 - d. Any proposed land disturbance activities shall be indicated on the site plan, with the area and SF depicted on the plan or a note indicating no land disturbance activities. If land will be disturbed, indicate applicable erosion control bmp's on the site plan, in accordance with UG standards and criteria.
 - e. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
 - f. Please detail your operation and any capacity in which it has changed since your previous approval.
Applicant Response: See engineering plans from previous application.
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.
 6. Approval of the Special Use Permit is for two years.
 7. The Special Use Permit shall be valid for two 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 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: none.

Business License Comments:

Applicant has filed and maintained a current business occupation tax application at 2330 State Line Rd.

Conditions:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.
2. Approval for two years.
3. The Special Use Permit shall be valid for two 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 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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Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-57 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 8 – 20278...SPECIAL USE PERMIT APPLICATION #SP-2020-61 - KATELYN KOK WITH MOTOR COMPANY, LLC

Synopsis: Special Use Permit for auto sales at 2930 South 44th Street, submitted by Gunnar Hand, Director of Planning. The applicants, Katelyn Kok and Pavel Razumovsky, will operate a boutique used auto dealership. The applicant has stated that all cars will be operable, and that the operation is in conjunction with an existing business, Greentec Hybrid Batteries. The applicant has received no notices of violation. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-61, subject to:

Planning and Urban Design Comments:

1. Please provide pictures of your site as well as a scaled site plan.
2. Please detail your operation. You may provide a business plan.
Applicant Response: Motor Co is striving to become a small, high quality used car dealer in Kansas City, Kansas. We will only carry a small quantity of inventory at one time, between three to seven cars. We intend to operate Monday to Friday 9 AM-5 PM, except for major bank holidays. Mostly our customer interactions will be by appointment. Our staging area at the proposed location is quite large for what we are planning. The space we have is 150ft x 60ft and contains 29 parking spots. This will allow plenty of parking for patrons and inventory. There is a full security system that includes full coverage surveillance cameras and the parking lot is well lit. We do not plant to grow any larger than a 10-car inventory and would rather be small than five cars. We are about the customer experience and cars are our passion.
3. What are your intended hours of operation?
Applicant Response: We intend to operate Monday to Friday 9 AM-5 PM, except for major bank holidays.
4. How many cars do you intend to keep in your inventory? How many spots are being designated to stage inventory?
Applicant Response: We will only carry a small quantity of inventory at one time, between three to seven cars. Our staging area at the proposed location is quite large for what we are planning. The space we have is 150ft x 60ft and contains 29 parking spots. This will allow plenty of parking for patrons and inventory. We do not plant to grow any larger than a 10-car inventory and would rather be small than five cars. We are about the customer experience and cars are our passion.
5. No auto repair or servicing is allowed on-site.

6. No inoperable vehicles are allowed on-site.
7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.
8. Approval of the Special Use Permit for two years.
9. The Special Use Permit shall be valid for two 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 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: none.

Business License Comments:

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

Conditions:

1. No auto repair or servicing is allowed on-site.
2. No inoperable vehicles are allowed on-site.
3. No more than 10 cars parked on site at a single time.
4. Approval for two years.
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper; and
6. The Special Use Permit shall be valid for two 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 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-61 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

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ITEM NO. 9 – 20279...SPECIAL USE PERMIT APPLICATION #SP-2020-62 - JACOB LEE

Synopsis: Home Occupation Special Use Permit for a personal trainer and gym at 6135 Sloan Avenue, submitted by Gunnar Hand, Director of Planning. This will be in the basement of his home for one-on-one training sessions. The applicant foresees having approximately 3 to 4 clients per day. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-62, subject to:

Planning and Urban Design Comments:

1. Please provide photos of the site. Provide a scaled floor plan.
Staff Comment: Applicant has provided photos of the property and a scaled diagram. They are attached below.
2. Approximately how many clients will you have per day?
Applicant Response: I don't foresee having more than three to four per day.
3. If approved, what would be your hours of operation?
Applicant Response: Proposed hours of operation would be from 7:00 AM to 9:00 PM. The reason I would potentially be working so late is because many people would only be able to do sessions after work.
4. If approved, where will your clients park? Provide a scaled site plan.
Applicant response: There would only be one client at a time. They would park in the driveway.
Staff Comment: Applicant has provided a scaled site plan. It is attached below.
5. Please describe the process you will go through to clean and sanitize equipment. How often will these procedures be done?
Applicant Response: I am planning on using Lysol to disinfect equipment as recommended by NASM. Before cleaning and disinfecting, I will wash my hands, spray down equipment piece by piece and wipe down. The equipment will be cleaned after every session. The rubber gym flooring will be swept and mopped daily.
6. Do you have a business license from the Unified Government?
Applicant Response: I do not have a business license yet.
7. What certifications or licenses do you have for personal training?
Applicant Response: I am certified through NASM and am currently in class for further accreditations through NASM.
8. Are you currently certified in CPR? If so, when does that certification expire?
Applicant Response: I am certified in CPR through the American Red Cross which expires on October 9, 2020.
9. Describe the types of workouts you would have your clients do. Is there equipment?
Applicant Response: In previous emails I have uploaded pictures of the equipment. The types of workouts will depend mostly on the clients' goals. The types of workouts I am anticipating will be corrective exercises to help muscle imbalances and posture, cardio for fat loss and weightlifting for aiding in strength.
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days

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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: none.

Business License Comments:

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

Conditions:

1. If approved, the Special Use Permit will be valid for two 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 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 client is allowed at a time.
4. Parking must be off-street in the provided driveway.
5. No more than four appointments per day are allowed.
6. The Special Use Permit shall be valid for two 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 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-62 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 10 – 20267...SPECIAL USE PERMIT APPLICATION #SP-2020-63 - LUKE O-LIN-NICK WITH SUNFLOWER TOW SERVICE, LLC

Synopsis: Renewal of a Special Use Permit (#SP-2018-57 – expires 7/26/2020) for the Temporary Use of Land for a modular office at 452 South 26th Street, submitted by Gunnar Hand, Director of Planning. This will be a temporary solution until a future plan is developed.

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The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-63, subject to:

Urban Planning and Land Use Comments:

1. What is the plan for the construction of a permanent office structure on the property?
Applicant Response: The Special Use Permit allowing us to use the modular office unit is needed for the next period allowable, as we will not be in a position to build a larger permanent office and shop structure for at least another 3-4 years, both because we want to do so in a fiscally responsible way, but also because the Covid-19 pandemic has slowed down all business and fiscal progress.
2. Approximately how many people come to the office each week?
Applicant Response: Three full-time employees work from this office every day, and approximately six – eight customers a week visit the office to release or pick up their vehicles.
3. Have the EPA Compliant Spill Clean Up Procedures that were outlined in SP-2018-57 been followed? This includes:
For Minor Spills:
 - a. Protect yourself and alert others: Avoid contact with the spilled material. Wear appropriate PPE. Treat all chemicals as if they are hazardous.
 - b. Contain the spill and secure the area: Use chemical absorbent boom to surround the spill area. Do not walk through or allow others to walk through spilled material.
 - c. Cover liquid spills with absorbent floor dry. Use a scoop and broom to sweep up spill after it has been absorbed. Place spill material in plastic bag or compatible container and label to identify contents.
Further decontaminate the area as needed with mop or paper towels if appropriate.
 - d. Clean up. Wash hands and replace items used out of spill kit (i.e. floor dry, gloves, towels disposable PPE)
 - a. Contact Metro Accident Support Services 816-985-1349 to arrange pickup of waste. Notify supervisor of spill, and the clean-up procedure followed.

For Major Spills:

1. Protect yourself and others: Shut off any sources of ignition and stop the sources of the spill, if you can do so without endangering yourself or others.
2. Evacuate the area immediate area.
3. Call the fire department if:
 - a. The spill causes a reaction that creates a fire.
 - b. Fumes or gasses re causing concern of fire.
 - c. Call the Metro Accident Support Services 816-985-1349 to arrange immediate response to the spill. Notify your supervisor of the spill immediately.*Applicant Response:* Yes. We have these procedures displayed in prominent areas throughout the modular office unit and the storage lot so that anyone that is there will know what to do in case of a spill. We have not had a major spill at all, or a minor spill of any OSHA deemed hazardous materials.
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer)

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immediately following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Staff Comment: Applicant has agreed to these terms and has agreed to mail a check immediately upon approval.

Planning Engineering Comments: none.

Business License Comments:

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

Conditions:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) within 30 days of the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
2. The Special Use Permit shall be valid for two 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 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.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-63 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

VACATION APPLICATION

ITEM NO. 1 – 20281...STREET VACATION APPLICATION #S-2020-9 - LORENZO GARCIA

Synopsis: Vacation of a street at 3740 North 35th Street, submitted by Gunnar Hand, Director of Planning. The request is to vacate a portion of an undeveloped right-of-way. The vacation would then be combined with their adjacent properties, which would allow the applicant to rezone for agricultural use. The applicant has stated that this portion of the right-of-way has

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yet to be developed as road and is currently undeveloped land. The Planning Commission voted 8 to 0 to recommend approval of Street Vacation Application #S-2020-9, subject to:

Planning and Urban Design Comments:

1. Please provide pictures of your site and the area you are requesting to vacate.
2. Should your request be denied, what hardship will you as the property owner experience?

Applicant Response: This will prevent us from zoning out area to agricultural and will cause me to possibly sell this property as the main purpose of me purchasing this in the 1st place was to have a place I can raise a few animals to have a place to come and spend some time with the family outdoors.

3. The Unified Government requests that you maintain an easement allowing access to the properties directly to the North. Would you comply?

Applicant Response: I would be ok with that as long as this does not interfere with me zoning my area to agricultural. I had spoken with Mr. Gunnar Hand who stated he would support this as long as we would be open to allow them to build a road in the future if they needed, which I am okay with. I do would like you to take into consideration that there is only one property to the north and there are other entrance points. If there is another option to just vacate it to combine it with my lot I would prefer this way I could fence the whole thing and there would be no issues with illegal dumping as this has been a problem in the past and I have taken care picking most of it up.

4. Is there a reason the applicant is not requesting a change of zone and plat in conjunction with this vacation? It would make sense to do all application processes as one.

Applicant Response: The reason for not requesting this as a whole is because I was advised that this would be the best way to start by the planner who was initially helping me. I was informed that a re-plat is highly expensive and there would be no guarantee that the vacation application would be approved. If the application for the vacation is not approved, then I will not be able to zone agricultural as I would not have the 5 acres that the city is requesting. But I would be willing to submit as a whole if you think this is the best route and there is a possibility that both requests would be approved. Please let me know and I could go ahead and get started on the paperwork and see I can find someone to come re-plat this area.

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

Planning Engineering Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. The survey, exhibit and legal description shall be reviewed and approved by UG staff and County Surveyor prior to executing and recording of proposed vacation documents.
 - b. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
2. Items that are conditions of approval: none.

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

Conditions:

1. Maintain an easement allowing access to the property to the north; and
2. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.

S-2020-9

Petitioner: Lorenzo Garcia

Address: 3740 N 35th Street

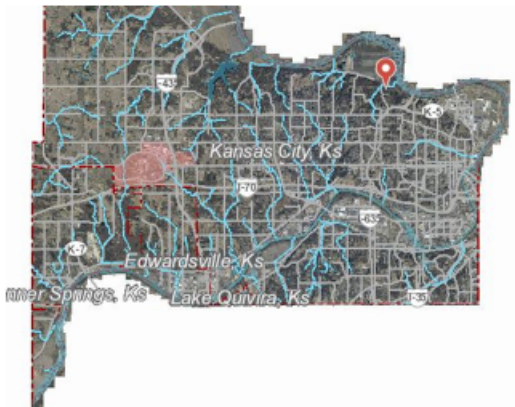
Synopsis: To vacate a portion of undeveloped Right of Way to be combined with the applicant's property allowing them to rezone to agriculture in the future.



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Gunnar Hand, Director of Planning, said, again, as I mentioned earlier, this was recommended for approval by the Planning Commission unanimously. After the meeting, we were in contact Ms. Barnett, who had technical difficulties speaking to that item on the agenda so, we agreed to pull it off today so that she could have her comments heard by the Board of Commissioners.

S-2020-9



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S-2020-9



In regard to the case itself, Mr. and Mrs. Garcia are applying for a vacation of a street in near the old Northeast, near the Quindaro townsite, up near the Sorter Drive area, which we've been doing a lot of proactive work on. Essentially, this vacation is in anticipation for a future request by the Garcia's. They own the property to the west as well as to the east. They would like to vacate the property so that on paper, they have a large enough parcel to apply for a future agricultural zone. AG zones are required to be a minimum of five acres.

We have talked to Mr. and Mrs. Garcia, previously. A condition of approval of this is to maintain a full public access easement along the vacated portion of the property which would allow access to Ms. Barnett's property to the north. A few years back, if some of you may recall, to the east, N. 33rd St. was essentially washed out, so this is the only access she has to her property.

In conversations with Ms. Barnett, I think there was also some issues regarding clarification. We were able to speak to the Garcia's today that this vacation could not be fenced off for future use because of that access easement; therefore allowing, again, access to Ms. Barnett's property to the north. We'd like to hear what Ms. Barnett has to say, but staff recommends approval.

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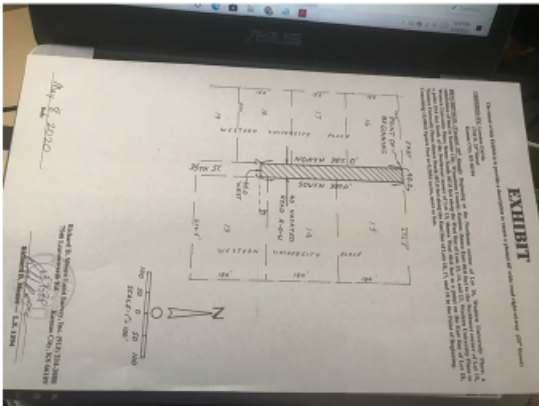


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S-2020-9



S-2020-9



Artieme Barnett said we were requesting that that road, or that we have access to that road because N. 33rd Terrace is a dangerous road to to—you can't go down there. There's just a piece of it, maybe two feet wide on one side to where you can walk along that road.

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S-2020-9

Public Comments: None to date

Staff Recommendation: Approval (CPC Recommended
Approval 8/0 Vote)

Conditions*:

1. Maintain public access easement; and,
2. Keep easement clear and NOT fenced off.

** See Staff Report for all conditions*



I've stopped my children from going down there because, you know, it's just way too dangerous and it is blocked off at the top of the road. We did not know that there was like access where N. 35th was to where we could still enter the property. We have to go down there and secure the house as best we can because people have gone down there and from what we understand they used that road of the Garcia's. It was told to us that some—well, we know that vandalism has been done because we called the police and also a police officer contacted us last year and he was in pursuit of three people who he saw in that area when he drove down. If we could be able to go down there and secure the property and go down there and check on everything else, that's our only access to do that. We're asking if that can be left open for us because we'll need to get people down there to be able to drive the SUVs down there to carry lumber and that kind of thing so we can get everything straightened out.

Mayor Alvey asked, Mr. Hand, could you clarify for me? The proposal is that they vacate, the Garcia's want to fence it off. There would not be access, correct? **Mr. Hand** said, no that's not correct, Mr. Mayor. I believe the Garcia's are here as well to speak if you want to call on them. The application (inaudible) the Garcia's on either side of 35th St. here if you're familiar with the Sortor Drive area, this is no more, as you can see in some of the pictures, it's basically no more than a dirt road and it falls off pretty quick. It is platted as a public road.

They are vacating the portion where the southern edge of their eastern most property touches to Ms. Barnett's two properties to the north. This is N. 33rd Ter., which is now unusable so, 35th St. becomes the only way in which she can enter her property. When we spoke to the Garcia's this morning, they were willing to not necessarily create a fence off gate here which, again, they wouldn't be able to do if it was a public access easement anyway.

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The condition of approval is to apply—to maintain a public access easement when these parcels are vacated and become a part of their property. Again, in the future, the Garcia's intend to combine these two parcels to seek a change of zone into an agricultural district. **Mayor Alvey** said but at this point, what you are recommending from Planning and Zoning will meet what the Barnette's are asking for. **Mr. Hand** said yes, I believe so. I would also say if the Board of Commissioners wanted to add a condition, we can confirm or just perhaps be redundant and say that that vacation, that vacated land, or that access easement could not be fenced off in the future.

I believe Ms. Barnett mentioned, and when I spoke to her previously, they had some issues with vandalism because they essentially had to abandon these properties once N. 33rd St. was washed out. If she wanted to, this is still her property and it is not part of this access easement, she could potentially fence off that portion up here if she so chooses.

Commissioner Townsend said I wanted to—based on what Mr. Hand has said and I have spoken with Ms. Barnett about her concerns and accessing her property. I would move that we would move forward with the vacation, with the condition that a public easement be maintained on 35th St. and that no fencing by the applicant, Mr. Garcia, be allowed. I believe that will take care of the concerns that Ms. Barnett had and grant the vacation that Mr. Garcia wanted.

Mr. Alvey asked, is there anyone else who would like to speak in favor of this application?

Linda Garcia, Kansas City, Kansas, said I'm here representing my father Lorenzo Garcia. We have no problem with that. I think we've spoken with Mr. Gunnar with leaving that open for anybody to access it. We have no problem with that. I just want to let her know that there is a lot of trees. I do not think that she is going to be able to access that with trucks because it comes to a point where there's only trees and she would have to drive through our property in order to get to hers. But, yes, we're okay with not fencing or anything. We have no problem with that at all. Because if you look, that's like halfway down the road and it comes and there's trees by looking at those pictures right there. Like I said, our intention is not to fence that and not allow access to anybody. I know she said there has been vandalism. Because this wasn't ours, there's no way for us to control who goes in through that. It was still a public waste. So, yes, we also spoke to the officers and helped them out with the information when that vandalism occurred. **Mayor Alvey** said thank you.

Mayor Alvey asked is there anyone else who would like to speak in favor? Rocki, do we have anyone? **Rocki Mayes** said there is no one with their hand up.

Mayor Alvey asked, anyone would like to speak in opposition from the public? **Mayor Alvey** said seeing none...**Ms. Cobbins** said, Mr. Mayor, the Clerk's Office did receive a letter of support from Ramon Garcia. **Mayor Alvey** said thank you.

Mayor Alvey asked, is there any other question from the commission, otherwise, I'll entertain a motion. **Commissioner Bynum** said I felt like Commissioner Townsend had made a motion. If that is the case, I will second.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Bynum, to approve Vacation Application #S-2020-9, subject to the stipulations and with the condition that a public access easement be maintained and no fencing by the Garcia's be done or anyone who succeeds them, an entrance to their property.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

MISCELLANEOUS – ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 20284...ORDINANCE

Synopsis: An ordinance rezoning property (#3222) at 16 South 23rd Street from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-38-20**, "An ordinance rezoning property hereinafter described located at approximately 16 South 23rd Street in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 2 – 20285...ORDINANCE

Synopsis: An ordinance granting a Special Use Permit (#SP-2019-111) to keep stockpiles and process (crushing and sorting) concrete materials at 7241 Kaw Drive, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-39-20**, “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, for property as set forth in #SP-2019-111, commonly known as 7241 Kaw Drive; valid for two years.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 3 – 20286...ORDINANCE

Synopsis: An ordinance granting a Special Use Permit (#SP-2020-35) for an Airbnb at 1820 North 90th Street, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-40-20**, “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, for property as set forth in #SP-2020-35, commonly known as 1820 North 90th Street; valid for two years.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 4 – 20291...ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-23) for continuation of a parking lot, outdoor storage of used, damaged and undamaged, operable and inoperable vehicles, boats and

construction/farm equipment and machinery for wholesale online and retail auction at 6130 Kansas Avenue, submitted by Gunnar Hand, Director of Planning.

Gunnar Hand, Director of Planning, said I apologize, Mr. Mayor and commissioners, I don't have a slide for this one. We were in contact with the applicant's representative and they're okay to a 30 minute, excuse me, a 30-day continuance to the August meeting. Again, we are close. We've submitted all our comments. It's just a matter of getting some revisions back from the applicants at this point on the drainage resolution that we're working on. All things seem good still, just working through it. **Mayor Alvey** asked so, we don't have the applicant here to—but you're presenting on their behalf? **Mr. Hand** said that's correct. We were in email communication with them today and they said that that should be fine. **Mayor Alvey** said okay, thank you.

Mayor Alvey asked, is there anyone present who would like to speak in favor? **Rocki Mayes** said I do not see any hands. **Mayor Alvey** asked, do we have any notification? **Ms. Cobbins** said no notifications from the Clerk's Office.

Mayor Alvey asked, anyone who'd like to speak in opposition? I assume no. Would you present what the motion or what you're asking for, Mr. Hand. **Mr. Hand** said I'd moved that the ordinance granting a Special Use Permit #SP-2020-23 for continuation of a parking lot, outdoor storage use, damaged and undamaged, operable and inoperable vehicles, both in construction, farm equipment, and machinery for wholesale, on-line and retail, auction at 6130 Kansas Ave., be continued for 30 days.

Action: **ORDINANCE NO. O-41-20**, “An ordinance authorizing renewal of a Special Use Permit pursuant to Chapter 27 of the Unified Government code.”
Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance to be continued for 30 days. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

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PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 20269...CHANGE OF ZONE APPLICATION #3211 - BOBBIE JEAN THOMAS

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to keep the barn, horses and future cattle at 4520 and 4600 Parkview Avenue, submitted by Gunnar Hand, Director of Planning. The Planning Commission voted 7 to 1 to recommend denial of Change of Zone Application #3211 due to lack of responsiveness on the part of the applicant and not being available for the meeting.

Planning and Urban Design Comments:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department immediately following the Unified Government Board of Commissioners' meeting.
Applicant Response: That is fine. I understand and will provide fee once the Board meeting is completed.
2. To consolidate the two parcels, an application for lot consolidation must be filed with the GeoSpatial Services Department. The consolidation can occur following the ordinance publication.
Applicant Response: I will obtain and submit the GeoSpatial Services Department application to consolidate the two parcels.
3. A building permit is required from the Building Inspection Department for any structure over 120 square feet.
Applicant Response: I can and will apply for the building permit for the barn structure and stalls that were already located on the property. No problem at all.
4. Have the Code Enforcement citations been resolved?
Applicant Response: All Code Enforcement has been satisfied. A lot of them I was not aware was an issue because the fence and structures were already there from the previous owners.
5. How many animals do you intend on keeping on the property?
Applicant Response: No more than 15 animals will be kept on the land at 4520 Parkview Avenue only. Currently there are 12 stalls and 11 horses.
Staff Response: Consolidation of both properties, 4520 and 4600 Parkview Avenue is required.
6. How will the animals be contained? Please provide diagram indicating the areas where the livestock will graze and roam.
Applicant Response: The animals will be contained by a fence. Wooden fence surrounding the property and cow panel fence inside the property.
7. Submit a manure management plan.
Applicant Response: The current manure management plan involves the hay and poop being shoveled out and dumped in a ditch in the far back of the current property. The ditch is then covered up with dirt to secure saturated waste. If this is not acceptable, please let me know and I will initiate a new plan.
8. Since there is no residence on site, who is responsible for care of the land and animals?

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Applicant Response: I have several representatives responsible for caring of the animals and land. My representatives communicate very thoroughly with myself and my son. Also, they are very knowledgeable, and everyone helps each other including those renting stalls. They are Corey Grant, Steven Simms, Dominaez Thomas and Lyndsy Brown.

Planning Engineering Comments: none.

COZ 3211

Petitioner: Bobbie Jean Thomas

Address: 4520 and 4600 Parkview Avenue

Synopsis: To rezone the property in order to keep livestock and multiple accessory structures.



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COZ 3211



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Gunnar Hand, Director of Planning, said this application is very close to the vacation that we just mentioned, sort of in the Sorter Dr. area, off of N. 47th St.

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COZ 3211



You can see it right here. The applicant is currently leasing this parcel of land from the Land Bank. They are looking to combine in the future, acquire, combine and expand their agricultural uses on the property. Currently, there's a stable that Ms. Thomas rents out, a couple of stables, including housing, as well as having one of her horses, I believe. They were hoping to expand into this area to allow the horses to roam as well as add some livestock.

We do have several conditions of this approval. The Conservation District because, of the terrain and the wooded nature of the Land Bank property, was not in favor of allowing cows on the property but would be in favor of allowing horses.

There are also some conditions that related to Ms. Thomas's manure plan. The number of horses and how she was currently maintaining it. Some issues related to the ground cover on her current property, as well as things of the nature of getting a business license because she's renting out those stables, as well as potential need for a, either a grading, or potentially a land clearance permit from the Unified Government if they were to sort of clear some space in those woods for future use.

The reason that the Planning Commission voted against it was Ms. Thomas was not present at the City Planning Commission hearing. If you read the staff report, we are still in favor of this approval with said conditions and I do believe, as we heard earlier today, earlier in the meeting, Ms. Thomas is here to speak to her items. So, we do still recommend approval.

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COZ 3211



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COZ 3211



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COZ 3211

Public Comments: None to date

Staff Recommendation: Approval (CPC Recommended Denial 7/1 Vote)

Conditions*:

1. Prior to animals being brought onto the site, the applicant shall coordinate with the Conservation District to have the correct ratio of horses to cattle; as more acreage is required to sustain cattle than horses and fifteen (15) animals (combination of both) is too many. After conferring with the Conservation District and if they say zero (0) cattle on site (uploading their current stance in their report), then all the applicant is permitted to have is horses;
2. Obtaining a grading permit from the Building Inspection Department if earthen material in excess of 50 cubic yards is brought to, removed from or relocated on site;

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COZ 3211

Conditions (continued):

3. If the applicant grades one (1) acre or greater, obtain a Land Disturbance Permit from the Public Works Department;
4. Because the applicant is renting stalls, contact the Business Licensing Department at (913) 573-8780 for an occupation tax application;
5. Manure on site needs to be disposed of weekly. The site is not large enough to simply bury the manure and have that be sustainable. Consideration shall be given to composting, stockpile and sell to individuals for gardening and landscaping and hauling it way by a disposal service; and,
6. Site is kept free of trash, junk and debris that does not violate the Property Maintenance Code enforcement by the Code Enforcement Department.

* See Staff Report for all conditions



Bobbi Jane Thomas, 13416 Constellation Dr., Mayner, TX, said currently, when I bought the property little more than a year ago, probably closer to two years ago, there was already a barn on the property and there was already a number of stables on the property. Apparently, the previous owner of the property had several violations that were not kept up with. So, when I acquired the property, of course, you know, not knowing ahead of time, you know, the violations that the previous owner had, I had to make sure that some things were done to get in good standings, of course, and get the property out of violation. For previous things, I have taken care of all of those issues that was a violation.

I am also interested in purchasing the land that is right next door that flows over that also has the pond with it. By doing that, I would like to add future horses and future stables to that area, along with clearing some of the trees and rubbish to make more of a coral of pretty calm place for horses and that sort of thing. However, as of right now, just the property that I have, it's just right at five acres. It is okay, but not okay for agricultural. If it is not approved, apparently, I would be in violation and have to tear down the stables and also the barn that came along with the property when I purchased it. That is the reason why I am bringing this before the board because unlike the previous owner, I do not want to be in violation of anything. I plan on getting and doing whatever I can to bring the property up to par so that it will be, again, presentable as a nice coral to keep horses and also for me to get a business license to be able to rent stables and build additional stables for additional horses.

Mayor Alvey said at this time, I would open the public hearing and ask if there's anyone who would like to speak in favor of Change of Zone #3211. **Ms. Mayes** said there are no hands up.

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Mayor Alvey said thank you. Is there anyone who would like to speak in opposition? **Ms. Mayes** said there are no hands. **Mayor Alvey** asked, Madam Clerk, have we received any notification of support or opposition from the public? **Ms. Cobbins** said no request has come from the Clerk's Office.

Mayor Alvey said all right. Since there are no further comments or questions from the public, I'll close the public hearing.

Mayor Alvey asked, again, Ms. Thomas, would you like to make any closing comments? **Ms. Thomas** said I would just like to thank everyone for the opportunity. Apparently, that land has been sitting stagnant for a while. Also, with my interest in purchasing the land directly beside it, I feel like I'd be able to make a substantial change for that property that would be very acceptable with the city. **Mayor Alvey** said thank you.

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

Commissioner Townsend said I have a couple of questions. Ms. Thomas, I understood I understood you to say that you live in Texas in Austin? **Ms. Thomas** said yes. **Commissioner Townsend** said okay. How do you propose to keep an eye on this property in terms of maintenance so that it doesn't go back into a situation as you found with the previous owners that there were code violations and such? **Ms. Thomas** said, generally, I'm in Kansas City at least four times a year if not more. Also, I have two sons that are very capable of keeping the property in compliance in my absence. I also plan on retiring which will come within a few years and moving back to the area so, there is very—I don't have any concern at all about it being well kept. I'm constantly checking on the property. Also, I plan on putting security systems and cameras in that area whereby I can keep an eye on the property even when it is unoccupied from my home, by my phone. That is one of the things I also plan on doing.

Other than my two sons that are in the Kansas City area, I have grandchildren and I also have three other people that are friends that are in very close proximity to there. Also, my uncle has land with his horses less than five minutes away off of Sorter Drive. I have pretty much, I can

say, an abundance of people that are willing to help with the care and preparation of the property in my absence. **Commissioner Townsend** said okay.

Could you share with us why you were not in attendance at the Planning and Zoning meeting when this item was on the agenda? **Ms. Thomas** said honestly, I do not remember receiving an invite for that. I'm sorry, I have to apologize. I've lost two very close relatives within the past month or so in my family so it may be a possibility, you know, I'm not totally ruling out that I did not receive the invite. I just really have had a lot on my mind. I do not remember seeing it.

As I was in communication with Mr. Toy earlier, I pretty much told him the same thing. Of course, this is very important to me so there is no way, you know, had I had seen it, you know, and you know, I would have definitely made a note so that I could be present. I guess, I don't know what to say. I just don't remember seeing it. **Commissioner Townsend** said thank you for the explanation. Sorry for your loss.

Were you, by chance, the owner of the property when there was a meeting with any number of owners out in the Sortor Drive area with Mr. Hand's predecessor? This meeting took place, I believe, in March or April of 2019. The purpose of it was to clarify a lot of information about violations out in that area and trying to work with these owners and get the properties cleaned up. Some of the resolutions included the joining of properties so they could have the acreage they needed to seek agricultural designations. Were you, by chance, at that meeting? **Ms. Thomas** said no ma'am, I was not. I'm not sure that I owned the property at that time. **Commissioner Townsend** said well that is—you might tell from my line of questioning that's a concern out in that area. So, as the in-district commissioner, condition that is my biggest concern that those properties, once they've been identified for code violations, be cleaned up. It's my understanding that's been done currently. I thank you for your interest. I have no other questions at this time. Based on Ms. Thomas representations tonight, I'd move to approve her application for change of zone.

Action: **Commissioner Townsend made a motion to approve Change of Zone #3211.**

Commissioner Bynum said I just wanted to comment that I also appreciated the effort that this owner has taken to clean up. Her statement that she desires to be in compliance with our

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ordinances rather than out of compliance, I appreciate that a great deal. Also, when you do retire, I am super hopeful that you will make Wyandotte County, Kansas City, KS, your home. With that, I will second the motion.

Action: Commissioner Bynum, seconded the motion to approve Change of Zone Application #3211, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 2 – 20272...CHANGE OF ZONE APPLICATION #3226 - SHAWN COFER WITH SCANNELL PROPERTIES #436, LLC

Synopsis: Change of Zone from A-G Agriculture and CP-2 Planned General Business Districts to C-1 Limited Business and M-2 General Industrial Districts for a business park and neighborhood retail center at 9700 Leavenworth Road,
and

MASTER PLAN AMENDMENT APPLICATION ITEM NO. 1 #MP-2020-5 – SHAUN COFER WITH SCANNELL PROPERTIES #436, LLC

Synopsis: Master Plan Amendment from Entertainment to Business Park at 9700 Leavenworth Road, submitted by Gunnar Hand, Director of Planning. The applicant plans to build five industrial buildings for warehousing, distribution and manufacturing totaling 3,148,613 square feet and 51,000 square feet of commercial retail on 431.75 acres. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application #3226 and Master Plan Amendment #MP-2020-5, subject to:

Planning and Urban Design Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners’ meeting.
Applicant Response: Acknowledged, this fee will be paid following the Board of Commissioners’ meeting.
2. As previously mentioned, the Economic Development Department is facilitating between the Parks Department and the developer to build a trail spur that will connect to Wyandotte County Lake Park from Leavenworth Road. A cross-section of Greenway Trail is attached herein.

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Applicant Response: The developer and City are working on the specifics on this. Currently the developer would dedicate the land to the City and the City would build the trail.

3. Staff discussed with the applicant about constructing a five-foot trail along the north property line along Hurrelbrink Road from North 99th St. to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.

Applicant Response: Acknowledged, the revised plans include a five-foot trail within the public right-of-way along the south side of Hurrelbrink Road from 99th Street to the east property line on Hurrelbrink Road.

4. A five-foot sidewalk is required to be constructed along 99th Street and a 10-foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).

Applicant Response: Acknowledged, these trails are shown on the plans and will be provided with the proposed development.

5. No truck traffic on North 99th Street is permitted. Coordination with truck drivers to the distribution center is required. Is the northern most entrance on North 99th Street for employees or emergency vehicles? If the entrance is for KCKFD, the entrance must be gated, and a NOx box installed for access.

Applicant Response: Acknowledged, as it has been discussed with staff and is noted in the traffic study trucks are not planned to use 99th Street. The north entrance would be for emergency vehicles.

6. The bus stop depicted on the site plan is located between the retail center and the private street leading to North 99th Street. Is this bus stop serving the employee base for the retail center, Building A and all future expansion of the business park?

Applicant Response: The developer is in discussions with the City and the local transit authority to provide a bus stop within the project site. Currently the stop is shown within the retail area, but this could change based on what the transit authority decides. It is the intent and hope that a bus stop will be provided within the development.

7. What tenants are you trying to attract for the neighborhood retail center that will not only serve the employees, but the surrounding residents?

Applicant Response: The neighborhood retail center would serve the surrounding community (residents and employees of the development).

The tenants would be determined by the market, but the thought is the service-related tenants would be provided at this location.

8. How many employees will be working during the largest shift in Building A?
 - a. How many shifts?
 - b. Is there overlapping?
 - c. 24 hours, 7 days a week?

Applicant Response: There are four shifts. The two shifts combine/overlap into on main day shift, and likewise one main night shift. The main day/night shifts trips will overlap some, but they technically do not overlap by start/end times. See the chart below for reference. The proposed tenant of Building A would be in operation 24 hours a day.

9. What are the proposed hours of operation for this Building A?

Applicant Response: The proposed tenant of Building A would be in operation 24 hours a day.

10. What phase will the neighborhood retail center begin construction?

Applicant Response: The neighborhood retail center would be developed when retailers decide the area can support their services. This will be determined by the market. We would expect this to occur after the first few phases of the development.

Building Architecture:

1. The neighborhood retail center parking lot has been relocated to the rear; however, the buildings can be moved closer towards the southwest corner of the intersection and redesigned to be a true neighborhood node rather than a linear development along Leavenworth Road to create a walkable, rural town center that can link to the trail network. Architecturally, the center shall comply with the Commercial Design Guidelines.

Applicant Response: As discussed with City staff, the existing public right-of-way at the intersection does not allow for the retail buildings along Leavenworth Road to be pushed closer to the intersection. Currently, we have provided a pedestrian plaza area closest to the intersection to create a focal point into the development. Pushing the buildings to the street was done per staff request, which we agree with. It creates an architectural wall along Leavenworth Road, which will help enhance the character of the intersection as well as help screen the business park from the public street. The architecture of the retail center will comply with the City's Commercial Design Guidelines. When the retail starts to move forward within the development plans shall be submitted to the City for review and approval to assure all requirements are being met.

Staff Response: At this point in time, the retail area and zoning are placeholders. As The applicant's representative stated, a development plan (preliminary and final) will be submitted. Staff has continually promoted and will continue to push for a more cohesive retail center that is an integrated and walkable with the surrounding neighborhood as well as the office space within Building B for residents and employees alike.

2. A comprehensive Design Criteria Manual shall be submitted to set the standard for design (architectural features, fenestration, building materials and color, etc.), landscaping, screening, on-site amenities, lighting, signage for all future tenants and/or development within the business park and neighborhood retail center.

Applicant Response: A Design Criteria Manual has been provided with the resubmittal for the M-2 zoning area setting the standard for design of the development. The C-1 design criteria will meet the City's requirements and will be provided at the time the retail area is moving forward within this development.

3. Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public for the industrial buildings and internalized for the commercial buildings.

Applicant Response: Acknowledged, these requires will be met within the development.

Staff Response: After meeting with the applicant and representative, the downspouts in the industrial buildings will be internalized.

Landscaping and Screening:

1. In previous conversations, Planning staff raised the concern of screening the overall development from public view. We encouraged the applicant and developer to preserve as much of the natural topography and vegetation as possible, specifically the 250-foot berm along North 99th Street. The berm does not affect the screening of Building A but cutting 100 feet into the slope of the berm will most definitely affect the visibility of Building B

for the residents west on North 99th Street. Furthermore, we discussed with the applicant, maintaining these natural landforms would not only reduce the visual impact of the distribution center, but reduce the cost of construction additional fencing or installing excessive landscaping.

Applicant Response: The berm as proposed actually provides better screening into the development than the existing berm along 99th Street since the top of the existing berm is pushed further away from the public street. The sight lines into the development were paid close attention to while designing the project. Please refer to the Sight Line Sections on sheets L1.91, L1.92, and L1.93 for specifics of the views into the streets into the development from car/pedestrian level with the resubmittal to help illustrate the views into the proposed development. We have taken careful consideration into the proposed design of the development to help soften and screen the business park from the public view as much as possible. This includes the proposed grading, berming, and landscaping.

2. The Prairie Delaware Piper Master Plan Light Industry/Business Park designation requires landscape buffers, trails and outdoor sitting areas. Additionally, 25% of the site must be maintained as open space.

Applicant Response: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the City Code requires, trails have been provided within the development, outdoor sitting/pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development. See sheet C3.0 for the open space calculations.

3. The site lines (sight alignment) cross sections illustrated on sheets L1.91 and L1.92 must have a site plan that depicts the location of the viewpoint towards the Woodlands property (i.e. an arrow indicating the starting point and direction).

In addition to the sight lines taken from North 99th Street and Leavenworth Road, provide additional cross sections for Hurrelbrink Road and North 91st Street.

Applicant Response: Acknowledged, these requirements have been met with the proposed development. We have provided landscape buffers above and beyond what the City Code requires, trails have been provided within the development, outdoor sitting/pedestrian areas have been provided within the development, and we have met the 25% open space requirement for the development.

4. Sec. 27-469(g) Trees are required at not less than one per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The site for the proposed industrial zoning is 312.97 acres, including Lot 1 through Lot 6, which requires 1,363 trees, divided into the individual lots based on acreage and exclusive of the street trees and parking lot island trees requirements.

Applicant Response: Acknowledged, these requirements are being met. We are providing more trees than what is required by City Code. The calculations are shown on sheet L1.00.

5. Sec. 27-464(g) Trees are required at not less than one tree per 7,000 square feet of site area. The Commercial Design Guidelines has a 75 percent multiplier, so based on 12.46 acres, 136 trees are required to be planted. This total does not include trees for parking lot islands or street trees along 99th Street and Leavenworth Road.

Applicant Response: Acknowledged, these requirements are being met. We are providing more trees than what is required by City Code. The calculations are shown on sheet L1.00.

6. All overstory trees shall be at least two-inch caliper when planted. All ornamental trees shall be at least two-inch caliper when planted. All evergreens shall be at least six feet when planted. All shrubs shall be five gallons when planted.

Applicant Response: As has been discussed with City staff, the development will meet the City's requirements for plant material. The City Code requires two-inch caliper shade trees, six feet tall ornamental trees and six feet tall evergreen trees, which will be provided within the development.

7. All landscaping shall be irrigated.

Applicant Response: Landscape beds around buildings will be irrigated, but the areas around the perimeter of the site will be landscaped with native plantings to help conserve water. Irrigation will not be provided in the native areas as has been discussed with staff.

8. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.

All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Applicant Response: Acknowledged, the required screening will be provided with the development. Details and notes have been added to the landscape plans.

9. BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback three feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.

Applicant Response: Acknowledged, details have been added to the landscape plans.

10. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen. This should not be seen from all views as noted in Landscaping and Screening Comment #3.

Applicant Response: Acknowledged, details have been added to the landscape plans.

11. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of 6' evergreens or an architectural wall constructed from the same materials as the main building.

Applicant Response: Acknowledged, details have been added to the landscape plans.

12. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

Applicant Response: Acknowledged, details have been added to the landscape plans.

13. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.

Applicant Response: Acknowledged.

Signage:

Shall comply with the sign ordinance.

Applicant Response: Acknowledged.

Planning Engineering Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval: none.
2. Items that are conditions of approval (stipulations):
 - a. Based on the traffic impact study prepared by Olsson and following discussions with UG Public Works and Planning and Urban Design Staff, the traffic study will be revised and refined to match actual traffic conditions with each additional phase of the proposed development. For each phase the traffic study will need to analyze traffic after that phase has been completed and after entire buildout. Further, each traffic study will need to provide a focus on impacts to 99th Street; impacts to the intersections of 103rd and Leavenworth; 99th and Donahoo; 99th and Leavenworth; and the Main Entrance to the Development and Leavenworth Road.
 - b. UG Public Works strongly recommends a traffic signal installed at the main entrance off Leavenworth Road in lieu of the proposed acceleration lane /right turn lane.
 - c. "No Trucks" sign shall be installed on Donahoo and 99th Street and all truck traffic shall use Leavenworth road.
 - d. As future build out occurs, additional public improvements to the public infrastructure may be required. In this regard, the applicant shall continue to coordinate with UG Public Works and Planning and Urban Design Departments on the public street improvements related with the proposed development. Further discussion with staff may be required.
 - e. With final development plans, if this project includes public street and storm sewer improvements; the public street and storm sewer improvement plans shall meet UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public sanitary sewer improvement plans shall include erosion control. This set of plans is required and shall be reviewed and approved by UG staff prior to construction permit acquisition.
 - f. KDOT review and approval shall be required prior public street improvements on Leavenworth Road/K-5 (Kansas Highway).
 - g. The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.
 - h. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

Final development plans/plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final

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Development Plan /Plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

Conditions:

1. A \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department following the Board of Commissioners' meeting.
2. In conjunction with Public Works restricting access to 99th Street, redesign the internal circulation and movement so all traffic uses the Leavenworth Road exit. Additionally, the ingress/egress onto 99th Street shall be for emergency vehicle access only, similar to North 69th Street at the Turner Logistics Center.
The redesign shall be hidden behind Building B, gated, and out of sight as to not attract attention as a viable exit for employees.
3. Staff will continue to push for a more cohesive retail center that is an integrated and walkable with the surrounding neighborhood as well as the office space within Building B for residents and employees alike. The retail development will comply with the Commercial Design Guidelines.
4. A covenant restriction on the final plat (and subsequent iterations) as well as the filed deed shall prohibit manufacturing on site. Only MP-1 Planned Light Industrial and Industrial Park District uses are permitted on the industrial zoned land.
5. Coordination with City staff, KCATA and the Transit Department is required to determine the exact location of the transit stop for the overall development. The bus stop placement shall be finalized before the Final Development Plan is presented to the City Planning Commission.
6. Further conversations with the Troy Shaw, County Engineer, is necessary, but when the final plat is submitted, additional right-of-way along the south side of Hurrelbrink Road shall be dedicated for the local trail in order to keep the east/west connection to Wyandotte County Lake Park as much within trees as possible. Additionally, Hurrelbrink Road is classified as a parkway in the Major Street Plan, therefore in the future when the road is improved, adequate right-of-way is already dedicated to make those improvements.
7. A five-foot trail shall be constructed along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.
8. A five-foot sidewalk is required to be constructed along 99th Street and a 10-foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).
9. The developer will fund the trail around Bennet Lake and the Parks Department will build and manage the trail system.
10. The Design Criteria Manual shall be adhered to for all future phases of development.
11. Downspouts shall be internalized.
12. Landscaping in the parking lot and around the building shall be irrigated.
13. Do not mass grade the entire 431 acres for the construction of Building A. Keep the trees that are not within the Lot 1 and those that effectively screen the building from public view.
14. The viewsheds of Building A from Hurrelbrink Road, 99th Street, Leavenworth Road and 91st Street shall be preserved. The existing tree mass that is illustrated on sheets L1.91, L1.92 and L1.93 will screen Building A and future phases from the public view, however staff has concerns that the plantings are not dense enough where there

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is not an existing tree mass, specifically Alignment #3 taken from 99th Street. Each successive phase requires its own sight line study to ensure that the development is fully screened from public view.

15. Ms. Joy Gardiner, property owner at 9625 Leavenworth Road, has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road. A mitigation measure that has been proposed and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four-foot open fence in the front yard, so a variance is required
16. BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback three feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.
17. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen.
18. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of 6' evergreens or an architectural wall constructed from the same materials as the main building.
19. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.
20. Shall comply with the sign ordinance.
21. Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road. A mitigation measure that has been proposed and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four-foot open fence in the front yard, so a variance is required if the proposed fence is taller than four feet or is solid or opaque.

Synopsis: To rezone from A-G Agriculture and CP-2 Planned General Business Districts to C-1 Limited Business and M-2 General Industrial Districts & to amend the Master Plan from Entertainment to Business Park in order to build multiple warehousing and distribution centers and retail buildings.



Gunnar Hand, Director of Planning, said we'll give the presentation for both and then the Commission can vote on them separately at their leisure.

COZ 3226 and MP-2020-5



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COZ 3226 and MP-2020-5



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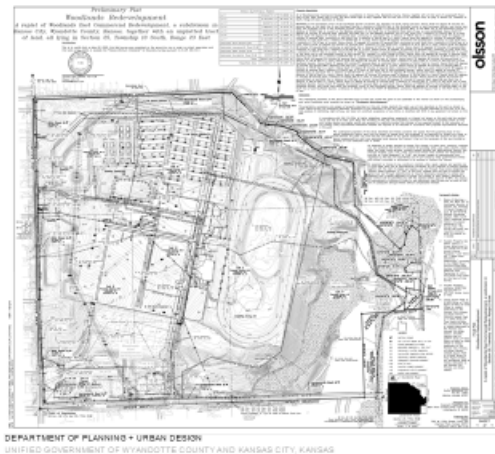
The zoning code is, excuse me the application, again, for a zone change is at the Woodlands, current Woodlands Racetrack site. Again, it's a redevelopment of the property. When staff was doing its review, as well, as through our contacts with the public and other stakeholders, I think you'll read in our staff report that we do recognize that this is a significant change from its current use, previous use. As such, we focused our conditions of approval on two primary issues. One, being to maintain the character of the neighborhood and two, to ensure that there were mitigations in line for potential traffic impacts.

Regarding the character of the neighborhood, we've been working diligently with the applicant to both lower the grade of the site, but also maintain the existing tree stands, ridge lines and berms that currently shield the Woodlands development from essentially all angles. There's a little bit of it from Leavenworth, kind of the corner of Leavenworth and 99th, that inevitably is a little more opened up; but essentially, we wanted to maintain the character, especially as its proximity to Wyandotte County Lake Park.

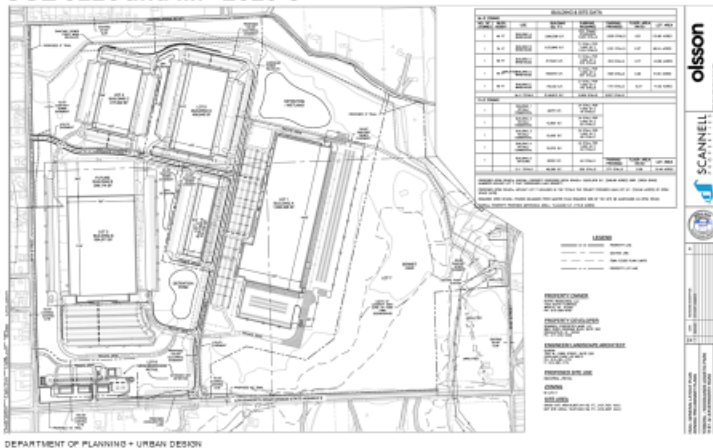
The applicant submitted a series of sight lines studies that showed that the tops of the buildings of the proposed development would still be behind said ridge lines, berms and tree stands. They are going to adjust the existing berm that runs along the N. 99th St. a little bit just to sort of push it. Currently, it's very wide so they were going to essentially make it a little bit skinnier so they had more developable land on their property side, but raising it a little so that, again, it will be shielded from view from the public rights-of-way.

There's also quite a bit of focus on traffic impacts. To mitigate those, staff has worked with the applicant to focus all traffic, truck, employee and other off the primary entrance, which is this one right here on Leavenworth Rd. There would still be an emergency exit and entrance off of this current entrance right here. As the conditions of approval note, that would be maintained as a gated emergency only. When we get to a site plan just to kind of elaborate.

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Part of these conditions also, essentially, they're platting this into, I think it was approved by the Planning Commission, planning into six different plats. As each of those final plans come in. **Commissioner Kane** asked, could you speak up a little bit, please? **Mr. Hand** said yes, sir. Can everybody here me okay? Sorry, my mic might not be picking up.

As each of the six plats come in, the applicant will be required to update their traffic study as well as update their sight line studies for each development so that we can understand how each accumulative development is impacted all the way up to full, full buildout. Specifically, in those future traffic impact studies, we ask them to look at certain intersections of concern. Mainly 99th and Donahoo, the stretch of 99th St., Leavenworth and 99th St., 103rd and Leavenworth, as well as the main entrance here at Leavenworth. We have proposed that while it wouldn't be required after, say just the initial development parcel and potentially only a full buildout; we are currently working with KDOT to try to build the traffic light upfront.

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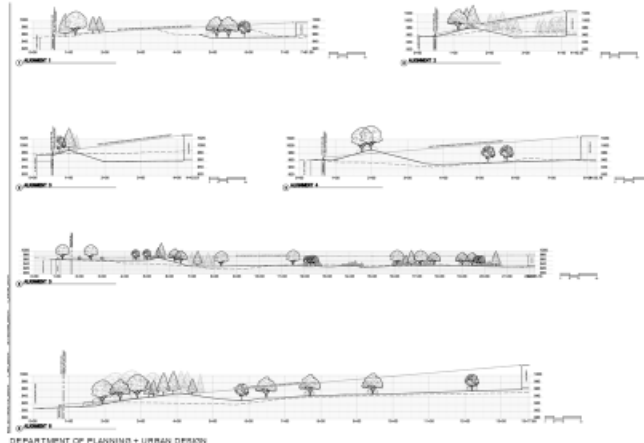
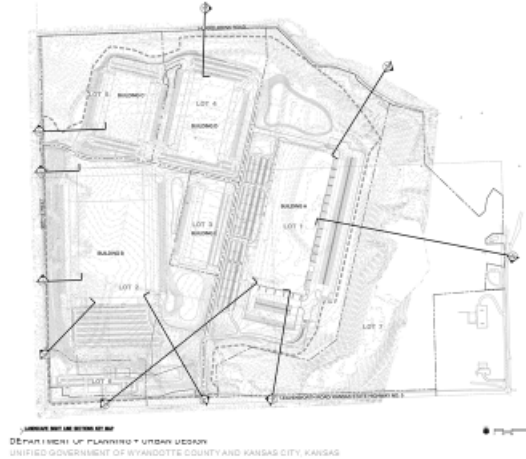
Again, because this is Highway 5, it is essentially KDOT's final say when that traffic light gets built but, again, because we are essentially pushing all development into and out of this Leavenworth, excuse me, all traffic into and out of this Leavenworth Rd., we are advocating that we build that signal upfront.

Additionally, as the final plans come in per each building, or series of buildings, we are going to work on a couple of different items to better adhere to both the master plan, the Piper Delaware Masterplan, as well as sort of what we see as issues in eternal stipulation. As currently designed, if you sort of follow the main entrance and turn left, it's pretty, let's call it intuitive that this would be a road that you could potentially get out to and then traffic would come here and see gate and would have to turnaround. We've asked the applicant as the final plans come in to rethink the internal circulation of this road to make it less the way, if you will.

We have also sort of noted, I think it's been said at public meetings, the applicant believes that sort of the retail development node at the southwest corner of the property, which is the northeast corner of the intersection of Leavenworth and 99th, would be one of the later developments in their master plan phasing. As its designed right now, staff has added conditions that we'd want this to better match a more neighborhood commercial node, which is defined again, in the Piper Delaware Master Plan to be sort of more of a walkable neighborhood.

There is also an extensive amount of public infrastructure that the applicant has agreed to put forward, including a sidewalk trail, 10-foot trail, along Leavenworth to the property line, a sidewalk on the east side of 99th St. up to Hurrelbrink. Then, again, if you've been on this side of Hurrelbrink, Donahoo turns into Hurrelbrink at 99th St. It is an entrance into Wyandotte County Lake. So, as not to essentially just clear all of those trees on this other side of Hurrelbrink, we've worked with the applicant to sort of sight, we're going to sight survey a five-foot sidewalk, i.e. trail to maintain as many tree stands as we can. Again, preserving the character as well as blocking the future development from the houses on the north side of Hurrelbrink, but there will be a five-foot trail, let's just say meanders along the property line and will end, again, at the property line there, right there, for future access into Wyandotte County Lake.

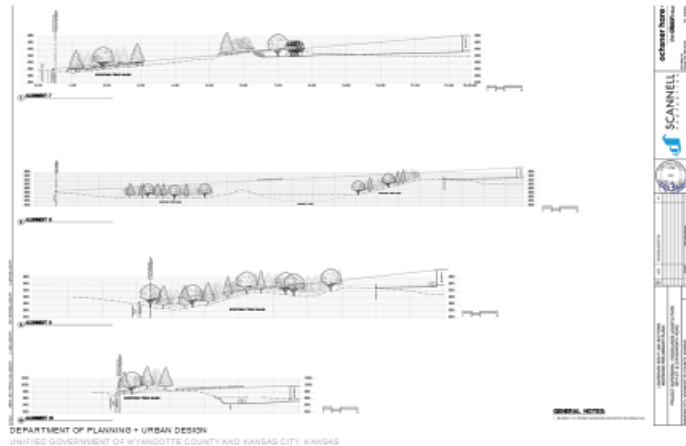
I would also note that the, a protest petition was submitted by members of the public. After reviewing it, it was deemed invalid. It did not meet the threshold. With that, I believe that concludes most of my presentation.



Mayor Alvey said I would ask the applicant to please present his application. State your name and address for the record, please.

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COZ 3226 and MP-2020-5



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Shaun Cofer, Scannell Properties, I've got my engineer on as well. He's got the presentation, it's Seth Reece with Olsson, so I'm going to ask him to, if we can, have him pull that up and then we can both be available for questions, him the more detailed engineering questions and myself for any of the others. **Ms. Mayes** said I have provided you to a panelist

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as you should be able to present. **Seth Reece, Olsson**, said let me know if you can see my screen. **Ms. Mayes** said yes, we see your screen. **Mr. Reece** said as Shaun mentioned, I'm with Olsson, helping him on this project and appreciate the time and the presentation that Mr. Hand put together. We're excited about this opportunity and want to just kind of quickly go over and we're here to answer any questions you may have.

Just quickly go through it. I think everybody is familiar with the existing property, but just want to go through it really quick, the old Woodlands Racetrack. We have a few images just so you can see the general character that it is right now. As Mr. Hand pointed out, it's on the northeast corner of 99th St. and Leavenworth Rd., it's approximately 400 acres of property and it includes the Bennet Lake area as well, that's just adjacent to the Wyandotte County Lake.

Mayor Alvey asked if you don't mind, I'd like to interject, is everyone else seeing the same thing on the screen as I am or is this my computer. **Commissioner Bynum** said I'm seeing a black line. **Mayor Alvey** said yes, thank you. It's distorted. **Mr. Reece** said let me, I'm trying to find the present button again. **Mr. Hand** said, Mr. Reece, this is Gunnar Hand. Sometimes, if you share and share again that might get fixed, it's kind of like rebooting your computer. **Mr. Reece** said let me try that, I apologize. **Ms. Mayes** said I stopped your sharing so you can try to share again. **Mr. Reece** said thank you. Can anybody see anything, hopefully. **Ms. Mayes** said it still has the black line. **Mr. Reece** said a black line, what is going on. **Mr. Reece** said Shaun, can you try opening the pdf by chance. **Mr. Cofer** said yes sir. **Mr. Reece** said I apologize for the technical difficulties. **Mr. Cofer** said I've got the pdf open. Is that better for everyone? **Ms. Mayes** said yes. **Mr. Cofer** said I'll scroll through Seth. **Mr. Reece** said got it.

WOODLANDS REDEVELOPMENT PLANNING COMMISSION MEETING

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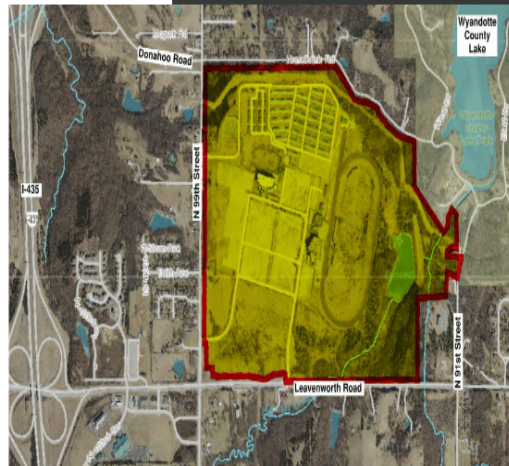


Mr. Reece said the existing property at the old Woodlands Racetrack, everybody's familiar with. You can go to the next slide Shaun.

Existing Property

A. Northeast Corner of Leavenworth Road and 99th Street

- Existing Property +/- 419 acres



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This next one just shows the overall property. Just wanted to make sure that everyone knows it includes the Bennet Lake area. It's the whole entire 400-acre parcel of property at the northeast corner of 99th St., which goes all the way up to Hurrelbrink Road and then all the way over to 91st as well.

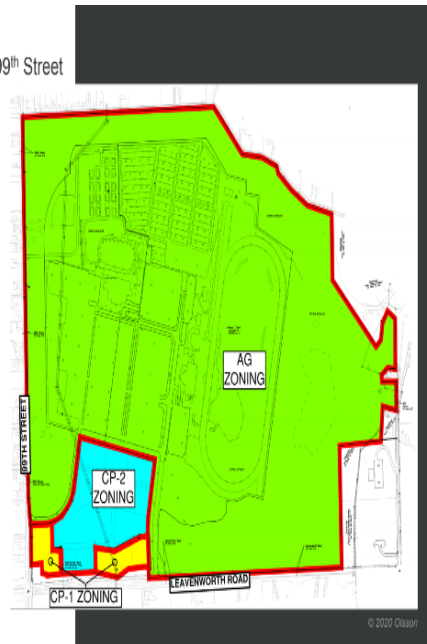
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Mr. Cofer said just so everyone's aware, a little bit addition to that, so this includes the property that we'd be buying from Mr. Ruffin, as well as about 40 acres right here in the corner that I know the UG currently owns. We have agreed to purchase that ground at the same rate as we are purchasing from Mr. Ruffin, so market rate for that ground as well to create this entire track.

Existing Property

A. Northeast Corner of Leavenworth Road and 99th Street

- Existing Zoning
 - AG (Agriculture District)
 - CP-1 (Limited Business District)
 - CP-2 (General Business District)



Mr. Reece said, Gunnar, briefly you touched on it, but the existing properties is mostly zoned AG, but there is down at the corner the property that's owned by the city is currently zoned CP-2 and CP-1 zoning so there's some commercial zoning on the property currently.



These are just a few aerial images of—just so you can see the character of how the property, I mean it's not been used for a long time and it's kind of been in disrepair. You see some of the holes, some of the roofs are falling in and there's a lot of infrastructure improvements that need to occur on this property to bring it up to what it used to be.

Items Before Board of Commissioners Commission Today regarding Redevelop the Woodlands Property

- Change of Zoning/ Preliminary Plan (Proposing CP-1 & MP-2 zoning)
- Master Plan Amendment
 - a. Update Prairie Delaware Piper Master Plan from "Entertainment" to "Business Park"
- Preliminary Plat

Mr. Hand touched on it. We're proposing to change to CP-1 and MP-2 zoning with this plan change. With that change, we need a master plan amendment to meet the Prairie Delaware Piper Master Plan because currently, the property is classified as entertainment because of the old Woodlands property use and this would change it to Business Park. With that, the preliminary plat has been submitted as well, which just parcels out into the different lots for the project.

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Proposed Plan

A. Using same access points as the current development to serve the project site. (2 on 99th Street and 2 on Leavenworth Road)

1. Proposing that trucks access the development from eastern most drive on Leavenworth Road.
2. Working with City staff and the local transit authority to provide transit/ bus stop at the property.



The proposed plan is just an aerial image over Bennet Lake so currently, Mr. Hand talked about it. We're currently using the existing access points along Leavenworth Rd. and 99th St. They're in the exact same spots. The curb cuts are there currently so we're not proposing to change those right now. We think those areas work and that's our intent with this project. We're trying to bring in and working with the Transit Authority and city staff to bring some bus stops to the area to just help with public transportation to the area as well.

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Proposed Plan

- A. Using same access points as the current development to serve the project site. (2 on 99th Street and 2 on Leavenworth Road)
- B. Neighborhood Retail at the Northeast corner of 99th Street and Leavenworth Road.



The neighborhood retail, as Mr. Hand pointed out, we're going to work with city staff moving forward, but the idea here is to create an area for the surrounding community, just with the CP-1 zoning so it's not heavy uses. You can't have a gas station or anything like that. We are envisioning this, and market will tell—is kind of restaurants and just the typical kind of neighborhood retail type of use that you would find on a corner, intersection like this.

Proposed Plan

- A. Using same access points as the current development to serve the project site. (2 on 99th Street and 2 on Leavenworth Road)
- B. Neighborhood Retail at the Northeast corner of 99th Street and Leavenworth Road.
- C. Proposing +/-3 million square feet of Warehouse/ Business Park interior to the property. (Buildings A, B, C, D, & E).



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The rest of the project, buildings A through E, is approximately a million square foot of business park that we're proposing. Mr. Hand touched on it. We're proposing to really—we've worked with staff to kind of take advantage of the grades of the site and kind of step the buildings down into the site so we can utilize the property and bring it up to code and put the infrastructure in while providing kind of a buffer and a screen around the perimeter, around the public streets that the neighbors will be able to see.

Proposed Plan

- A. Using same access points as the current development to serve the project site. (2 on 99th Street and 2 on Leavenworth Road)
- B. Neighborhood Retail at the Northeast corner of 99th Street and Leavenworth Road.
- C. Proposing +/-3 million square feet of Warehouse/ Business Park interior to the property. (Buildings A, B, C, D, & E).

- Phase 1 of the development would be Building A



Just so everybody is aware, Phase 1 of the project is Building A, which is the furthest east building, closest to Bennet Lake. That is the first building that we are planning to submit final plans if we're lucky enough to get approval here. I know that there have been some discussions in the past that people were worried Bennet Lake was—we were going to fill in Bennet Lake. Our intent and our plan here are to save that lake. We're not planning on doing anything to it. We want to preserve the natural resources kind of around the property because we think they're a nice amenity which is highlighted here.

Proposed Plan

C. Proposing +/-3 million square feet of Warehouse/ Business Park interior to the property. (Buildings A, B, C, D, & E)

1. Preserve Existing Trees to the east and north of the proposed business park.



There's a large—everybody's that's been out to the property knows that there is a heavy tree mass on the north, the east and kind of the southeast of the property and we're proposing to leave that intact. Really, Building A kind of goes in the same location as the existing track currently, so we're taking advantage of the existing feature and enhancing the landscaping that's around by leaving it and making sure that we're not disturbing it.

Proposed Plan

C. Proposing +/-3 million square feet of Warehouse/ Business Park interior to the property. (Buildings A, B, C, D, & E)

1. Preserve Existing Trees to the east and north of the proposed business park.
2. Working with the City to donate the approximately 97-acre tract of land east of proposed Building A
- A. The developer is willing to provide funds for creation of trails.



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One of the other items that Shaun and Scannell has decided to pursue with the city is dedicating, its approximately 97 acres, so close to 100 acres of property to the east; dedicating it to the city for the use of a park. With the proximity next to Wyandotte County Lake, we think this is a great opportunity to kind of expand on that, and with that, they're open to and willing to provide funds for the creation of trails that the city could utilize to put some trails through this new property.

Proposed Plan

C. Proposing +/-3 million square feet of Warehouse/ Business Park interior to the property. (Buildings A, B, C, D, & E)

1. Preserve Existing Trees to the east and north of the proposed business park.
2. Working with the City to donate the approximately 97-acre tract of land east of proposed Building A
3. Create berms and extensive landscaping along 99th and Leavenworth Road.



So along 99th St., and then along Leavenworth, kind of at the main entry, we're also paying very close attention to the landscaping and the screening and the grades. As I mentioned before, we're stepping the buildings down into the site and we're providing some very substantial berms along the public streets to assure that we have a softened edge along the public way where people are going to be.

View from Leavenworth Road into Development at Main Entry into the Development



These next images, we've taken some 3D views at certain spots to help people envision what's going on.



The first one is at the main entry, so this is at Leavenworth Rd. and the main entry which is the same entry as the main entry into the Woodlands currently. As you can see here, all the buildings are in this model. We have done extensive landscaping and the grades have been able to shield the buildings and, quite honestly, the existing grades of the site help with that as well. We're creating these berms along the public street to help soften that edge even more.

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This is the next one. It's down by the neighborhood retail, kind of towards 99th St. The idea here, and we're going to work with staff as we come in with final plans with the neighborhood retail, but the idea here was to create kind of an architectural wall along Leavenworth Rd. and then 99th St. where the buildings are pushed up next to the street that way the parking is behind the buildings and then you have a nice architectural wall that will actually help screen the project site and behind.

**View from intersection
of Leavenworth
Road and 99th Street**



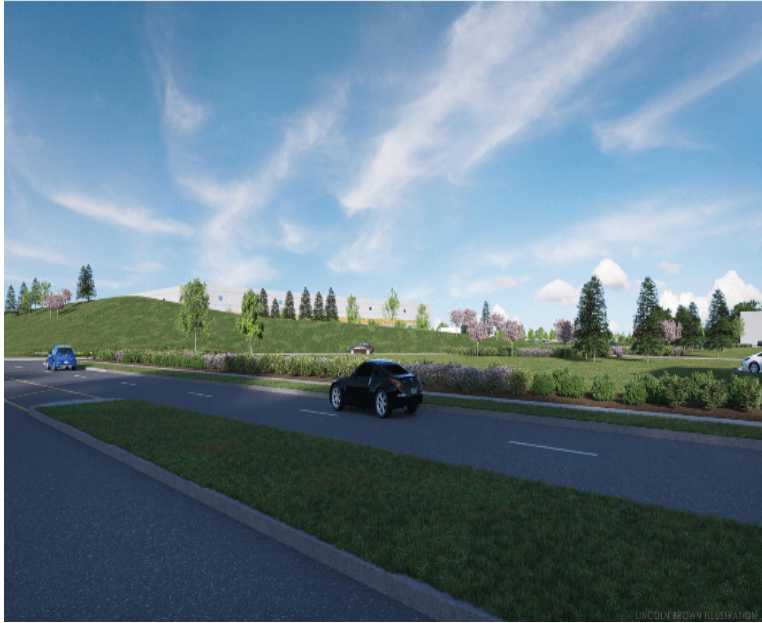


The next image is at the intersection at 99th and Leavenworth Rd., so you can see from the intersection there's extensive landscaping. To the left there, as you go down 99th St., you can see the berm starting to go up past the retail area.

**View from 99th Street
just south of the
southern most existing
entry on 99th Street**



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This next image is just south. If you're familiar, there's an existing curb cut on 99th St., kind of close to Leavenworth Rd. So, that curb cut still remains. It's just in front of the blue car there. As you can see, the berm is starting to raise up at this location and the parking is screened from view and you can see just the very top of the building. Back across the street is actually commercial zoning as well.

View from 99th Street



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As you go further along 99th St. which the next image will have. This image, we took, we actually, if you look at the plans that are before you today, there's a lot more landscaping on here than what's shown here. This image is just to show the landscape berm, the berm itself. The feature actually can screen the buildings without the landscaping even on it, but obviously, we propose a lot of landscape to go on here.

**View from 99th Street
into the northern most
entry into the
development**



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PROPERTIES
50th ANNIVERSARY

This is just to show that the grade itself actually can screen, screen it.

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This is the very northern most access point that Mr. Hand brought up. This is the one that has been proposed to be gated off so that's not shown here. But, as you can see, we've provided extensive berms in landforms and we've actually bent that road to help kind of give it a visual break, so you don't look straight up a road and into the site.

**View above Bennett Lake
into the proposed
development**



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PROPERTIES
50th ANNIVERSARY

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Then we have a few aerals. This is an image as if you're in a helicopter above Bennet Lake, just to kind of give you an overall view of the property.



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View of Building B from inside the development



These next images are just to kind of give you an idea of the architecture of the business park. They build very nice buildings.

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View of Building C from inside the development



This is building B and then C.

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View of Building D from inside the development



July 30, 2020

View of Building E from inside the development



We've done extensive landscaping in the parking and we've exceeded the landscape codes that the city requires. We're trying to make a very appealing project and soften the edge along the public street.

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Discussion Points/ Commitments

1. During Neighborhood Meetings for the project concerns were brought up regarding the possibility of heavy industrial uses being provided on the project site.

Covenants will be added to the property to restrict the heavier intensity industrial uses. Specifically uses that would be considered to cause excessive fumes, noise and pollution. It is our intent that this park will be a logistics facility focused on distribution of goods.

2. We understand that the City would like stop lights at the development's proposed Leavenworth entrance and at Leavenworth Road and 103rd Street. As Leavenworth Road is controlled by KDOT, we are willing to assist with the costs of these signals if the City is able to get KDOT to agree to warrant the signals.
3. Working with the City to donate the 97-acre tract of land east of proposed Building A. The developer is willing to provide some funds for creation of trails.

I actually have a video. Do you have that, Shaun, by chance? **Mr. Cofer** said I don't, but I think we covered it with the photos.

Mr. Reece said just quick discussion points. In the neighborhood meetings, there were concerns that were brought up with the possibility of heavy industrial uses so that is not by any means the intent for this project. We've agreed, and it's one of the conditions that are in the approval, is that conveyance will be provided with the project to restrict the heavier uses that were actually—the condition actually list that the only uses allowed, MP-1, will be allowed so that takes out those heavy uses that people were concerned with. Then, it was mentioned in the staff's report that there's several intersections that they would like lights along Leavenworth Rd. That is dictated by KDOT. As Mr. Hand mentioned, we've been working with them, but Shaun has mentioned that they're willing to assist in the cost of those signals if the warrants can occur.

Then, obviously, the big one, one of the big ones that I mentioned earlier, is the donation of the track of the land to the east for park land and then providing funds to create some trails. We feel like that's a very big asset that could just expand the Wyandotte County Park which we know is a great asset to the community and we'd like to see that grow even more.

With that, Shaun, I don't know if you have anything else to add, but we appreciate the opportunity. We're here to answer any questions that you may have.

Commissioner Kane said it's very important for everyone to know that I ran on pro-growth in my district. An example, I'm not consistent on that. An example of voting with my district, they were going to put the Sand Casino at Leavenworth Rd. and Hutton and the community had uprising and

said we don't mind having a casino, but we don't want it in our backyard so they moved to the casino to the current location that it's at.

When we first got started, when we were doing the on-threes, I thought boy, this sounds kind of interesting. Then after the décor, somebody went out there to do some sampling. They sent some letters out to the people that lived around the community and said hey, what the heck is going on. I normally go out and ask some of the folks hey, what do you think about this? What do you think about that? Then they tried to have a Zoom meeting and the Zoom meeting didn't work. Then they had the meeting like they're supposed to have by Wyandotte County Lake and there were approximately 45 people there and probably 40 of them didn't like it. But, we all received some emails today talking about the petition and some other things that happened. I've never seen a petition denied because it was next to a lake, and we own the lake, so I don't know how that petition could have been denied.

But here's the interesting thing. Everyone says well, it's just the people that live around there. Well, those people bought those houses before the Woodlands was put in and some of them after the Woodlands was put in. So, oh, okay, I understand that. You call it a business park and you know this can run 24 hours a day. That's an industrial park. It's very important that you think about this. You bought your house where you're at. You lived there for 25 years and then all of a sudden they're going to put an industrial park, and you know you're going to put it in a hole, and noise rises. There's going to be tractor trailers driving around all the time, 24 hours a day, up and down Leavenworth Rd. Those people didn't buy their houses by an industrial park. I don't know why we would put an industrial park in a neighborhood. I know there are other better uses in other places such as in Fairfax where this could go.

It bothers me that I know that we would get some money from this, but I don't want to devalue the surrounding homes. For the record, there's over 100 people that have contacted me; 90 of them said they don't want nothing to do with it. One of them lives right down the street from me and there's only 10 that said they wanted it. I have always voted the way my district has asked me to vote. It is our job to support our district the best we can. When our district says hey, I'm not sure I like this and I would hope that this, if my fellow commissioners if they try to put something like this in your area, you'd raise your hand and say well, I don't know if I want to do that or not. Yes, it's a lot of money, but at what cost, devalue of the surrounding homes; the massive truck traffic that's going to go up and down Leavenworth Rd.

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I am very disappointed the way this was presented in the first place and now later on its presented this is the golden gem. Not if you live around there and not if you have to drive by there every day. To say I'm disappointed in staff because I asked the girls to talk to Mr. Bach to say hey, we need to pump the brakes on this because I am getting a lot of heat and I quote Mr. Bach says, tell Commissioner Kane, noted: just like he did with the picnic area the other day. This is a huge issue to me, it's a huge issue to the community and I don't know why we had to rush this through and try to do something like that. I think we could have done a heck of a lot better job trying to explain every single issue and if this wasn't on Zoom right now, I guarantee you the room would be full and that's it for now.

Mayor Alvey asked, Mr. Reece, would you like to respond? Nope, okay. I will open the public hearing to see if there's anyone who would like to speak in favor of this Change of Zone and Master Plan Amendment. If so, please state your name and address for the record. You'll be given up to three minutes to state your comments.

Jeff Miles, 3300 N. 99th St., said I am one of the people that was at the community meeting that is in support of this project. My house faces the Woodlands. I've lived there for 20 plus years and I've raised five children in that home. As I said, my front yard faces Woodlands. I have many, many memories in the front yard looking over towards the Woodlands; it's a beautiful view. From proms to July 4th, to Easter egg hunts, so on and so forth, but when I first heard about this, when I got all the information in the mail, I wanted to listen to it with an open mind and see how it benefited our community, all of Wyandotte County and not just Piper.

I attended the community meeting and stated my case after listening to the gentleman's proposal along with their video. After that meeting, I got on the internet and looked at Scannell properties and looked at their 300 plus building sites that they've done across the United States. I also researched property value around all those locations and about 95% of the times the property values actually went up versus down. I also seen that all of the buildings that they built carried high end tenants, from FedEx to ATT to General Mills, GE, all very high end, very similar to the videos that they just showed. All the properties are exactly what I seen. I used Google Earth and actually looked down into traffic zones, how they did traffic around these properties and how close

residential properties were to there before I really made my final decision, if I was supporting it or not supporting it.

The Woodlands has been out of commission, I believe, for 14 plus years and I'm 100% for the redevelopment of the property. The Scannell plan brings tax dollars to Wyandotte County— (**Ms. Cobbins** said you have one minute.) **Mr. Miles** said it brings jobs; it brings sidewalks, landscaping, additional land to our parks and a walking trail. I've lived there 20 years and not been able to walk on any kind of sidewalks in any of that area, so I think that's a benefit. The environmental impact, I believe the Woodlands that was built 30 years ago on the Lakeside Speedway that was there before this new property, as far as the impact on the environment, will be much better than what we currently have. Traffic is a concern. That was one of the things that did pop up. I really looked at the traffic patterns, the way they did it. It's just two lanes, both directions into the front of the property. On 99th St., it is a single lane, but I believe they addressed the concerns that they brought up at the community meeting.

Noise, I don't see a big concern with the noise either. The noise from when the Woodlands was open, I heard the dog track constantly. It didn't bother me then. The additional traffic that's going to be handled now, I don't believe would be a concern. In ending, again, I support this product. (**Ms. Cobbins** said your time is up.)

Greg Kindle, President of Wyandotte Economic Development Council, said, Mayor and Commissioners, on behalf of Wyandotte EDC, we're in support of the proposed rezoning at 9700 Leavenworth Rd. as request by Scannell Properties. The current site has not been utilized in nearly 15 years, is in significant disrepair and is not providing a value to the community. In its prime, this commercially zoned site had parking spaces for 5,000 cars for events that lasted well into the late evening hours and weekends. The initial project being proposed may have 1,000 employees and 300 truck trips over a 24-hour period. Today, we have an opportunity to revitalize the site, provide value to the community and address the primary concerns related to the zoning change.

The site along Leavenworth Rd. is known as Kansas-5 Highway, which is a state designated truck route. The developer has agreed to make improvements tied to stoplights as required by the Kansas Department of Transportation at both 103rd and the main entrance. We do not believe trucks will flow to the east on Leavenworth Rd. despite being a truck route because there is no efficiency in doing so. The developer requires a heavier zoning because of the need for

flexibility related to structure height, to accommodate logistics facilities in the time of operations, but it should be noted that the existing dilapidated buildings are approximately 60 feet tall today. There are homes across the street from the Woodlands, but there is also commercial land currently for sale adjacent to that same residential area along Leavenworth Rd. There are baseball fields with bright lights, existing car and truck traffic on Leavenworth Rd., K-5, and this site is within one mile of an interstate on said truck route.

The developer has agreed to multiple improvements to this site to benefit the surrounding neighbors and the community including sidewalks along 99th & Leavenworth Rd.; improvements for Hurrelbrink, landscaping along 99th & Leavenworth versus the brush that exists today. A commitment to donate approximately 97 acres of land that includes Bennet Lake to create a community benefit and a funding agreement to help develop that trail system in and around that area. Land designated on the corner for the creation of a neighborhood retail center. Prohibiting trucks from 99th St. and allowing only cars to enter from 99th and placing conveyance on the development to prevent heavy industrial users. This kind of logistics development is found adjacent and nearby residential areas are here in Wyandotte County and throughout Kansas City. (Ms. Cobbins said you have one minute.)

Mr. Kindle said locally, we've seen this recently with the Amazon Fulfillment Center, the back of the homes along Speaker Rd. Those homes have seen a 19% increase in meeting household appraised value since 2018. From a purely economic perspective, this initial project is estimated to generate more than \$1.9M of property taxes for the first year of operation, with \$880,000 to the UG, nearly \$650,000 towards the Piper School District and more than \$300,000 to the Community College. Over the course of ten years, more than \$20.5M of new property taxes are expected to be generated for the various taxing entities.

We are fortunate to have developers who want to invest in our community and be good neighbors. These are valuable jobs to the 10,000 individuals laid off as a result of pandemic whose jobs may not return. These are jobs we can help our residents get connected to and ultimately this project at the Woodlands can do what it is designed to do, helping with people and goods as quickly and efficiently as possible while reserving the character of the neighborhood with sidewalks, street improvements, landscaping, additional park land and retail development. (Ms. Cobbins said your time is up.)

Mayor Alvey asked, Rocki, are there any other or have we received any notices by mail. **Ms. Mayes** said there are no further hands up. **Ms. Cobbins** said we did not receive anyone in support of this item. **Mayor Alvey** said thank you, is there anyone present that would like to speak in opposition?

Sharon Ferro, Kansas City, KS, said I do have a question. Could you tell me what was invalid about the petition? **Mr. Hand** said, Mr. Mayor, a protest petition requires 20% of the land area to move it to a petition and only 2.8% signed. It's not the number of parcels, its land area. **Ms. Ferro** asked, will we have an opportunity to do another petition? **Mr. Hand** said for anything that moves from Planning Commission to Board of Commissioners yes, but if the Board of Commission were to hypothetically approve tonight, what would come in from the applicant moving forward would just be final plans, which only requires City Planning Commission approval. **Ms. Ferro** said so I'm not quite sure what the answer was to my question. Do we, can we have an opportunity to do another petition? **Mayor Alvey** said not on the matter in front of the Commission tonight. **Ms. Ferro** asked, so this can get passed without having an opportunity to do another petition? **Mayor Alvey** said yes, ma'am. **Ms. Ferro** said okay.

Meghan Leduc, 9635 Leavenworth Rd., said we don't have a major issue with the project itself so much as the location and plans for the main entrance. There are five residences that will directly and severely be impacted by having the main entrance where the proposed entrance is currently, also having a traffic light there would really affect us. My neighbor Bob and Joy, their driveway would be one of the intersections of the traffic light. They would have to sit at the end of their driveway in order to get out of their driveway at the light. We often share driveways with them.

For those five residences that are on the south side of the median, we can only go east on Leavenworth Rd. and we rely on that intersection to be able to get on and go west on Leavenworth Rd. That proposed plan for the main entrance would severely impact our ability to get out of our driveways. My recommendation would be if they can move the main entrance east on Leavenworth Rd. so that it's not directly across from a residence, then that would be a better option. We, the fact that we live right there across from where they're saying where the main entrance would be, you can put up berms and hide the buildings, but you can't hide the sound of the traffic and the view of the traffic. Our lives will be severely impacted by having that main entrance right

there where their proposed location is. If you were to pan the camera from that pretty picture that they posted on their PowerPoint of the improved main entrance, if you were to turn that 180 degrees, you would see a residence, someone's home that is directly across from that entrance. That is all I have.

Adrian Torrez, 9828 Donahoo Rd., said I'm in opposition to the development for a lot of the reasons that we've already heard. I believe that 99th St. is not suited for substantial traffic increase. It's showing on the master plan as being an arterial road, but I think it's more of a rural arterial road that only serves residences that are actually north of the Woodlands. In thinking that, I would like to ask for a little bit of clarification from Gunnar Hand. It's been bandied about that at one time the N. 99th St. entrance would be used for an employee entrance, but I understand now that we're looking at saying that is just an emergency entrance with a N.O.X entry gate. First of all, I'd like to know if that is true, but is that only true for what we're talking about tonight and could it be revisited every time we look at building B, C, D, or E because if we're talking about anywhere from 3 to 100 employees—1,000 employees at this facility, and it's an employee entrance in the future, we're going to have a lot of traffic down a residential road. Now that road does get a lot of use from our children being picked up. It's a very narrow road. So, Gunnar, can you answer that for me please?

Mr. Hand said it is a condition of approval that the entrance on 99th Street would be for emergency vehicles only. It would have a yelp gate which is basically every time a police and/or fire approaches, they have a button that can make it go up and down. It is required to have a secondary entrance for exits for emergency vehicles so that's why that's there. (**Ms. Cobbins** said one minute remains.)

Mr. Hand said I'll go quickly. To answer your question, if they wanted to change that for any reason, moving forward, it would have to go back through a preliminary and final plan approval as well as a request to change that condition of approval. So, it would be reheard by the Board of Commissioners.

Mr. Torrez said okay, thank you. I've got a couple of seconds left. I attended the Economic Development and Finance meeting on July 6th. Commissioner Burroughs, you might be able to help me with this if I run out of time, but during the conversation, it was noted from Greg Kindle, and he asked specifically if this project would fill the budget hole that we are going

to see due to COVID. Kathleen VonAchen had answered and I'm going to see if I can give it to the best I could word for word, she stated that the \$2M sale had been included in the proposed 2020 budget and it fills a gap in revenue. (**Ms. Cobbins** said your time is up.)

Laurie Torrez, 9828 Donahoo Rd., said I'm in total opposition of this. It is not maintaining the character of the Piper neighborhood that I live in. I also watched the July 6 Economic Development and Finance meeting, but when Kathleen VonAchen said the \$2.1M was already in the 2020 budget, I figured that's a done deal. You guys didn't even give us a chance to voice our opinions, in the neighborhood to voice their opinions, well then grab that money and that money's not even in your pocket yet. That's totally disrespectful of the Unified Government doing that.

I have a few questions. You've been talking about improvements on 99th St. How much easement does the city have on each side of 99th St.? can you give an estimate of how much land will be taken from the homeowners to develop 99th St., or improve it? Second one, I am correct that Scannell has said no tax abatements, but this does not stop any businesses that move into that mystery warehouse to file for tax exemption from the UG. Am I incorrect in thinking that all warehouses, that after all warehouses are leased or sold and the city has approved the tax abatements for those businesses, then we have no incoming taxes? That's long gone. Let's see in five years.

Currently, also, there are signs prohibiting truck traffic from entering Donahoo Rd. off 435 east and west. I think you need to go down and look at Exit 18 on 435 to Wolcott. There's the backway street, ends right up on 99th St. So, I think that situation needs to be looked at for no truck traffic. (**Ms. Cobbins** said you have one minute.) **Ms. Torrez** said is Scannell going to pay for all the hydrants and power lines and other utilities to put in the six foot, or the five-foot path along 99th St.? I don't want to pay for it out of my taxes. Is Scannell leasing or selling the mystery warehouses? How can you call this a commercial property when it's 95% industrial? Industrial does not belong in Piper. It's like taking a bathroom and putting it in the middle of your living room. That's how out of place it is. The walls, the architectural walls, it still—they still look like a federal prison wall. Something has to be done about that. It looks like a federal prison wall. You put some barbed wire on top of it, you've either got the Trump wall or the federal prison wall.

Jennifer Fisher, Kansas City, KS, said I have lived in Piper for over 20 years and started in Wyandotte County and Bonner Springs three years before that. I've got a question, a few questions. There are transmission lines that run through the middle of that property right now and in the drawings that I've seen so far in the presentations, they're nowhere to be found. I'd like to know where those transmission lines are going. Are they going to end up and down 99th St., or they going to go back over on the east side of the property? They have to go somewhere because they run right through the middle of that property. I'd like to know how high that berm on 99th St. is. Building B, which is the one that sits along 99th St. is 60 feet tall. I know the gentleman said the existing Woodlands building is 60 feet tall. I'd like to know the square footage of that versus a million square feet that is in Building B. Who pays? I know they're trying to make a big deal about donating this land to the city for parks and trails; who's going to pay for the development? Who's going to pay for the maintenance? How much maintenance has been done on Bennet Lake? What's it going to take to get that in a useful, to be able to be used?

To me, it sounds like a lot of money that's getting invested when you have Wyandotte County Lake right there. Those are just some of the few questions that I have. I too am very concerned about all the traffic especially if it comes back off of Leavenworth Rd. the wrong way. You can't guarantee any of us that there's going to be trucks that don't go west on Leavenworth Rd. Where are they going to turn around once you get pass 435 on Leavenworth Rd? Where are they going to turn around? They are going to be coming straight through residential areas where a lot of us live and nobody wants that. (**Ms. Cobbins** said you have one minute.) **Ms. Fisher** said those are just some of the notes that I took and the questions that I have. I agree that to put this industrial park right in the middle of Piper, it doesn't make much sense. It's not on the original master plan. I understand you're trying to change that now, but to me it doesn't make much sense.

Ms. Cobbins said we do have a couple that contacted the Clerk's Office. We have Mr. Rusty Roberts who'd like to speak, and then I have one item that is requested to be read into the record.

Rusty Roberts, Kansas City, KS, said I am a third-generation resident. I don't know how the—I have no idea how this could get passed. I haven't seen a traffic study. We have developers put in small subdivisions of 70 houses and they have to have a traffic study, they do it. If we had a traffic study, we could at least see what's going on; we could know where the bus stops are. I

think a good place for one of the bus stops would be in Jeff Miles' front yard because he's for this project, but anyway, I sure wouldn't want a bus stop in my front yard.

Anyway, the traffic study's one thing that probably needs to be done and should have been done way before now. Impact study, you know, how is this going to affect Piper? How it can affect, you know, western Wyandotte County? How's it going to affect the lake? How's it going to affect the surrounding businesses around there? My brother has an event center; spent a lot of money on. They have weddings there. How they could have a wedding with 1,000 trucks going in and out every day, 24 hours a day. I think that this ought to be the same as the airport and in California. The John Wayne Airport where they limit the traffic to, you know, just during the day and that's it. The trucks disrupt the whole community, so I'd like to see a restriction on the time on the trucks going in and out. (**Ms. Cobbins** said you have one minute.)

Mr. Roberts said another thing I'd like to see is that Bennet Lake gets all filled in. Some kind of EPA study on it and see what needs to be done on it. What's it going to take to get that lake up to shape? You know, I don't want it just given to us, given to the city and then it be a huge detriment where we have spent a whole bunch of money that we don't even have. We can't even maintain the rights-of-ways now. We're cutting back on that and now we're going to have more landscaping to take care of. Anyway, those are just my thoughts. I am definitely against this. I hope it does not pass and I do see real estate values going down in the surrounding area a little bit, somewhat. So, anyway, those are my thoughts. I hope everybody thinks right when they vote on it.

Ms. Mayes said, Bridgette, before you go, there is one more person with their hand up. Mayor, would you like me to call on them? **Mayor Alvey** said yes, please. **Ms. Mayes** said Ms. Karen Lauber.

Karen Lauber, 3120 N. 99th St., said I am the second house north of the intersection of 99th and Leavenworth Rd. We are inside the median area on 99th St. I want to voice my opposition of the project. My neighbor and I, who is at 3124 N. 99th, would be exposed directly, not have any advantage of any berm or any noise buffer between ourselves and the retail development. Our experience for the period of time that trucks and UPS was being parked at the Woodlands site was a really bad experience and intolerable from the noise standpoint with the trucks. I think the

Commission finally said that to somebody's earlier point, that had to stop at seven in the evening, but this would be a 24/7 operation. There's already too much traffic up and down Leavenworth Rd. and at this intersection here the noise is already not tolerable.

Secondly, as others have stated, this, you know, we can call it a business park. To me, a business park is Corporate Woods. This is a warehouse facility that would have 24/7 trucking freight operation. That does not belong in a residential area. For that matter, a racetrack didn't belong in a residential area. I bought my house in 1986. That was a farm at the time, but that passed it was put in, and eventually became part of this entertainment district as a master plan. (**Ms. Cobbins** said you have one minute.) **Ms. Lauber** said I have to believe that we can think of better things to do in a residential area in Piper rather than put an industrial warehouse freight facility there and I am vehemently opposed.

Ms. Mayes said there are currently no more hands up.

Mayor Alvey said, Bridgette.

Ms. Cobbins said Mr. Mayor, Dear, Commissioner. We are writing to voice our concerns of the proposed redevelopment of the Woodlands property located at 9700 Leavenworth Rd. We are the only current residence of this property with established utilities and mailing address of 3205 N. 99th St., Kansas City, KS 66109. We have a sizeable amount of money invested into the property. We have paid rent for 13 plus years, first from Kansas Racing LLC and currently from Ruffin Woodlands LLC. We have borne the cost of general maintenance including appliances, plumbing, carpeting, etc.

This historic farmstead was built in the late 1800s and is known to be the elder locals of Borucker Farm, one of the earliest self-sufficient homesteads in Wyandotte County. It is much more beautiful on the inside than out with quality craftsmanship not often seen today. We have been good neighbors to the community. We also support the school fundraisers even though we have no children enrolled. We keep the yard well maintained and we share the fruits of the large vegetable garden. We have tried to convey our thoughts at the meeting on July 13th, but we're not sure that everyone understood that we actually live on the property.

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Our home is located in the middle of the proposed Building B. We have no communications with either the current owner or the perspective buyer regarding the timeframe of this construction. We hope this is to be addressed at the meeting on July 30th. We are both senior citizens and have hope to live out our days here. The thought of having to find a new home and move during a global pandemic is frightening at best. We hope that there will be some discussion regarding our future in our home. We will welcome anyone who would care to visit and view what is about to be lost forever. Thank you for your time and consideration, and we look forward to hearing from someone soon. Sincerely, Kevin King and Judy Laster. That is the only request that was submitted to the Clerk's Office in opposition.

Mayor Alvey said I will now close the public hearing. Would the petitioner like to make any closing comments?

Mr. Cofer said we do appreciate the time that you've given us this evening to present the potential projects. We feel like that we've brought together a good plan to redevelop this property. We feel like we've worked with staff over the past couple of months to generate a plan that works for everyone, and we do try to be good neighbors and we've got traffic studies and all those things that I think have been requested.

We plan to make the improvements that are requested and to provide—there's questions about how some of the work at the park will be funded. We are planning on providing some funds for that. We feel like every step of the way throughout this process we've heard the neighbors and we made some concessions there, and we certainly worked with staff and worked with their commitments to bring this to become a good project. At the end of the day, could it come back to be a casino? I don't think that's the right use at all where this could be a great benefit to the community. That's all I have.

Mayor Alvey asked, commissioners, comments or questions?

Commissioner Burroughs said I believe it was referenced by Mr. Torrez and/or his wife in reference to the \$2M question that was proposed during the Economic Development Committee, that question was posed, and I believe my action did answer that question. But the question that I

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asked has not been answered and that is the \$2M, what type of investment do we have in that property? I know that the Scannell representatives have stated that Wyandotte County will be paid the same amount of money per square foot that Mr. Ruffin has agreed to sell them the property for, and they're going to buy our property at the same price. I guess my question is, for the public to know, what type of investment have we incurred having that property all of this time? Is it a good deal for us? Is it a bad deal? I think the public should have that answer. I asked that question at the meeting and I still haven't received an answer so, I was hoping we would have that answer this evening.

Doug Bach, County Administrator, said I can speak to that. We acquired that property in a tax sale, back after, I think it was during the time that the Woodlands went out of operation. Tax sale would mean that we acquired that if there were outstanding taxes on that property, so we just applied that to it. We did not have to pay any money for the acquisition of that property. Ownership of that property over the years has been minimal from a cost perspective in the sense that we moved it over toward our Land Bank for a holding in that position over the years. It's property where we have mowed right-of-way along the frontage of that. I don't have a number for what that would be over the years, but that would be it. We don't mow the whole property because it sits back in, so you only mow the frontage area along that property. Our overall cost here is a very low holding cost. We had no investment in it to start with. It's one where it's just property we've owned over the years.

Commissioner Burroughs said I appreciate that, Mr. Bach. I wish I'd had that answer ten days ago so I would have been able to continue to look at the value of the project as its being proposed. I do trust that the C-1, the request will, I believe, that what it is, C-1 will enhance the value of that property. I just want to know if it's a good deal or bad deal for us. We have no money in it. If it's a good deal for the community, that's one thing. The 70 something acres that are being proposed for park property, I would hope that if it's going to be parkland that some of the questions and comments that were made this evening will be considered as we look at future development to turn that into parkland or walking trails that's been committed. It's a pretty rough terrain, but if—I would just hope that we continue to make investments in the properties that we are bound by and if we have a partner in doing that, all the better.

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The property to the north of the facility, the road is pretty bad heading into the lake. A number of us have spent a lot of time out there looking at the property. If there's a commitment to upgrade the quality of that road, I think its beneficial for the residents that live there. It just pains me to think that as a government entity that we can't provide those services to our residents without having this kind of controversy on a development, but with that, I believe Mr. Bach has answered my question. Mayor, I appreciate the opportunity to speak to the project.

Mayor Alvey said I've got a couple of other questions. Gunnar, could you please, I want to go back over a couple of things that were brought up. First of all, there was a traffic study done, correct? **Mr. Hand** said that is correct. **Mayor Alvey** said, obviously, it was because it is K-5. It is a highway, so a highway traffic is expected along there. KDOT approved that proposal as well? **Mr. Hand** said it did review the traffic study with us and, again, were part of our conditions of approval. **Mayor Alvey** said okay, and so how many trucks are they anticipating a day? **Mr. Hand** said I'd have to look that up; I don't have the exact number. I think Mr. Reece might know. **Mayor Alvey** asked, Mr. Reece, would you please give me an idea of how many trucks are coming in and out of that facility each day? **Mr. Reece** said most of the development is ITE and that's International Traffic Engineer manual and it doesn't break it up by trucks, but the first phase is—that first phase building will be roughly 262 trucks a day. **Mayor Alvey** said thank you.

Mayor Alvey asked, again, once again the reason this is being zoned, rezoned to industrial is simply not because there's going to be any manufacturing or any industrial activity there, it's simply to accommodate the guideline that exceeds the height limit for the building, correct? **Mr. Reece** said correct. **Mayor Alvey** said I guess the concern, raised concerns, I want to be clear, I know we're not getting an economic impact presentation tonight, but what I understand is the first building will result in an increase in property valuations that will be a \$647,000 revenue boost to Piper Schools. Is Katherine Carttar on? Could she answer that and/or Commissioner Burroughs on the \$880,000 a year from the very beginning just with one building? My understanding is \$650,000 to Piper Schools and \$880,000 to the Unified Government. **Katherine Carttar, Director of Economic Development**, said that is what we see from the proposed appraised value of that first building plus the change in zone for the remainder of that property.

Mayor Alvey said thank you. I'm going to go back to the question that whether if it was answered that the sale of this property loan, the \$2M, would fill the budget hole. Certainly not.

We know that's not the case. I hope that was not the answer that this would fill the budget hole or that we assume, presume that this would pass and that we'd already accounted for that \$2M. From my understanding we have not; we wouldn't have. We made severe cuts, as we know, to services, but I don't think we presumed that this would pass necessarily. I would hope we would not do that. I certainly, as the Mayor, would not do that and I don't believe our Commission would do that.

My thoughts on this is I'm going to give my own experience. Living in Turner, if you drive 635 & Metropolitan, you would see an industrial park to the west of 635, south of Metropolitan. This property was about a 200-acre piece of property that has kids, was our playground. This development came through in 1995 that simply put that property, dug it out, removed the material, pushed it back up the hill to create other places for more industrial buildings. I have to tell you, the desperation of the city at that time for revenues was such that even that passed because if you drive by and you look at that, you have to look at it and say that is a scar on the landscape. It just is not what you would do with an industrial park today. We should never do anything like that.

The landscaping is not there. You can see the buildings have no screening from the highway. It really is just not an attractive business park, frankly. However, it still generates revenues for the city. I led the charge in the neighborhood against that industrial park and were able to get some concessions, basically, to create a buffer of some residential neighborhood between us and the industrial park. But what we have discovered, we are concerned at the same time with that land values, property values would decline, in fact that did not happen. I just have to be honest with everyone, even myself. The expected decline in housing values did not happen. I understand the concerns of the neighbors and I will say based upon what I have seen of the design and the measures that they have taken, the developers have taken, to more than just soften, but to make this piece of property and to bring additional amenities like the addition of Bennet Lake and the trails and the berms and the landscaping are significant. That is the kind of quality development that we have to bring in. We have to do those kinds of things and not revert back to what I've seen before in my own personal experience.

I will say this as well, Mr. Roberts is right. We don't have money to even mow our right-of-way. Well, an additional \$880,000 per year, just in the first build out, is a help. It certainly does not fill the hole, but it is a big help and certainly the jobs. These jobs are not, again, I'm not

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particularly fond of jobs that are not union wages, but we have to have some jobs available and these jobs will pay for a lot of our folks. This is a very important step up.

If the US economy controlled by 9.5% this past quarter and more paint on the way, we've got to take advantage of good quality development that works very hard to preserve the quality, the integrity of a neighborhood and that is going to provide jobs and revenues for our city. The long term solution for Wyandotte County, for Kansas City, Kansas, the two things I hear from constituents, that we all hear from constituents all the time, Mayor or Commissioner, I need more streets, we need better streets, we need more parks and rec facilities, we need more fire stations, we need to rebuild fire stations, we need more police, we need more services and I'll always say you're right. Then they always follow that up with and you need to lower my taxes and the answer to that is development. If we don't bring the right kind of development to the right places, we're only going to see our streets, our roads, our infrastructure, our services continue to decline. There is no way out of this except by economic growth. When we have opportunities for good development to come in, we have to take them, hold them to high standards which I think we've done and yet let and allow the development to happen. Having said that, Commissioner Kane, I think you had some comments.

Commissioner Kane said first of all, when we were going through the budget, it sounded like we were counting on that \$2M, so I think your comment might have been inaccurate. Like I said before, if this wasn't Zoom, City Hall would be full of people. I have always and will continue to vote the way people have asked me to vote. I do not support this project.

Mayor Alvey asked, are there any more questions or comments from the Commission?

Mr. Hand said if I may, there are a couple of questions I felt I could potentially answer from the public section if you'd like. **Mayor Alvey** said sure. **Mr. Hand** said I don't think I'm going to hit all of them, but I'll try to do my best to answer the ones that I can. Again, there was a traffic study done for this project. Typically, we don't include those in our staff reports, but they are public information if anybody wanted to request one.

The street, 99th St., currently has a right-of-way. It varies depending on some of the parcels, but at its shortest length, the right-of-way is about 55 feet. The current road from edge of pavement

to edge of pavement is around roughly 20 to 25 feet. The proposed sidewalk on the east side would be within that easement so it would essentially only occur on the existing, from the east edge of pavement over. That's where the improvement would happen. If any improvement were to occur as it relates to future traffic studies as new developments come in, it would happen within that 55-foot right-of-way, so what some people think are their front yard are, in fact, the public right-of-way to be considered.

Ms. Gardner, directly across the street from the primary entrance on Leavenworth Rd., has her own specific condition of approval. We have—staff has met the designer of the project at Ms. Gardner's property and worked through a mitigation that we believe she has found acceptable but we're still working through some design work with her. That is an address directly across from the main entrance.

The bus stop, as currently envisioned right now, would be somewhere within that neighborhood retail center on the corner of 99th and Leavenworth. Again, the network, internal circulation network, we believe will create pedestrian connectivity throughout the development from that bus stop. We are, as another condition of approval, mandating no truck traffic signs be posted along 99th & Donahoo to reemphasize what already is not allowed on that street. Then, finally, I think it's very important that we make the distinction that while it's been talked about quite a bit, that 97 acres around Bennet Lake is a part of the Economic Development agreement. It's not a part of the factors that were considered as a part of this zoning action.

Commissioner Bynum said I think it's very clear from all of the discussion that this is the kind of decision that the Commission doesn't take lightly or come to easily. In the disclosures we made at the beginning of the meeting, I did announce that I had heard from those opposed and those for. I certainly understand the concerns raised from those opposed, bringing us their desire not to have this level or type of development nearby. In my at-large role, I have to look at projects like this with the bigger picture of the entire community in my mind. I would like to say, I did attend the neighborhood meeting and I did hear the variety of concerns and questions that were brought up that evening. I also heard from some neighbors along both 99th St. and Leavenworth Rd. that were, in fact, in favor of the project.

I also want to say that I really appreciate the way that Commissioner Kane and, frankly, all of our commissioners represent their districts, but I have certainly not heard from more than 100 people opposed to this project.

I have heard directly from possibly three people opposed, two which live in the area and one which does not live in this particular area. I feel that I'm very approachable so I'm a little bit surprised at the few people who've actually reached out personally to talk to me about whether they're for or against the project. I have also heard directly from several that are in favor of this project that live in this very specific area. My comments are these; the project redevelops a blighted and vacant property. This proposed developer has a track record of quality development and I believe from the neighborhood meeting and what we've heard tonight, included in the full agenda packet, that they were to mitigate as many of the concerns as they possibly can.

This project brings local tax dollars to the Piper School District. It brings tax dollars to our local community and Unified Government, which I have to say is a distinct departure from the current situation with this parcel, which currently enjoys a disproportionately lower evaluation thanks to the decisions made by the Kansas State Board of Tax Appeals. The project appears to bring improved transit and sidewalk access. It appears to enhance green space around the west side of Wyandotte County Lake. It brings hundreds of jobs to the community. This continues our efforts which have been earnestly and successfully undertaken by several organizations in our community to increase our overall median household income for those folks who live here in Wyandotte County.

I'll stop right there briefly because that effort to increase median household income across Wyandotte County is no small thing. Not only does it increase median household income, it also increases folks' ability to obtain and keep health insurance, and that has been on my mind in a very serious way during this pandemic.

The fact that our unemployment rate has reached a level of 11% or 12% and how many of those people during COVID-19 upon losing their jobs also lost access to health care because their health insurance is now gone, so that is not a small thing for me. In this community, and my time on the Commission, we've said for years that what has to happen in order to have any chance at all of reducing the tax burden on our residents is to grow our tax base and here's a project that purports to do exactly that.

You know we've shown through previous logistics or light industrial projects that we've approved that we expect and anticipate that they're going to be good neighbors when they're near residential areas. Prior to this pandemic, our community and, in fact, the entire nation has watched as this kind of development has seen exponential growth. Our community certainly has had significant growth and demand for this kind of product. My belief is that this pandemic is only going to further reinforce the need for this kind of product. Behaviors have changed and they will continue to change as we all continue to adapt to the things that we believe that have the most impact in keeping our families safe.

I just want to make a final comment. I have been driving by a sign on the northwest corner of 99th & Leavenworth Rd. offering 12 acres for sale, commercial, for at least a decade if not longer. I'm not suggesting that that sign purports a project like this. The only point I'm making is that what that sign has been signaling to me for more than a decade is that change to this area is an item that's on the table and could very well be headed this way. Those are the comments that I want to make regarding this project at this time, Mayor.

Commissioner McKiernan said I do want to thank Commissioner Bynum for her thoughtful remarks. I, like her, do believe that this kind of development will be a net positive for our community. While I certainly have heard, and I respect and I understand the concerns of the neighbors around this area, I do think that the steps that the developer has already taken in terms of mitigation and meeting the neighbors and working with them to mitigate not only their concerns, but the potential negative impact of this on their neighborhoods has been impressive already. I am confident that this developer will continue to work with everyone in the neighborhood so that they are truly a good neighbor and a positive addition to this community as well as to this tax base.

Commissioner Philbrook said thank you, everybody, for all of your comments. I understand the anxiety of having (inaudible) around your home and you've been there for a long time. Been there, I know what that's like, and it can be devastating personally, but sometimes we just have to accept the fact that there will be change. In this case the change, in my mind, is a positive change because of the additional workforce, the jobs that we'll be having there. We definitely need that and we're looking in the right direction with Wyandotte Economic Development because them and the Health Department have been working together to help people create better lives and be healthier

and a job is right in the middle of that. So, it is very important that we do that and that we have good partners in doing it. Its sometimes easy to get partner, but I think some of us are going to still be around for a while that we can watch and see what a good partner this group will be. I have high hopes and high demands on that, so thank you, everybody. I really appreciate everybody's input.

Action: Commissioner Philbrook made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3226, subject to the stipulations.

Mayor Alvey said I want to be clear, Gunnar, it's listed as two items. Are we taking two separate motions or a package? They're all together. **Mr. Hand** said it'll be two motions, Mr. Mayor.

Mayor Alvey asked so the first motion is for the Change of Zone Application #3226. **Commissioner Philbrook** said yes, sir.

Roll call was taken on the motion and there were six "Ayes," Bynum, Townsend, McKiernan, Ramirez, Walters, Philbrook; and three "Nos," Burroughs, Johnson, Kane.

Action: Commissioner Philbrook made a motion, seconded by Commissioner McKiernan, to approve Master Plan Amendment #MP-2020-5, subject to the stipulations.

Roll call was taken on the motion and there were six "Ayes," Bynum, Townsend, McKiernan, Ramirez, Walters, Philbrook; and three "Nos," Burroughs, Johnson, Kane.

Commissioner Burroughs asked, can I ask for a pass? **Commissioner Philbrook** said I never got to pass. They told me that I couldn't pass. I asked for one back when I first got on the Commission and they said, heck no, you cannot pass.

Ken Moore, Chief Legal Counsel, said, Commissioner, that's correct. You are to vote unless you have a conflict that you should disclose. **Commissioner Burroughs** said I do have a conflict. I have family that will be directly impacted by this development.

David Alvey asked, Kenny, are you talking about a financial conflict? **Mr. Moore** said well, it could be a broader conflict, but that is difficult without really knowing the nature of the conflict. The Commission is supposed to vote if at all possible. **Commissioner Burroughs** said it's not my intent to try to submarine the discussion we've had this evening, but in full disclosure, I'm having a conflict and I want to be fair to my fellow commissioners. I would be concerned if you had a conflict and I've always talked about transparency and so I'm being transparent. **Mayor Alvey** asked, Mr. Moore, what is your opinion? **Mr. Moore** said I would say that he would not have to vote.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 20132...SPECIAL USE PERMIT APPLICATION #SP-2019-117 - FRED DEL TORO

Synopsis: Special Use Permit to keep a horse at 3447 North 31st Street,
and

ITEM NO. 2 – 20133...SPECIAL USE PERMIT APPLICATION #SP-2019-118 - FRED DEL TORO

Synopsis: Special Use Permit to keep chickens and livestock at 3456 North 31st Terrace, submitted by Gunnar Hand, Director of Planning. The Planning Commission voted 6 to 2 to recommend denial of Special Use Permit Application #SP-2020-117, due to lack of clean-up on the property by the applicant. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 1.46 acres. Similarly, the surrounding properties are residential in nature. Currently, no structures exist on the property; however, this application has been submitted in conjunction with BOZA 2356, a variance for the purpose of building stables on the property. The applicant is also seeking the approval of a special use permit for the purpose of keeping livestock on their property. This is not the applicant's primary residence. The property is currently zoned as an R-1(B) Single Family District with narrow lot design and is approximately 3.9 acres. Similarly, the surrounding properties

are residential in nature. Currently, no structures exist on the property. Additionally, the applicant has stated there are several chickens/roosters in the area. The Planning Commission voted 5 to 4 to recommend approval of Special Use Permit Application #SP-2020-118, subject to:

Urban Planning and Land Use Comments

1. Please provide pictures of site.
2. What animals do you intend to keep and how many?

Applicant Response: Chickens and possibly a horse, did not think this through in applying for variance for building a stable, but if decided to put a horse, then an application will be submitted.

Staff Response: Do you have an idea of how many chickens you intend to keep on the property?

Applicant Response: Haven't really thought of a total number of chickens on the property, it wouldn't be many, in my opinion, but currently I would be happy to just be able to get livestock (sheep and goats) in there and would be fine in not having chickens. In one of the Public Works Comments it stated:

At the meeting, Mr. Del Toro stated that he would like 15 chickens and a total of a combination of 15 goats/sheep. The Planning Commission recommended a total of 15 chickens and a total of a combinations of six goats/sheep for #SP-2019-118 for the property located at 3456 North 31st Terrace.

" 5. Per Sec. 27-340, Livestock means horses, mules, cattle, sheep, and goats. 6. No swine are permitted"

Staff Response: You can have up to six chickens before a Special Use Permit is required.

3. Please describe care and maintenance as related to the animals including facilities, security, and land.

Applicant Response: Property has been cleaned out from when originally purchased, lots of debris/trash in the area. Currently, there is some lumber that will be disposed of. Future plan would be to place a fence around the property.

NOTE: An enclosure for the horse stable was approved by the Board of Zoning Appeals for the property at 3447 North 31st Terrace, but not a perimeter fence not already allowed by right.

4. Please detail how the property is maintained to accommodate the animals?

Applicant Response: No animals currently on the property, but a horse is placed on the property within an enclosure while a stable is in the works, an application will be submitted.

5. Per Sec. 27-340, Livestock means horses, mules, cattle, sheep, and goats.

Applicant Response: Noted.

6. No swine are permitted.

Applicant Response: Noted.

Public Works Comments: none.

Staff Conclusion:

Having reviewed the concerns of the opposition it is the recommendation of staff that SP-2019-117 and SP-2019-118 be approved. In recognizing the historical significance of the Quindaro

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Ruins it is the belief of staff that the requested actions will have little impact on the site itself or the surrounding area. The applicant has indicated the intended location of the stable and has stated their willingness to move elsewhere within the confines of the property if it is determined that an alternative location would be less impactful on the Quindaro Ruins. Due to the size and form of the structure (120 s.f.), there is little reason to believe that the impact of the requested action will extend beyond the boundaries of the site. The applicant has been made aware that the site must be cleaned of any excess material or trash and has stated they will do so. Related to the keeping of livestock, concern has been expressed related to the size and type of operation. Initially, the applicant had stated their desire to keep a single horse and chickens. The applicant has since stated they are open to not keeping chickens as a resolve given that sheep and goats are permitted. The applicant was informed that if they were to have chickens, they can only have up to six before a Special Use Permit is required. The size of the operation is rather small and minimal in impact.

At the February 10, 2020 City Planning Commission meeting, this application was held over for another 60 days providing time for further discussion in hopes to find a resolve between the applicant and the opposition. On February 15, 2020, the applicant held a meeting. At the meeting, there were questions as to the acquisition of the land, a point of entry not located on The applicant's property, and supposed crimes that had taken place on the site of the Quindaro Ruins, none of which is germane to The applicant's intended actions. Ultimately, the applicant and opposition were unable to come to a resolve concerning the applicant's desired actions. It was suggested by the applicant that the opposition source out other contacts whom might have greater knowledge as to how the ruins and the point of entry are managed and maintained. Director Rob Richardson found that the gate of concern at the point of entry to the Quindaro Ruins (not on the applicant's property) was at some point put in place to avoid illegal dumping. It is unclear who built and owns the gate, but the Unified Government and several of the surrounding neighbors possess keys. This applicant does not possess a key. Director Richardson did state, however, that there is difficulty in closing the gate as it closes off access to a public street. It is clear that the concerns pertaining to the gate and management of the Quindaro Ruins site are not a responsibility of the applicant and are unrelated to the applicant's requested actions. The applicant has stated, however, that they have consistently been in contact with the opposition as to how to find a resolve relating to the access and management of the property and moreover, the closing of the gate.

After much conversation with both the applicant and the opposition attempts have been made by all parties to resolve any conflict that has arisen, however, unsuccessfully. It is clear that there is much concern and conversation to be had as to the management and access of the Quindaro Ruins and the illicit behavior that continues to take place therein. It has been concluded by staff that the applicant and their intended actions does not infringe upon the protection of the Quindaro Ruins and that much of the concern that has been raised does not relate to the applicant's property specified by this application. Issues of land acquisition, illegal dumping and other illicit behavior, access and management, amongst many other issues pertaining to the site of the Quindaro Ruins are not germane to the intended actions of the applicant. Given that the nature of the Special Use Permit is to be temporary, approval at this time is recommended.

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SP-2019-117 and SP-2019-118

Petitioner: Fred Del Toro

Address: SP-2019-117: 3447 N 31st Terrace
SP-2019-118: 3456 N 31st Terrace

Synopsis: A Special Use Permit to keep a horse on property at 3447 N 31st Terrace and approval of a Special Use Permit to keep livestock at the address of 3456 N 31st Terrace.



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Gunnar Hand, Director of Planning, said, commissioners, if you recall in our April agenda, this was continued for 90 days so that we could negotiate a potential land swap. We are still in the process of negotiating that land swap with Mr. Del Toro. We believe that we've identified an existing Land Bank property on N. 47th St., actually it's right across the street from the case by Ms. Thomas earlier today. In fact, we were at the point where we were still recommending approval.

As we are currently still in negotiations, I would ask that we continue this case for another 60 days. Mr. Del Toro is reviewing the property that we are recommending that we swap. There are some issues that he wants to talk through with us, mainly, if you recall, there's a—I can pull it up here in a second. There's an existing natural gas pipeline easement that runs through diagonally through the property. Additionally, his properties put together are approximately, I think, its 5.44 acres. This one is 3.82 acres. He seems amenable to it but until that is actually finalized, I would, again, recommend continuance for 60 days. If that deal is completed within that amount of time, Mr. Del Toro will withdraw both applications.

Mr. Alvey asked, is Mr. Del Toro present? Would he like to present his application, or are you just asking us to move forward now? **Mr. Hand** said I didn't see him on the list. **Ms. Mayes** said he is on. **Mr. Hand** said oh, he is, okay. **Mr. Alvey** asked so, Kenny, since he's asking to delay this, do we need to go through the entire presentation.

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SP-2019-117 and SP-2019-118



Ken Moore, Chief Legal Counsel, Mayor said I don't believe so. **Mayor Alvey** asked, Mr. Hand, you're just asking for a continuation for 30 days, correct? **Mr. Hand** said 60 days. **Mayor Alvey** said 60 days? I'm sorry, 60 days? Alright, so Kenny, can we move to a vote? **Mr. Moore** said yes.

Mayor Alvey asked, any discussion or questions by the Commission?

SP-2019-117 and SP-2019-118



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SP-2019-117 and SP-2019-118



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SP-2019-117 and SP-2019-118



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SP-2019-117 and SP-2019-118



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SP-2019-117 and SP-2019-118

Public Comments: Six (2 in staff report and 4 more on 4/13/2020) comments have been submitted in opposition. Both comments relate to the proximity of the site to the Quindaro Ruins and the related development of property near the historic area.

Staff Recommendation: Continue for 60 Days (CPC Recommended SP-2019-117 Denial 6/2 Vote & SP-2019-118 Approval 5/4 Vote for)

Conditions*:

1. Special use permit is approved for two (2) years;
2. Only one (1) horse at the address of 3447 N 31st Terrace; and,
3. Only 15 chickens and six (6) goats at the address of 3456 N 31st Terrace.



Commissioner Townsend said you might recall as Mr. Hand has said, that we were working for a land swap with the cooperation of Mr. Del Toro and he is still amenable to that. You may also recall that there were quite a bit of public opinion and concern because his applications had to do with properties near the Quindaro ruins. We believe this swap can be ultimately achieved and would benefit Mr. Del Toro who wants to be able to put some livestock on property he owns and also the concerns expressed about having a descent entryway to the Quindaro Cemetery.

If a motion is necessary, I move that we continue these two items for 60 days. In the interim since April, we also lost critical staff who were involved in this, so we now have new staff working on this who's getting up to speed, so that accounted for part of the delay.

Action: **Commissioner Townsend made a motion, seconded by Commissioner Philbrook, to approve to extend for 60 days Special Use Permit Application #2019-117.**

Mayor Alvey asked, Kenny, since there's two items, do we have to continue both of them; take two separate votes? **Mr. Moore** said if the motion covers both items, you can vote on them both together. **Mayor Alvey** said yeah, based upon my notes it seems like there were two different items, Item #1 and Item #2.

Commissioner Townsend asked, Mayor, if I could amend my motion then to make it clear that I'm asking for 60 days for both #SP-2019-117 and #SP-2019-118. **Mayor Alvey** said that works for me, thank you.

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Action: Commissioner Townsend made a motion, seconded by Commissioner Philbrook, to approve to extend for 60 days Special Use Permit Applications #2019-117 and #SP-2019-118. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 2 – 20133...SPECIAL USE PERMIT APPLICATION #SP-2019-118 - FRED DEL TORO

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

Action: This item was previously heard with Special Use Permit Application #SP-2019-117.

ITEM NO. 3 – 20268...SPECIAL USE PERMIT APPLICATION #SP-2020-56 - THOMAS W. MORGAN III

Synopsis: Renewal of a Special Use Permit (#SP-2018-39 – expired 6/27/2020) for a short-term rental/Airbnb at 431 North Thompson Street, submitted by Gunnar Hand, Director of Planning.

The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-56, subject to:

Planning and Urban Design Comments:

1. Please provide updated photos of the property.
Staff Comment: Applicant has provided updated photos of the property. They are attached below.
2. How will you communicate with the neighbors if there are any issues?
Applicant Response: I currently have contact information for neighbors around me. They also have my contact information. I am sending out written notice to each of them regarding the status of the Airbnb and will include my contact information again in case they need it.
3. How will you pay appropriate lodging taxes?
Applicant Response: Taxes are to be collected by Airbnb and Homeaway.
4. How many rooms are rented?
Applicant Response: The entire house which includes two bedrooms will be rented.
5. What is the maximum number of people that will be staying at any one time?
Applicant Response: This has been updated to allow a maximum of five guests.
6. What is the maximum number of vehicles and where will they park?

Applicant Response: Maximum of two vehicles. One may park on the street. The other MUST park in garage off of alley.

7. Please provide a dimensioned site plan or diagram that shows where parking is located.

Staff Comment: Applicant has provided a site plan that shows where parking is located. It is attached below.

8. How often are guests in the residence?

Applicant Response: This varies but on average three – four days a week.

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

Applicant Response: Yes

10. Provide a detailed description of the areas rented for Airbnb.

Applicant Response: The entire single-family residence will be available to rent. This includes 2 bedrooms, 2 full bathrooms, a living room, dining area and kitchen. Also included is a back deck, fenced in private back yard and 1 car unattached garage. The property was recently renovated and is extremely safe and well-constructed including an alarm system.

11. Please provide a dimensioned floor plan that shows all rented space.

Staff Comment: Applicant has provided dimensioned floor plans. They are attached below.

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

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

Applicant Response: Whole home was renovated from the studs out in 2017 and 2018 and all required permits and inspections were completed. This provides that the home is very safe with modern upgrades including new electrical, new roof, new plumbing, new HVAC. All of the above requirements needed for a safe rental have been met.

13. Have you been in compliance with the conditions outlined in SP-2019-38, which state:

- a. Host will maintain a safe environment described above.
- b. Host will obtain a business license with the Unified Government.
- c. The maximum number of guests is limited to five people.
- d. Parking for renters shall be in the garage and/or parking pad off the alley.

Applicant Response: All of the above have been strictly enforced and will continue.

14. Please provide a manual of rules and regulations that you have for renters including language that states no parties are allowed.

Staff Comment: Applicant has provided the manual of rules and regulations. It is attached below.

15. Please explain the issue with your neighbor regarding water runoff from your roof and how it was or will be resolved.

Applicant Response: This was taken care of last year. Gutters were installed and all runoff was directed onto my property.

16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately

following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Engineering Comments: none.

Business License Comments:

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

Conditions:

1. If approved, the Special Use Permit will be valid for two years.
2. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
3. Applicant must continue to comply with all conditions outlined in SP-2019-39, which include:
 - a. Host will maintain a safe environment described above.
 - b. Host will maintain a business license with the Unified Government.
 - c. The maximum number of guests is limited to five people.
 - d. Parking for renters shall be in the garage and/or parking pad off the alley.
4. The Special Use Permit shall be valid for two 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 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.

SP-2020-56

Petitioner: Thomas W. Morgan III

Address: 431 N Thompson Street

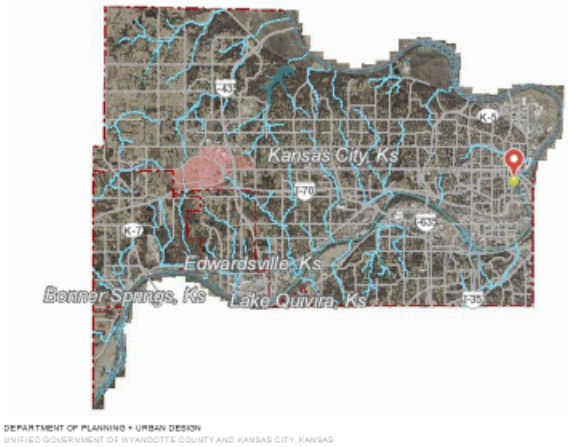
Synopsis: Renewal of SP-2019-38 (expired on June 27, 2020), which allows for the operation of a short-term rental/AIRBNB. This is not the applicant's primary residence.



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SP-2020-56



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Gunnar Hand, Director of Planning, said this short-term rental is located in the Strawberry Hill neighborhood. At the Planning Commission hearing earlier this month, a member of the public pulled it from our consent agenda. He wanted to express concern that earlier, a week or so earlier

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then the Planning Commission hearing date on July 4th, one of the guests was a little over exuberant both inside and on the street with some fireworks.

SP-2020-56

Public Comments: One (1) neighbor, Deborah (no last name given), stated that she had not had any issues with the AIRBNB. Another neighbor, Art (no last name given), stated that he did not want an overnight motel in the neighborhood. The applicant stated that they monitor the property and their guests to ensure that the rules are followed.

Staff Recommendation: Approval (CPC Recommended Approval 7/1 Vote)

Conditions*:

1. Special use permit is approved for two (2) years.

* See Staff Report for all conditions



We had no reported notices of violation on this property in the two-year span. There was also, again, a couple of other public comments which you can see here. One was, essentially had no issues. One generally didn't like the idea of short-term rentals in the neighborhood; it wasn't specific to the site. We've maintained all the previous conditions of approval from the renewal for all intents and purposes as it relates to notices violations other than the public testimony. We saw this as a model Airbnb short-term rental, so we still recommend approval for two years.

Mayor Alvey asked, is the applicant capable to present his application?

Jake Patton said I own the property with Thomas Morgan. He's here with me on the call. We are both, obviously, live in Kansas City, KS. We're requesting renewal for our Special Use Permit for the Airbnb. Over the last year, I'd say we've both had very good experience with the rental. We have, I would say, enhanced monitoring at the property to avoid noise complaints and parking issues. We have limited parking and that was based on a request by the city last year when we got our initial approval. That's an issue in Strawberry Hill. We take that seriously. We also take seriously the proximity of the adjacent properties.

We have a noise monitoring system inside the house that alerts us if guests are rowdy. The stated rules for the property that every guest receives indicates that there are no parties allowed, no noise past 10:00, I believe, inside or outside of the property and we take vetting very seriously.

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The concern that was raised at the Planning Commission meeting was actually not the first I have heard of the guest shooting off fireworks. That guest clearly violated rules that we set for that weekend knowing it was the fourth of July. We did, I would say, everything we could to prevent that from happening. Unfortunately, that guest was not willing to listen, and that guest will never be invited to stay at one of our properties again. An unfortunate incident, but after the past year, we've received no direct complaints from any of our neighbors. They all have our contact information and can get ahold of us anytime. Like I said, we've never received anything that would lead us to believe that there have been other issues at the property.

Mayor Alvey said I will now open the public hearing. Is there anyone who would like to speak in favor? If so, please state your name and address for the record.

Rocki Mayes, Program Supervisor in the County Administrator's Office, said, Mayor, there are currently no hands up.

Mayor Alvey asked, Clerk, have we received any notification of people in support of this? **Bridgette Cobbins, UG Clerk**, said no notifications, sir. **Mayor Alvey** asked anyone in opposition who would like to speak on this item? Madam Clerk, any notification of agreeance from the public? **Ms. Cobbins** said no notifications. **Mayor Alvey** said alright, and I'll now close the public hearing. Petitioner I don't, you probably don't have any closing comments, but if you do, make them now. Do members of the Commission have any questions or comments?

Commissioner McKiernan said I would like to thank the applicants here for the significant investment that they have made in renovating this particular property. It really was quite an eyesore before they acquired the property and they have done a really remarkable job of enhancing not only the look and feel of the property, but also the value of the property. So, it is a bigger contributor to our tax rules than it used to be.

In general, I do believe that the applicant and their guests have been good neighbors in this neighborhood. It is a tightly packed neighborhood. I really do appreciate the fact that we appear to have had only one incident with one guest and those types of incidents could happen with long-term renters or it could happen with homeowners in the area. We don't want it to ever occur, but

I do having looked at the materials that this applicant gives to his guest, I do believe he instructs them clearly on how they are to park and how they are to be good neighbors in the neighborhood. With that I would move that we approve this item.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application #SP-2020-56 for two years, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 4 – 20280...SPECIAL USE PERMIT APPLICATION #SP-2020-64 - TITA LAGRIMAS WITH TRADEBE ENVIRONMENTAL SERVICES, LLC

Synopsis: Renewal of a Special Use Permit (#SP-2018-97 – expired 2/28/2020) for a 10-day transfer facility non-regulated, DOT hazardous materials and hazardous waste, containers will be transferred from one truck to another, no transported containers will be kept inside the building at 1620 South 45th Street, submitted by Gunnar Hand, Director of Planning. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application #SP-2020-64, subject to:

Planning and Urban Design Comments:

1. Subject to approval, a \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department within 30 days of the Board of Commissioners’ meeting.
2. How will you ensure the safety and security of the hazardous materials?
Applicant Response: Safety and security activities for the site operations are identified in the Operation Summary, pages 1 through 3.
3. Submit an operations plan.
Applicant Response: See attached, Tradebe – Kansas City, KS Operation and Security Summary Plan.
4. Have there been any changes to the business operation in the last year?
Special Use Permit was approved for one year.
Applicant Response: No changes have occurred to the site’s business operations.
5. What are the proposed hours of operation?
Applicant Response: The normal hours of operation are 8:00 AM to 5:00 PM, Monday through Friday. There are occasions that due to traffic, weather conditions or customer requirements, Tradebe personnel are at the facility earlier than 8:00 AM; return to the facility after 5:00 PM or work at the site on a weekend.
6. What is the proposed truck route?
Applicant Response: Usual truck traffic routes are utilized for exiting off Interstate 635 traveling across (southbound) or onto Metropolitan Avenue (exit Interstate 635 northbound)

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and proceeding south onto 45th Street to the facility. These routes may change due to roadway construction and/or interstate traffic issues on the aforementioned roadways.

7. Per Business Licensing:

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

Planning Engineering Comments: none.

Conditions:

1. The Special Use Permit shall be valid for five 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 months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
2. A \$125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department within 30 days of the Board of Commissioners' meeting;
3. The hours of operation shall generally be from 8:00 AM to 5:00 PM with the understanding that employees may arrive earlier than 8:00 AM, depart later than 5:00 PM and/or occasionally work on the weekend;
4. Strict adherence to the Operation and Security Plan;
5. Comply with local, State and Federal procedures, regulations and guidelines.
6. Shall keep immaculate records of Transfer Logs and Inspection Logs, so at such time during your term, they may be inspected if asked.

Additional Stipulation from meeting:

The applicant will contact the emergency agencies concerning the chemicals being transported.

SP-2020-64

Petitioner: Tita Lagrimas

Address: 1620 South 45th Street

Synopsis: To continue to operate a hazardous waste transfer facility.



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SP-2020-64



Gunnar Hand, Director of Planning, said again, this item is a waste transfer facility that's essentially in between the Argentine and Turner neighborhoods in the south county, located right here.

SP-2020-64



This was pulled from the consent agenda at the City Planning Commission earlier this month by Commissioner Ernst, who had a couple of clarification questions and concerns that he wanted to raise.

SP-2020-64



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Essentially, in the materials that were provided in our staff reports, we usually just reference the previously approved materials that were a part of the original application, this again, being a

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renewal. In those original materials, there was outreach strategy identified as well as a requirement to maintain a list of hazardous materials on site.

SP-2020-64



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Commissioner Ernst ended up recommending that an additional condition be applied, which was included in your staff report for the Board of Commissioners that essential by required an additional outreach be done about the materials being held at the facilities against a hazardous waste transfer facility, where they basically go from truck to truck, right there. That be communicated to first responders in the immediate area, i.e. fire predominately, but also potentially police.

SP-2020-64

Public Comments: None to date

Staff Recommendation: Approval (CPC Recommended Approval 7/1 Vote)

Conditions*:

1. That the Applicant reach out to nearby Public Safety officials (i.e. First Responders) to keep them informed regarding the types of materials being transferred within the facility;
2. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Department of Planning and Urban Design no less than two (2) months prior to the expiration of the permit in order to begin the renewal process;

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The applicants agreed to do that as part of their outreach strategy. We recommend approval. Again, this was a renewal so it would be for, we recommend approval for five years.

Mayor Alvey asked, is the applicant present and would like to present his application, or she? Is there anyone that would like to speak in favor of this?

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Conditions (continued):

3. The hours of operation shall generally be from 8:00 AM to 5:00 PM with the understanding that employees may arrive later than 8:00 AM, depart later than 5:00 PM and/or occasionally worked on the weekend;
4. Strict adherence to the Operation and Security Plan;
5. Comply with local, State and Federal procedures, regulations and guidelines; and,
6. Shall keep immaculate records of Transfer Logs and Inspection Logs, so at such time during the term, they may be inspected if asked.

* See Staff Report for all conditions



Rocki Mayes, Program Supervisor in the County Administrator's Office, said I have Micky Sandifer. **Mayor Alvey** said okay, Mr. Sandifer.

Micky Sandifer said I would like to thank the Commission for a year ago when they approved this. This is an exceptional tenant. It's a nationwide company. That's what every property owner is looking for is a good long-term established tenant. Without any incidents or any problems from the last year, I think that they've proven that they're a reputable company and they're willing to work with the fire and police, which is a good suggestion. Also, I would agree on the chemicals that they cover in any type of plan in case there was a problem. I still would appreciate—I appreciate what the Commission has done, and I'd appreciate any further assistance of approving this. We're the business owners—I mean we are the property owners of the business.

Mayor Alvey asked, is there anyone present who would like to speak in favor of this?

Joanne Sandifer Hansen said I work with my brother Mickey on the property ownership. I don't know if you guys know the history of this building, but this building was rented by a tenant that wasn't paying rent and did not keep it up. It took us forever to get them out and then we had a truck load of repairs. It was empty for quite a period of time and then Tradebe moved in and they, as you see on the pictures, it's clean. They have done everything that the city has requested as far as contacting the Fire Department and having them tour and do all of those things.

They do like where they are, and you guys had rezoned the building to M-3 a year ago. By extending this special use permit, it allows them to stay there for a lengthy period—longer period

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of time, which they want to do, which then allows to pay our taxes and do all the things that help the government and then the Unified Government. So, we would appreciate you guys and we, you know, you considering this. Thank you very much for all that you've done to help us in getting good people into our buildings and working with us.

Robert Vaughn, Tradebe Environmental Services, LLC, said we are very happy to be able to present some information and have enjoyed working with the Unified Government personnel. We do appreciate the opportunity to present some information tonight and to validate Ms. Hansen, Mr. Sandifer's comments. We enjoyed being in that neighborhood. We enjoyed being in the state of Kansas City. We worked hard to maintain the facility.

Our site personnel have engaged after the Planning Board's meeting with the local Fire Department. We had Station 17 personnel drop by yesterday. Today, we had Station 7 personnel. Those are two truck fire houses. Tomorrow, we are having Station 16 come by. All receiving positive comments thus far. Again, we would like to thank the Unified Government personnel and the Commissioners and the Board for allowing us to present some information. If there's anyone that has some questions, I'd be more than happy to answer them.

Mayor Alvey asked, any others Rocki? **Ms. Mayes** said there are no members of the public with their hands raised. **Mayor Alvey** asked is there anyone who would like to speak in opposition. No hands raised I presume. **Ms. Mayes** said no hands raised. **Mayor Alvey** said I will now close the public hearing.

Commissioner Burroughs said I want us to state that in looking at the pictures, I did notice, as a former Fire Chief of Colgate Palmolive Company and knowing the MSDS requirements, that vehicles have to have as well as businesses have to have when fire personnel and emergency personnel arrive. I just want to say how pleased I was to see the vehicles as well as the trailers backed up against the dock doors. That's an extra security measure. It's little things like that that tell me how the company operates and, Mayor, I am supportive of the project.

Commissioner Ramirez said thank you to Tradebe for investing and giving back and wanting to create your company here. It's not my district, but its right next to it. Thank you for willing to

meet with our public safety agencies. How often do you meet with them? How often are you going to meet with them in the future? **Mr. Vaughn** said we had met with them. We like to meet, you know, at least annually with the company, but we're always open. The lines of communication have been established. In the conversations that we've had thus far, we have the contact name for the chief and more than willing that the site people can be available if they want to have conversations or other discussions. **Commissioner Ramirez** said great, and again, thank you for investing in our community. It seems the property owners love you and so, again, like I said along with Commissioner Burroughs, I'm in support of this project as well.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-64 for five years, subject to the stipulations.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

MASTER PLAN AMENDMENT APPLICATION

ITEM NO. 1 – 20273...MASTER PLAN AMENDMENT APPLICATION #MP-2020-5 - SHAUN COFER WITH SCANNELL PROPERTIES #436, LLC

Synopsis: Master Plan Amendment from Entertainment to Business Park at 9700 Leavenworth Road, submitted by Gunnar Hand, Director of Planning.

Action: The item was previously heard with Change of Zone Application #3226.

MISCELLANEOUS

ITEM NO. 1 – 20282...CONSIDERATION OF AN EMERGENCY ORDINANCE AND RESOLUTION

Synopsis: Suspending enforcement of certain Chapter 27 sections and adding additional sections for Chapter 27, submitted by Gunnar Hand, Director of Planning.

MP-20409-00006: COVID-19 Emergency Resolution & Ordinances

Purpose: To accelerate the economic recovery plan set forth in ReStart WyCo by providing accommodations to businesses, allowing them to serve a greater number of customers while still maintaining social distancing practices.

Resolution: To suspend relevant sections of Chapter 27 of the Code of Ordinances until the end of the year in order to accomplish this purpose.

Ordinance: To make changes to Chapter 27 addressing mobile vending and farmers' markets be allowed in all zone districts with additional and specific standards applied between now and December 31, 2020.

DEPARTMENT OF PLANNING • URBAN DESIGN



Gunnar Hand, Director of Planning, said, commissioners, if you recall, in our June meeting, we passed the first in what I would say potentially a series of COVID-19 emergency ordinances. That first round focused primarily on allowing business to operate within the public right-of-way with certain standards, again, to provide social distancing. If you've seen the news recently, what has been of increasing note is that some of the most dangerous places you can be is inside of a restaurant. So, I know a lot of restaurants have been working to spread out. If you noticed there have been quite a few businesses out and about across the county that have started to utilize that emergency ordinance to great effect. Mainly, I think if you're close to City Hall, you see it often at Slaps BBQ, Splitlog Coffee, Joes Kansas City, I'm forgetting her name but there's another business on 7th Ave., on the way down to Armourdale, as well and a few others across the downtown and out west. We think that that's been a really good success.

After our meeting, we did have a training with all the relevant enforcement officers. I mentioned back then as well that while we were providing as much information as we could in terms of outreach and bifold that provided additional information, which we'll talk about a little bit here, in addition that it would be primarily an enforcement issue. As far as I have heard, and correct me if I'm wrong, we haven't encountered any issues, but our code enforcement help officers, zoning enforcement and peace officers, are aware of what's going on and keeping an eye out for any potential violations of that ordinance. This second round, if you will, of COVID-19 emergency resolution/ordinances had to be split from the original round because instead of updating Chapter 32, it was updating Chapter 27, which is required to go through the City Planning Commission. The City Planning Commission recommended approval unanimously. These provisions, and I will go over those individually, are here right now.

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Chapter 27 Edits: COVID-19 Emergency Resolution & Ordinance

Safety Standards:

- 4-foot clearances for ADA and street furniture
- 6-foot social distancing standards maintained
- No ADA parking spaces or access zones may be used
- Sightlines/sight distance triangles maintained
- 15 feet from fire hydrants and bus stops
- Enforcement powers delegated to Fire, Public Health, Code and Zoning enforcement officers



DEPARTMENT OF PLANNING • URBAN DESIGN

We still maintain all of the same safety standards that were discussed in the previous resolution as it relates to both ADA and COVID-19 social distance recommendations. We focus a lot on public safety, with Public Works, and traffic as well, in terms as sightline distances and other issues. Again, these rounds, this round focuses primarily on farmers markets, mobile vending, or food trucks and mobile markets.

Chapter 27 Edits: COVID-19 Emergency Resolution & Ordinance

Farmer's Markets



DEPARTMENT OF PLANNING • URBAN DESIGN



Chapter 27 Edits: COVID-19 Emergency Resolution & Ordinance

Farmer's Markets:

- Allowed in all zones
- Requires only an administrative review
- Still need business license, but not an annual agreement Planning and Urban Design



DEPARTMENT OF PLANNING • URBAN DESIGN

As it relates to farmers markets, what we've allowed is for those to offer it in all zones with just one administrative review. We don't anticipate too many additional farmers markets that were out there, although, we are looking forward to potentially expanding the number of farmers markets.

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We think we can do an administrative review pretty quickly just to make sure everything is okay. We also waived the need for an annual agreement with the Planning and Urban Design Department with such markets. Instead, we streamlined it so that business license, they do require a business license and if you're familiar with the process, when a business license is applied for, it does go through a zoning analysis for check so we do get a chance to take a look at it and see what's going on, asking questions as we see fit. Currently, farmers markets have to get a SUP if they are outside of a commercial zone.

Chapter 27 Edits: COVID-19 Emergency Resolution & Ordinance

Mobile Vending (i.e. Food Trucks and Carts)



DEPARTMENT OF PLANNING + URBAN DESIGN



Regarding mobile vending i.e. food trucks or fruit carts, push carts if you will.

Chapter 27 Edits: COVID-19 Emergency Resolution & Ordinance

Mobile Vending:

- Allowed in all zoning districts
- Must pay parking meter, but can stay within hours of operation
- Agricultural and Residential from 9AM – 8PM
- Must be in parking lot of church, senior center, community center or school / Invited to a block party (up to 10PM) / Adjacent to public park
- Commercial and Industrial from 9AM – 10PM
- Cannot park in front of existing food business
- Still need business license, but not an annual agreement Planning + Urban Design

DEPARTMENT OF PLANNING + URBAN DESIGN



We're also expanding this be allowed in all zones. Currently, it is only allowed in commercial zones, but we applied many more standards as it relates to mobile vending, again, food trucks. There's a few of them listed here. We did our best to give you the ordinance and resolution languages ahead of time, so it was in your package. If you recall last time, it was a special meeting, so we weren't able to get you all that information. We didn't get it to you as soon as we hoped.

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Specifically, to mobile vending, essentially they have to keep paying the meter, if there is one, but they can stay there if there's like a two or three parking hour maximum. They can stay there as long as they are within their operating hours. Those operating hours vary based on certain conditions and/or zones that they're in. In agricultural and residential zones, we limit that to 9 am to 8 pm. Specifically, in agricultural and residential zones, they have to be either in a parking lot of a church, senior center, community center, or school, or specially invited to a block party.

Some of you may have heard this but there was a couple of neighborhoods out in the western county that were having block parties during COVID-19, social distancing block parties. They were essentially inviting a couple of taco trucks to park which is not allowed. We feel if the neighborhood has a permitted block party, they can invite a food truck. Again, for that we've extended the time because it's sort of an invite from the neighborhood, if you will, up till 10 pm. The other place that they're allowed in agricultural and residential zones are adjacent to any public park. Essentially, adjacent to any public park is the only place they are allowed on the street in agricultural residential zones.

In commercial and industrial zones, again, we didn't see too much differentiation between commercial and industrial, so we adjusted the hours from 9 to 10 pm and essentially allowed them now into industrial areas. The only major restriction that would be in place potentially, if passed tonight, would be that those food trucks cannot park in front of an existing food establishment unless it is associated with that brick and mortar restaurant. A lot of times restaurants have their own food trucks. Again, we waived the need for an annual agreement with Planning and Urban Design Department and streamlined that through the business licensing process.

Chapter 27 Edits: COVID-19 Emergency Resolution & Ordinance

Mobile Markets



DEPARTMENT OF PLANNING • URBAN DESIGN



In regard to mobile markets, as of right now there's only one mobile market and that's the DOT Mobile Market. When the original mobile market ordinance was written, there were two. There

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was, what was the beginnings of a DOT Mobile Market and a private business that has since gone out of business.

Chapter 27 Edits: COVID-19 Emergency Resolution & Ordinance

Mobile Markets:

- Remove requirements for annual agreements with each location
- Requests coming into DOT Mobile Market from all over the County
- Extended business hours from 8AM – 7PM Sunday through Thursday / 8AM – 8PM Friday & Saturday



DEPARTMENT OF PLANNING • URBAN DESIGN

Essentially, what we found is when we discussed this specifically with those who run the DOT Mobile Market is, since COVID-19, they've been receiving quite a few requests outside of their existing SUP. Just a lot of people don't want to go out and buy groceries so they were looking for groceries to come to them essentially, so they've gotten a lot of request from people all outside of what was their annual agreement and essentially, like the others, we waived the annual agreement for—this would be, again, from approval to December 31, 2020, with the option for the Commission to extend that if they see so fit. If we didn't waive the annual agreement, essentially the Mobile DOT Market would either not go to those places that they had requested they stop by or would have to come in and get a SUP essentially for all of those. We streamlined that as well. We also gave him about an hour on set up time on either end, so their business operating hours are now from 8 am to 7 pm on Sunday through Thursday and then 8 to 8 on Friday and Saturday.

COVID-19 Emergency Resolutions & Ordinances

Next Steps:

- On-going Outreach Campaign
- On-going Enforcement Training
- Third Emergency Ordinance focusing on street closures and special events updates
- Will test run these for Zoning Code Update



DEPARTMENT OF PLANNING • URBAN DESIGN

Again, part of our efforts here is, you may remember, the bifold that we created. We've updated that. We have an updated version if approved. I should say that we'd like to push back out with another press release. It will include, if approved, sort of a third sheet that you would slip in that specifically addresses the issues we've talked about today for farmers markets, mobile markets and mobile vending.

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We are going to continue to do the engagement training, although at the last engagement training, we sort of discussed potential future changes herein, but we do believe it's important to kind of keep going through that cycle. We did the same thing we did with the original emergency ordinance. We went out to all the relevant departments and asked for any comments, questions, changes, amendments, additions and so on and so forth. So, we believe that we've done a good job reaching out to the UG family on their input for both this resolution and ordinance.

Then in our conversations with certain businesses, as well as certain neighborhoods, more specifically sort of we're in the process of closing out the Central Area master planning process. We think that we're going to come back in August with the third emergency ordinance that would focus on residential street closures. A lot of communities around the country, as well as close as our neighbors in Kansas City, MO, are allowing residential streets to essentially block them off and, again, we'll bring a little more detail about that moving forward as well as some changes to our special events. We've also identified with a couple of business—some other fixes, which I will address shortly.

Again, the way that we're looking at this is we need to do a lot of outreach. We need to be vigilant in terms of our enforcement, but what we have been seeing this far has a pretty good response both from businesses and the public. We are tracking this as a mechanism by which we might want to include some of these as permanent changes in our zoning code update, which we hope to bring to you before now and the end of the calendar year.

Chapter 32 Revisions: COVID-19 Emergency Resolution & Ordinances

Purpose: To accelerate the economic recovery plan set forth in *ReStart WyCo* by providing accommodations to businesses, allowing them to serve a greater number of customers while still maintaining social distancing practices.

Ordinance: To make changes to Chapter 32 for semi-permanent fixtures in the front and side yard setbacks with an administrative review, and off-street surplus parking as of right.



DEPARTMENT OF PLANNING & URBAN DESIGN

I'm going to finish my presentation, but there's a second part of the second item under miscellaneous that I wanted to talk about. In our consultations with some private businesses, as well as some businesses who have come in and asked us some questions about the first emergency ordinance, we feel it would be important to do a quick amendment to those Chapter 32 revisions. Again, these are not required to go through the City Planning Commission, although we notified

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the City Planning Commission earlier this month about these potential changes to chapter—adjustments to Chapter 32.

Chapter 27 and 32 Updates: COVID-19 Emergency Resolutions and Ordinances



Chapter 27 and 32 Updates: COVID-19 Emergency Resolutions & Ordinances



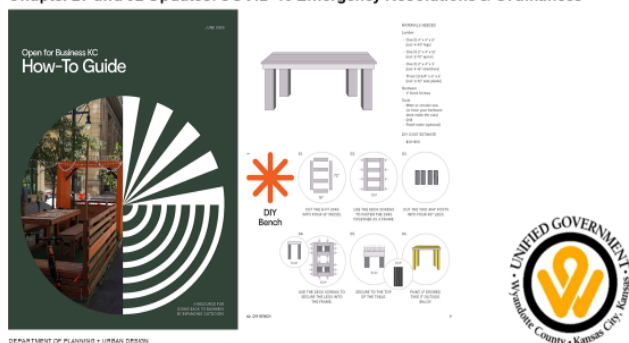
That is, currently, we are not allowing—if you remember, this is the bifold—currently we are now—we are only allowing semi-permanent use of the public the right-of-way as parklets, which are denoted here and here within the existing parking and spaces on the street. We had only allowed folks in the front and side yard setbacks as well as the surplus off-street parking and that is the parking that is above and beyond the required parking for a business to essentially do sales there or put out a tent there, or put out a picnic table there. A lot of businesses have asked us to make those also semi-permanent so that they can essentially, Slaps doesn't want a pole in their picnic tables and every day. We think that does make sense.

Again, we haven't heard any parking and/or traffic complaints around those quite yet, but we will continue to monitor those. So, that is the second item under the Miscellaneous items for an adjustment to Chapter 32. So, essentially, we would allow tents, picnic tables, what have you in those off-street, surplus parking spaces to be there between essentially now and December 31st. We would also allow a more permanent look at some of these whether it's the front yard setback,

again, between the edge of the building and the right-of-way, or on the side of the edge of building to property line. We would ask those to have an administrative review.

The reason we feel like it's important to do an administrative review for those specifically was because we did have a case come in where a business wanted to essentially pour a patio, put up a fence, create an entrance and exit out of their building, attach an awning that would expand and contract off their building onto that setback of a new patio area and setback. We feel like that would require, again, some review by staff and the DRC in particular as it relates to the ingress and egress, ADA, and a couple of other issues. Again, we think we can move through those pretty quickly, but Alan's one where we felt it was important to do a quick review of that as well.

Chapter 27 and 32 Updates: COVID-19 Emergency Resolutions & Ordinances



That is my presentation other than to say, again, if approved, we'll move forward with that and then also, we have been—after our last ordinance was approved, a business who had been working with other businesses in Kansas City, MO, approached us and would like to tailor this open for business KC How to Guide for Wyandotte County. So, this would be additional outreach material that we could utilize that essentially helps the businesses, or the public, or whoever develops some street furniture for whether it's a parking lot, a sidewalk café, or what have you. So, we're excited about potentially pushing that out as well. I'm happy to take any questions. Again, we have two items. One is for the resolution and the ordinance to amend Chapter 27, and the second one would be to amend the previously approved ordinance with that slight change to Chapter 32.

Mayor Alvey asked, is there anyone present who would like to speak in favor of this ordinance change? **Ms. Mayes** said I do not see any hands raised. **Mayor Alvey** asked, is there anyone in opposition? **Ms. Mayes** said I do not see any hands raised. **Mayor Alvey** asked, have we received any notification from the public? **Ms. Cobbins** said no notification from the public for or against, sir.

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Mayor Alvey asked, Commission, comments or questions? Seeing none, I'd entertain a motion.

Action: **ORDINANCE NO. O-42-20**, "An ordinance expanding the ability of farmers markets, mobile vending, and mobile markets to sell food, drinks and merchandise on public rights-of-way and parking lots, adding to Sections 27-609 through 27-614 and new Sections 27-217 to 27-220 to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to approve the ordinance. Commissioner Bynum** seconded the motion with a comment of thanks to Mr. Hand for all the effort. Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

Action: **RESOLUTION NO. R-50-20**, "A resolution securing the health, safety and welfare of residents, business and visitors to Wyandotte County is the Unified Government's top priority. Due to the COVID-19 pandemic, enforcement of the following ordinances or portions of ordinances under Chapter 27 of the Unified Government Code of Ordinances is temporarily suspended until 11:59 PM on December 31, 2020." **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 2 – 20283...AN ORDINANCE

Synopsis: Amending language to clarify the types of structures and the review process associated with such structures in Section 32-102, Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Gunnar Hand, Director of Planning.

Gunnar Hand, Director of Planning, said, Mayor, that, again, that's the second item I discussed at the very end. This is the changes to 32 to allow semi-permanent structures within the front and

side yard setbacks with administrator review and as of right, if you will, for semi-permanent structures and off-street surplus parking.

Mayor Alvey said alright, okay so we've already heard public comments. I would entertain a motion.

Action: **ORDINANCE NO. O-43-20**, "An ordinance amending language to clarify the types of structures and the review process associated with such structures in Section 32-102, Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

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

REGULAR CONSENT AGENDA

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

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve all items as submitted.** Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 1 – 20230...RESOLUTION: DOWNTOWN CAMPUS REDEVELOPMENT DISTRICT FIRST AMENDMENT

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Synopsis: A resolution adopting the First Amendment to the Downtown Campus Redevelopment Agreement, submitted by Katherine Carttar, Director of Economic Development. On July 6, 2020, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full Commission.

Action: **RESOLUTION NO. R-51-20**, “A resolution adopting the first amendment to Downtown Campus Development Agreement.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken on the motion and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 2 – 20261...ORDINANCE: LOWER CONNER CREEK PHASE II, CMIP 6182

Synopsis: An ordinance directing the Chief Counsel to institute proceedings as provided by law to acquire land for the Lower Conner Creek Project Phase 2, CMIP 6182, submitted by James Bain, Assistant Counsel. This project is located at or about Donahoo & I-435 along Conner Creek to the Wolcott Treatment Plant for the Unified Government’s Pump Station 50 Elimination and New Interceptor Sewer Project. On November 16, 2017, the Commission unanimously adopted Resolution No. R-44-17, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Action: **ORDINANCE NO. O-44-20**, “An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Lower Conner Creek Project Phase 2 – CMIP 6182, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 3 – 20262...ORDINANCE: LOMBARDY DRIVE SEWER IMPROVEMENT PROJECT, CMIP 6213

Synopsis: An ordinance directing the Chief Counsel to institute proceedings as provided by law to acquire said land for the Lombardy Drive Sewer Improvement Project, CMIP 6213, submitted by James Bain, Assistant Counsel. This project is relocating failing sewer mains that run under houses to side yards and the road at 22nd and Lombardy Drive. On March 7, 2019, the Commission unanimously adopted Resolution No. R-10-19, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Action: **ORDINANCE NO. O-45-20**, “An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Lombardy Drive Sewer improvement Project, CMIP 6213, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 4 – 20256...NOMINATIONS: BOARDS & COMMISSIONS

Synopsis: Nominations for Boards & Commissions:

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

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

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

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

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

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

ITEM NO. 5 – MINUTES

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

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

ITEM NO. 6 – WEEKLY BUSINESS MATERIAL

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

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

PUBLIC HEARING AGENDA

ITEM NO. 1 – 20289...PUBLIC HEARING/ORDINANCE: DOWNTOWN CAMPUS REDEVELOPMENT PLAN

Synopsis: Conduct a public hearing to consider an ordinance approving the redevelopment project plan for the Downtown Campus project, submitted by Katherine Carttar, Director of Economic Development. On June 25, 2020, the Commission unanimously adopted Resolution No. R-36-20, establishing the date and time for the public hearing.

Mayor Alvey said, staff, some opening remarks.

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Doug Bach, County Administrator, said this is regarding the Willie Lanier project. To follow up on it, I'm going to recognize our Director of Economic Development, Katherine Carttar, to present the item before we move to the public hearing.

Katherine Carttar, Director of Economic Development, said this is a project that you all have heard about. It came before you a number of times. This is the final time you will likely see this, at least when it comes to the incentive side of the project.

I'm going to give just a brief overview, just kind of a reminder of the different components of this project, and then explain exactly what you would be voting on today.



This takes place—you all know this is at 5th & Minnesota where the current Jack Reardon Convention Center is located. The plan would be to demolish this convention center and in its place, put a number of different components.

Project Components - \$23 million

- Multi-Family Apartments
 - 4 story mixed-use apartments along 5th street
 - 70-85 market rate units with studio, one and two bedroom units
 - All units will have solid surface countertops and stainless steel appliances
 - Amenities will include clubhouse featuring commercial grade kitchen, TV area, and outdoor recreation area
 - All units will be managed with a home automation program that features enhanced WIFI and cable TV
- Fitness Center
 - 2 story state-of-the-art fitness center
 - Open to the public for memberships
 - Operated by Will Shields 68 Inside Sports
 - Athletic fields for youth and adult training
- Retail
 - 12,000 square feet on corner

The components, it totals about \$23M. Right on the corner—there's a site map here coming up—but right on the corner is a multifamily apartment, four-stories. This would be 70 – 85 market rate

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units, studios, 1 and 2 bedroom, all very high quality. Again, market rate, which is something that we have quite a lack of in the downtown as it stands.

There will also be a number of different amenities that will be combined with these apartments. Additionally, there would be a fitness center right on Minnesota. This would be opened to the public. It would be a 2-story, state-of-the-art operated by Will Shields 68 Inside Sports. Just about a block to the northwest would be some athletic fields for youth and adult training that would be connected to this fitness center.

Finally, the retail would be right on the corner of 5th & Minnesota. This would be about 12,000 sq. ft. looking at most likely a kind of fast, casual type of dining establishment.

Project Components - \$23 million

- Reardon Center
 - Physical redevelopment and use reprogramming
 - Build new Class-A multi-purpose banquet and meeting facility
 - Facility to be approximately 10,600 square feet with capacity to seat 350-400 people at tables and over 600 people theater seating for large community events and programs
 - Proposed size determined by a study conducted by BNIM of the market need
 - Meeting spaces will be outfitted with latest technology for multimedia presentations
 - UG shall retain ongoing right to use the Reardon Center

Yes, the current Reardon Center, as it stands, would go away, but the plan would be to build a new Reardon Center, kind of a conference meeting center in its place. This would be a brand new, obviously, Class-A, state-of-the-art multi-purpose banquet and meeting facility. It would be slightly smaller, but not significantly so that would have space to seat comfortably at round tables about 350-400 people and then in theatre style seating well over 600.

There was a study done by BNIM of the market need in the area. This size is determined to be a kind of a—there's a dearth in the metro area, so we think that this would do really very well, especially with the multimedia and latest technology that would be incorporated in this. It would also continue to be called the Reardon Center.

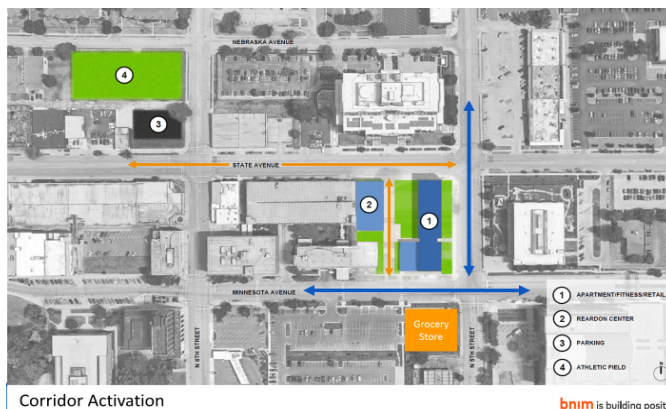


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Here are just a couple of renderings of what we're looking at. These don't have any real details. We'll leave that to the planning side of things. But, you can see a couple of really important things. One, how this really opens up the downtown area where the Federal Courthouse is located. Currently, that is pretty well blocked off from the rest of downtown. This will open that up and draw all those people that go there every day right through here and right to our new grocery store, which just opened today.

Additionally, you can see just the use of the space. This is actually quite a large parcel. We were able to fit a bunch of things on here as well as have some open space that would be able—here's another advantage point. Looking south where you can see there's the ability to have some greenspace in downtown that people can use. This is right here on the right side of your screen is the Reardon Center. You can see lots of glass; a very different look than its current look. This open space would also give you the opportunity to when renting out the Reardon Center, having larger events and having some outdoor space as well.



Here's the site plan. Here you can see down at the bottom of the screen where the new Merc Grocery Store is. This is 5th St. here going north/south and then Minnesota Ave. across the street.

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So, you can see this is where the current Reardon Center is and how it's being split up into a couple of different buildings. Then, the connection to the athletic field over here at the top of the screen.

TIF District & Project Plan Process

- Development Agreement was approved – March 26
 - Project Scope
 - Deal Points
- TIF District was approved - March 26

So, what you all have already approved and what has come before you previously, was the development agreement. This is where we, in concept, put forward the project scope and the different deal points. This body approved that on March 26th, also the TIF district. So, there are two steps with a TIF. First is approving the district and then next is what you are considering tonight, which is the actual project plan. The TIF district was also approved on March 26th.



This is a map that shows exactly what that TIF district is. It looks a little interesting because we are—the goal was to have not only this area, which would be the new apartments, fitness center, meeting space, as well as the athletic fields, but also connecting this so that additional benefits to right-of-way could be included and make that connection clearer, especially if you're having kids going from the fitness center to the athletic center, making this a safe pathway for them.

I will also mention that this whole area is the TIF area. Sometimes in a TIF district we have different project areas. In this case, the entirety of the TIF district is in the project area you're considering.

TIF District & Project Plan Process

- TIF Project Plan - Tonight
 - Starts the TIF Clock (20 years)
 - Locks in the deal – Budget, What's Eligible, Project Components
 - Redirection of incremental property tax (100% for years 1-13 and a decrease by 10% in succeeding years = average 82% tax break)
 - Pay-as-you-go financing (no bonds); Cap in place (both % of project & \$ amount)

What you all are considering tonight is the project plan. What the project plan does is it starts the clock. So, a TIF is a 20-year deal. Once this is approved, that starts the 20-year clock. Really, in the end, what this does is it really locks in the deal. You have, yes, already approved the development agreement that has a lot of stipulations. This just kind of doubles down on what you have already approved with the budget explaining exactly what's eligible, all the different project components. It really is having us, as the Unified Government, really committing to the incentive and then also locking in the developer as to exactly what the project will result in. So, those are two very important things.

Just a reminder, this is a redirection of the incremental property tax. So, 100% for years 1-12 and then it will increase by 10% in succeeding years. All pay-as-you-go financing. There are no bonds issued. There is a cap in place so that if that amount is hit or there's a certain percentage of the project, that we make sure only a certain percentage is public funding; keeping that ratio. So, those two items are also in place.



*For Consideration:
Ordinance Adopting
the Downtown
Campus TIF Plan*

With that, I believe there's a need for a public hearing and then your consideration of this ordinance.

Mayor Alvey said I will now open the public hearing. I will ask if there is anyone who would take to speak in favor. **Rocki Mayes** said, Mayor, I do not see any hands up. **Mayor Alvey** asked, is there anyone who would like to speak in opposition?

Rocki Mayes said I have Eleanor Jefferson.

Eleanor Tellis Jefferson, Kansas City, KS, said this is not a statement of opposition. I'm sorry, I didn't get my mouse moving quickly enough. It's really a statement in favor. The question that I have is there is a commemorative marker that is located just north of the current Jack Reardon. Does this development that the commissioners are approving tonight, is there anything being done about that marker as well as the other types of legacy and historical impact that African-American families have had in that area?

Ms. Carttar said I am not aware of that marker, but I think that it's something—it's not something that was written into this, but I know Mr. Lanier is on the phone here and he can certainly speak to the larger legacy piece that we can certainly look into that marker. I think that's something we'd certainly want to save. **Ms. Jefferson** said okay, great.

Mayor Alvey asked, Eleanor, can you describe precisely where it is? **Ms. Jefferson** said yes. I'll get my directions straight here. It is on State. It's on the northwest corner of State & 5th. **Mayor Alvey** said okay. That would be outside the scope of this project, but that's a great question.

Willie Lanier said the marker that she is referencing is on the property site. It dates back to the Baptist Church that is approximately a block down the street. That church started on the property site approximately, I'm not sure, 150 years ago. I am keenly aware of the marker and provisions are being made to maintain the marker, in or close to its same position, to show that the fact that there is significant history on that site regarding the African-American community in Wyandotte County. That is something that we are mindful of and we're going to pay attention to the significance of this parcel as it pertains to the history of that community and the city of KCK.

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Ms. Jefferson said I have a comment to Mr. Lanier is that I appreciate that and very grateful that you have already taken that into consideration and as well, even the pursuit going further, the continued presence of the African-American history in that facility, in the hotel, and so forth, I think would be a great amenity. Thank you very much. I hope to be able to talk with you about that later. **Willie Lanier** said quite welcome.

Mayor Alvey asked, Rocki, are there any other comments from the public? **Ms. Mayes** said no, Mayor, there are not. **Mayor Alvey** asked, do we have anybody in opposition? (There were none.) **Mayor Alvey** asked, did we have any notifications, Bridgette? **Ms. Cobbins** said no notifications for proponents or opponents.

Mayor Alvey said I will now close the public hearing.

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

Commissioner McKiernan said, Mr. Lanier, I just want to thank you once again for what I believe is going to be a phenomenal project that will really continue the evolution and enhancement of our downtown area. I look forward to you getting started. I look forward to you finishing because I do think that your project will add significant value to our downtown.

Action: **ORDINANCE NO. O-46-20**, “An ordinance of the Unified Government of Wyandotte County/Kansas City, Kansas adopting a redevelopment project plan pursuant to K.S.A. 12-1770 et seq., and amendments thereto, for the project area within the Downtown Campus Redevelopment District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.**

Mayor Alvey said, Mr. Lanier, I would just say once again, this is a catalytic development, not just a catalytic economic development, but I think it’s a catalytic development for our African-American community. I think it’s exceptionally helpful that you are bringing this forward to us. Thank you so much.

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Roll call was taken on the motion and there were eight “Ayes,” Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook. (No response was heard when Commissioner Townsend’s name was called.)

ITEM NO. 2 – 20231... PUBLIC HEARING/RESOLUTION: THE MAREK AT MISSION CLIFFS APARTMENT DEVELOPMENT

Synopsis: Conduct a public hearing to consider a resolution of intent to issue industrial revenue bonds not to exceed \$26.3M for SPKS Mission Hills, LLC for The Marek at Mission Cliffs project located at 2913 & 2906 W. 39th Ave. and 3741 S. Thompson Cr., submitted by Katherine Carttar, Director of Economic Development. On July 6, 2020, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 4 to 2 to approve and forward to full commission.

Mayor Alvey said I’ll ask staff to make some opening remarks.

Doug Bach, County Administrator, said, Mayor, again, this is another urban development project that’s being proposed for an apartment project. I will recognize Katherine Carttar, our Economic Development Director, to make presentation on it.

Katherine Carttar, Director of Economic Development, said this is a project that was heard by the Economic Development and Finance Committee earlier this month. There was a lot of discussion so, I will go through a similar presentation that I did then; and then, I believe, the developer’s also on the line and will also make some comments.

THE MAREK AT MISSION CLIFFS: DEAL SUMMARY

PROJECT SUMMARY
Location: Kansas City, KS
Building: Four stories over underground garage
Total Units: 162 (80 Studios and 82 1-Bedroom) Average Unit Size: 629 SF
Going-In Rent: \$1,000 (S) - \$1,250 (1B) Blended: \$1,125
Parking Ratio: 1.47 (239 spaces) Garage Spaces: 78 spaces
KUMC: 0.5 Mile (10 Minute Walk)



This is a project that is located just to the west of the KU Medical Center, just about half a mile. A very, pretty easy walk from that location as well as, obviously, very close to access to I-35; a really great location all around.

The intended plan is a four-story building with an underground garage, about 162 units. These would be about half studios and half one-bedroom. The idea with this would be to have quite nice apartments. These are kind of on the smaller size with the idea that there was a lot of shared space and really amenities that go above and beyond. The rent, these are market rate. The rent would be around \$1,000 for a studio and a bit more, about \$1,250 for a one-bedroom. The parking ratio, there would be plenty of parking. That has been a concern with previous projects that have come through in the past that there would be—that people would be parking in the neighborhood. That has been taken into consideration and there is significant parking, about 1.5 spaces per unit.

The Marek Apartments Deal Points

- Industrial Revenue Bonds Application
- \$26 million investment
- PILOT Schedule is a 50% abatement
- Only first class apt stock on KS-side
- Design takes into account the neighborhood desires



Here's a site plan of the space. As you can see, the neighborhood, this initial close neighborhood is just to the north here. You have a number of single family as well as townhouses in that area.

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What the developer is requesting is an industrial revenue bond. This is a \$26M investment. They have requested, and we've negotiated down to a 50% abatement so, this would be a PILOT. So, annually, they would receive 100% abatement and then pay back basically 50% in a payment in lieu of taxes is how the industrial revenue bonds work.

This really would be the first-class apartment in this area. We've heard from a number of others that this is a very popular location. It's close to a lot of great restaurants and the med school, but also just a lovely neighborhood to live in. There are very few first-class apartments in this area so there is certainly some demand.

The developer has tried to take into account the comments from the neighbors in the past. The idea that the concern is that this would be loud for people who are living there so, they've moved pretty much everything to the southside of the property. Basically, anything to the south is literally a cliff, so as to the Mission Cliffs name. There are no residents directly to the south and the west. Moving any of the outdoor activities, as well as even just having the buffer of the parking lot there, as well as, as you can see, over on the east side, the idea would be to have another kind of buffer from the neighborhood from the street. What is being proposed is a garden that could actually become a community amenity.

COST-BENEFIT ANALYSIS PROJECT SUMMARY									
PROJECT NAME:		The Marek at Mission Cliffs w/o L/M/W					Ratio of NPV of Net		
DATE:		6/10/2020							
Entity	Total Benefits	Total Costs & Incentives	Net Benefits	Net Present Value of Net Benefits	NPV of Incentives & Taxes Abated	Benefits to NPV of NPV of Incentives and Taxes Abated	Actual Benefit to Actual Cost Ratio	Avg. Annual Rate of Return	
City of Kansas City	\$3,082,629	\$762,230	\$2,320,399	\$2,029,673	\$554,062	3.66	4.04	30%	
Wyandotte County	\$2,449,994	\$679,824	\$1,770,170	\$1,550,203	\$566,543	2.74	3.60	26%	
Kansas City USD 500	\$3,373,477	\$771,561	\$2,601,916	\$2,265,117	\$600,322	3.77	4.37	34%	
KC Community College	\$1,683,424	\$475,091	\$1,208,333	\$1,052,397	\$397,668	2.65	3.54	25%	
USD 500 Library	\$611,910	\$176,747	\$435,163	\$378,898	\$141,531	2.68	3.46	16%	
State of Kansas	\$1,570,031	\$163,586	\$1,406,445	\$1,291,356	\$11,644	59.66	9.60	86%	

Jobs creation:

- Permanent 7
- Construction 198

Property Tax Revenue:

- Abatement Period \$297,000-\$354,942
- After Year 10 \$612,315

Increase in Local Retail Sales:

- Year 1 \$17,549,583
- Over 10 Years \$66,315,224

- Construction Labor Spending (\$5,735,755)
- Materials (\$10,324,359)
- New Family Residents Spending (\$990,550)
- New Employee Spending (\$310,000)

With all industrial revenue bond projects, we do go through a cost benefit analysis. Really, what all these numbers boil down to is right here, it's circled. Basically, what this shows is that to every taxing jurisdiction, there is significant benefit to having this project move forward. Anywhere from a 3.5 to 1 all the way to almost a 10 to 1, so that's pretty significant.

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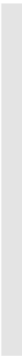
The job creation; we're looking at significant construction jobs, fewer permanent jobs as it is an apartment complex. Only about seven permanent jobs once it's up and running.

During the abatement period, with that 50% payment in lieu of taxes, what that ends up looking like, is there's an escalator so it increases every year. It goes from about \$300,000 to about \$350,000 in taxes annually. At the end of those 10 years, we're looking at just over \$600,000 a year.

This is something that I'd like to—the increase in local retail sales, I want to talk a little bit about that because there were some questions about this after the Economic Development and Finance Committee meeting. Year one, you would see a very significant amount of local retail sales. This is really looking at the impact of this project. That gets broken down in that first year. There is, as you can see here, kind of the breakdown on the side, they're considering a considerable amount of construction, labor, spending, as well as material. That is certainly the vast majority of what that is, which also explains why then if you're looking at over the 10-year period, it is nothing like that first year if you were to multiple that. You are looking at a new family, kind of residents, spending annually in the neighborhood of just under a million dollars as well as employees spending about \$300,000. There is still significant impact there. It's not quite the \$17M, but significant, nonetheless.



Resolution +
Public Hearing



A resolution of intent to issue industrial revenue bonds not to exceed \$26.3 million for The Marek at Mission Cliffs project.

With that, what you are voting on tonight is a resolution of intent to issue these industrial revenue bonds, not to exceed \$26.3M. This project would—the next step would be to go through the Planning process, so there's still significant amount of public input. It will also come back to this body for future votes if it were to pass tonight. I believe there's a public hearing as well as the resolution here for consideration.

Mayor Alvey said thank you.

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Mayor Alvey said I will now open the public hearing. Anyone would like to speak in favor of this item? If so, please state your name and city of residency for the record. You'd be given up to three minutes to state your comments.

Greg Kindle, President of Wyandotte Economic Development Council, said on behalf of Wyandotte EDC, we're in support of the proposed use of industrial revenue bonds for the Marek at Mission Cliffs development. While we know there are ongoing conversations about the exact design of the development to garner broader neighborhood support, we do believe that the use of industrial revenue bonds not to exceed \$26.3M is an appropriate tool to help with the financing of this project.

We've worked on many projects with Steve Allison and his team with consistent success. They develop quality projects and have specifically helped bring more than 600 Class A existing multifamily units to the county. He and his family know Wyandotte County. They have a strong family connection to the community and have a keen interest in doing quality projects. This, I hope, provides some context as to why we feel comfortable supporting this project and the request. We know that we need more quality residential development in this part of the community, and we feel strongly that Mr. Allison and his team will ultimately find a win-win design to meet what the market will support along with the neighborhood desires.

We support this request and urge you to do so as well.

Mayor Alvey said thank you.

Rocki Mayes, Program Supervisor in County Administrator's Office, said I don't see any other hands, Mayor.

Mayor Alvey asked, anyone present who would like to speak in opposition to the industrial revenue bonds?

Howard Tai (Ms. Mayes and Mayor Alvey acknowledged him, however, there was no response.)

Mayor Alvey said we'll come back to Mr. Tai.

Michelle Robinson, 2712 Lake Ave., said I live there with my husband. I have sent all of the commissioners an email, so I'm not going to re-read that email. I would like to add this to my comments. First of all, the community never was told that the idea of an apartment complex had moved forward to an actual development agreement with the UG. A neighbor heard from someone, who heard from someone that there was a proposed apartment complex going before the commissioners very soon. The community had to do their own investigations at this point to even find the request and when the meetings were to be held for the passage. This time, however, instead of hearing Mayor Alvey's name mentioned several times, we now hear it is KU who wants quality, affordable housing for their young, professional staff. We get it, however, in their own university town master plan, they stated the one way to get their plan right was to achieve high density growth near major roads and keep single-family separate.

We were surprised and disappointed that instead of going through Planning and Zoning first, like our other proposed developments, we find that Steve Allison and his partners are requesting funding first. This land is not zoned for an apartment complex or approved for funding by the commissioners leads to the assumption that if funding is in place, zoning becomes a non-issue, unless the project moves forward against the will of the community.

President Andrew Jackson once said, it is to be great, regretted that the rich and powerful too often then the acts of government to their selfish purposes. This is what full funding through an IRB does for this project. Unfortunately, the hard-working members of our community don't have the power or influence to speak, but our community does check all of the diversity boxes of race, age, gender, careers, education, and income. (Ms. Cobbins said you have one minute, ma'am.) **Ms. Robinson** said okay. The checked boxes are lovin' they neighbor. It's our prayer today that this body of commissioners lean more toward the words of Supreme Court Justice Sonia Sotomayor which says it is the duty of the government to keep its promises to its citizens. The promises I speak of today are the words adopted in the Rosedale Master Plan, the words adopted in the KU University Town Master Plan, and the promise of Wyandotte County's vision statement, uniquely Wyandotte to be a vibrant in a section of diversity, opportunity, and distinctive neighborhoods. Mission Cliffs and its surrounding communities are the promise of uniquely Wyandotte.

Lastly, I go back to Mayor Alvey's challenge to double down on the strategy of enticing homebuilders and homebuyers to build east of I-635. We don't have to entice people to build or

buy in this community. We just need the government's support. Please help us continue to be uniquely Wyandotte by voting no on this IRB and apartment complex.

Mayor Alvey asked, is Mr. Tai available now? **Ms. Mayes** said I do not see that his hand is raised. I have another person.

Jarrold Roark, Mission Cliffs, KCK, said if anyone's been to Mission Cliffs, you'll know readily that this landmass is ill-suited for the project being proposed. It's incredibly small. My backyard is wider than the landmass that we're talking about here.

Mission Cliffs is a perfect place for single-family homes, or townhomes, low-density housing because there's one way in and one way out. It's a circle. It's quiet. It's secluded. That makes it a terrible place for apartments. Since we've moved in in 2008, I think this is the fifth apartment housing process we've been through and they've all been ill-suited for this area.

The existing apartments that really serve KU Med Center are all within two or three blocks of Rainbow. We live seven blocks away. Our Economic Development stated that it's a mere 10-minute walk, which it is; it's really invested in all single-family homes. All of the apartments are much closer.

The original site plan for Mission Cliffs, for those of us who've been here a long time, included 98 homes. In 2008 when the housing market crashed, a lot of construction halted. There were 32 homes completed, but development stagnated all over the country, including here. In the last four years, we've seen 6 new single-family homes being built with a mean value of \$394,000. Six new homes bring in about \$7,400 each in property taxes, and those keep going up every year thanks to the Unified Government giving tax abatements to all these businesses that don't have to pay. If we can just finish this plan, we would see over \$350,000 in property taxes each year.

Currently, there are two builders in our community, and they are expecting to break ground on two more houses (Ms. Cobbins said you have one minute, sir.) We have tremendous demand in this area for lawyers, for medical workers, teachers who all are wanting to live in this area and have a nice secluded area in the urban core with trees, with a place for families and kids can play in the street.

We pleaded with Steve over and over to reconsider his plan, but he has not reached out to residents in over a year to continue that dialogue. While he might have cultivated relationships

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with commissioners and the Economic Development Committee, he certainly has not done that with us, the residents. We ask that we do not have an apartment complex in our backyards that's four-stories high, like we asked that we didn't have a powerplant in our backyard. It's still under construction as well. It's not the right first step.

Please make a motion to hold this over until Steve and the neighbors have done their due diligence, together with Planning, to reach a consensus or reject this outright considering our taxes are increasing every year and now we want to give away free tax money to a huge development like this. (Ms. Cobbins said your time is up, sir.)

Howard Tai said I want to raise a couple of point, the principle being that why this is a tax abatement policy, applying to this particular project? A tax abatement policy for Wyandotte County is supposed to help improve older, distressed areas of a community, as stated in your Tax Abatement Policy, dated October 21, 2020. Second, the type of assumption that Katherine Carttar used may be flawed in the since that when you provide 50% tax abatement in real estate and 100% of sales tax exemption, based on the table that she showed you, that's anywhere between \$3M - \$4M in lost tax revenue to the UG. Is that even wise given Coronavirus devastating effect on the Wyandotte County budget when you're trying to cut staff and cut programs?

Lastly, why industrial revenue bonds? Why not another type of program potentially? In my honest opinion, the developer is doing it for their commercial gain. They should try to raise the funds themselves through the public market and not use Wyandotte County's credit rating as a front. (Ms. Cobbins said you have one minute, sir.)

Back to the assumption that Katherine Carttar mentioned, \$7M in local retail tax divided by 152 residents, that means each resident of this project has to spend \$108,000 locally. They don't even make that money. These are residents. These are nurses. These are researchers. (inaudible) They do not make even close to \$108,000 a year. Don't forget, they need to pay roughly \$13.5 thousand in rent and then including their utility bills, insurance premiums, and so forth, they will have already spent \$20,000 a year. (Ms. Cobbins said your time is up, sir.)

Ken Longobardo, Kansas City, KS, said commissioners, financial incentives shouldn't be the first step. They should come second. Mr. Allison needs to prove that he is willing to work with the neighbors to reach a consensus on the plan before we commit to giving up \$3M of our future tax dollars.

Mr. Allison presented his project to a few neighbors over a year ago. We've reached out more than once for an update, but he hasn't engaged us about our values and his and how to make them work together.

This is not a vote on whether or not industrial revenue bonds are an appropriate incentive vehicle for multifamily development. That's a general idea that is most certainly agreed upon. This is a vote on whether or not a specific financial incentive package should be approved for a specific project in a specific location. To ignore the details in the resolution is a disservice to the people. There is controversy around this project; nearly unanimous opposition evidenced by over 30 residents survey responses. A recently refreshed master plan that denies high density on this site. Current zoning for a single-family and townhomes, not apartments.

He knows the planning process would be a challenge. There isn't good reason to make such a significant financial commitment while important aspects of the project haven't been worked out. Mr. Allison doesn't need these IRBs approved so he can move to the planning step. The standing committee has made it clear they accept them so long as the project passes Planning.

Please vote no or make a motion to hold this item over until Mr. Allison works with the neighbors and makes it through Planning.

Brian Humphrey, Mission Cliffs HOA President, (Ms. Mayes and Mayor Alvey acknowledged him, however, there was no response.) **Mayor Alvey** said let's go to the next and then we'll come back around to Mr. Humphrey. **Ms. Mayes** said there's no one else with their hand up. **Mayor Alvey** said, Mr. Humphrey, just unmuted.

Mr. Humphrey said I would just like to echo some of the comments that you've heard thus far. We have still not heard from Steve; in like it's been over a year ago. We would like to know a little bit more about some of the planning that's going to go into this design before we move ahead. Like I said, like the people have said before, we just feel like this is just kind of putting the horse before the cart, or the cart before the horse in this sense. So, we would ask for just a continuation for conversation with Mr. Allison so that we can come to an agreement of some sort, if there is one. There are many, many points that we are in opposition to as far as his plan is concerned, but we are always willing to work with somebody to the fullest extent that we can until either we come to an agreement, or if we find an impasse that we cannot cross.

Ms. Mayes said, Mayor, there are no more hands up. **Mayor Alvey** said I will now close the public hearing.

Ms. Cobbins said, Mayor, the Clerk's Office did receive one letter in opposition, if I can read it.

Mayor Alvey said yes. Ms. Cobbins read the following:

Rosedale Development Association opposes the proposed \$20M industrial revenue bond for developing 162 units of the multifamily housing in the Mission Cliffs neighborhood. In 2016, the Unified Government adopted the Rosedale Master Plan covering this area. The plan was developed with one of the most extensive community engagement processes the UG has conducted to date. Hundreds of Rosedale residents and businesses filled out surveys, attended public forums, participated in focus groups, and gave feedback on early versions of the plans. Those Rosedalians showed up and participated in good faith trusting that the adopted plan would reflect the collective vision of the neighborhood and would be honored by their local government.

The future land plan, which is used by the city to determine what types of development are appropriate for each area in Rosedale, page 72, was developed through extensive and thoughtful decision and with thorough consideration given to the mix of housing needed in the Rosedale as a whole.

Under the Rosedale Master Plan, the section of Mission Cliffs proposed for this spot is a designated single-family neighborhood. This district is designed for single-family detached houses. Townhomes and side-by-side row houses are appropriate where their property has frontage on a mixed-use or neighborhood corridor.

Mission Cliffs is further singled out in a special district which states, the Mission Cliffs neighborhood defined as the area between Lake Ave. to the south, Minnie St. to the east, and steep topography to the north and west includes a design as single-family neighborhood and general urban.

A master plan amendment would be considered if a developer and a neighborhood demonstrate consensus for an alternative destiny and land use destination. No such consistence exists. The Mission Cliffs neighborhood has made clear their opposition to this project while actively working to attract developers who will work within the master plan. In fact, the master plan was adopted for single-family homes have been built and sold within the special project demonstrating the viability of carrying out a plan as written.

I hope we will continue the commitment the UG Commission made in adopting the Rosedale Master Plan the vote against issuing an IRB revenue bond for this project. Thank you, Erin Stryka, Executive Director of Rosedale Development Association.

Ms. Cobbins said that is all the items that were submitted to the Clerk's Office in opposition or in support.

Mayor Alvey said I will now close the public hearing. **Stephen Allison** asked, can I speak because I haven't had an opportunity to talk to the commissioners who weren't in that committee, the Development and Finance Committee? **Mayor Alvey** said I'm going to ask Mr. Moore, is that appropriate? **Ken Moore, Chief Legal Counsel**, said this is a public hearing. If the Commission has any questions; if not, it would not be. The public hearing was closed. **Mayor Alvey** said I'll ask Mr. Allison to please go ahead and make a statement to the Commission and to the public.

Stephen Allison, Project Director, SPKS Mission Hills, LLC, said I just wanted to share with the Commission the fact that the reason that I am pursuing this development is basically because my family has a long history, a legacy actually, in the city of development and civic engagement. It started in 1938 when my great grandfather built the building that is now the home of the Police Department, once formerly the home of the BPU. I like to think it's one of the nicest buildings on Minnesota Ave. And then we come up to the present when we built the two, I'd like to think the nicest apartment complexes in Kansas City out at my family's land by Village West, NorthPoint.

The reason that I'm even here is because I was asked if I could help out in the city beyond just my family's holdings so, I went to a number of the big employers in the city to find out what the real estate needs were. KU told me we need nice housing. You've done nice housing out on your property. If you do that near us, we would be appreciative of it. That's what I've been pursuing for the past couple of years.

I've heard comments that the approach here is unorthodox, if you will, but it isn't judging by what NorthPoint and I've been doing on our Phase 3 apartment complex at Village West, we've taken the same approach. Unless we know that there's an incentive, we can't begin to think about doing a project because the math simply won't work. So, I've taken the same approach here knowing full well that I have got a very tall hill to climb with the neighborhood because the neighborhood has to be engaged and hopefully supportive of this project moving forward.

To make a point, that master plan that was done in 2016 was an updated to the plan 2005 for Rosedale. In the description of the Mission Cliffs, it does talk about single-family homes and townhouses, but it also has a provision in there saying, and there can be something else. Giving, opening the door to another type of development as long as the community is supportive of it.

So, I do think that master plans are important, but I do think that the existing master plan gives the opportunity to have a discussion about this and candidly, I've not even sat down with Gunnar Hand yet to go through plans, which needs to happen before I can do anything. So, I'm hoping you'll give me—decide to go forward with the IRB, giving me the opportunity to engage in the planning process.

I've given the neighborhood ideas as to what I think would be nice. I've certainly heard loud and clear that they're not happy with them, but we have a long way to go in terms of a plan. So, I'd like the opportunity to take it in that planning process.

Commissioner Ramirez said I want to thank all of the community members who came out and Mr. Allison for speaking. I have some words to say but one of—a thing I want to put out there really quickly because Mr. Allison just said it, because I have not, in depth, read through the Rosedale Master Plan. He said that there's a provision that says there's something else could be there, but if the community supports it. It seems the community is not supportive of this project at the moment.

I agree with Mr. Longobardo in how we should approach this. I think conversation needs to continue between him and the community. In my mind, this master plan, there's two commissioners, from what I believe, correct me if I'm wrong, who know directly what it means to put together a master plan. It takes a lot of work, tremendous work getting so many people to buy-in and to give their opinion on what they want their community to look like.

I am all for economic development and for growth, but we need to make sure it's also the community-driven type. That's what a master plan is. It's the ultimate road map to how a community economic development. In my opinion, now this is going to come out later in the process when we do the master plan amendment, but, my opinion is, it sets a bad precedent for the future because then every time we amend a master plan, we are chipping away at the community's voice.

I am not in support of this; not in support of the financial incentive. I visited Mission Cliffs. It is truly a diamond in the ruff in our community, a gem. It is a beautiful community. I don't think Mr. Allison's project—it's a beautiful project. There's nothing wrong with it. It's a beautiful project, but it does not fit with the character of the community.

So, I want to thank Mr. Allison and his family for their continued support in our county, but I cannot support this. It just doesn't fit the character. I don't want us to keep chipping away at the community's voice if we amend their master plan that they worked so hard on to complete.

Mayor Alvey said if there are no more comments or questions, I would entertain a motion.

Action: **Commissioner Kane made a motion to deny.**

Commissioner Bynum said we have a motion, but I had a couple of, I guess, questions if it's appropriate. **Mayor Alvey** said sure, yes. **Commissioner Bynum** said what I'm unclear on is the order of this process. In other words, if Mr. Allison's willing to return to the neighborhood and continue to work with the neighbors on some project that could be satisfactory, and this one clearly is not, then how would that substantially change an IRB application that we might approve tonight? In other words, would we not be going back to that process anyway?

Second, I just want to say specifically to Mr. Allison that I am deeply appreciative of the apartments in Piper. They are phenomenal and you already know that I feel that way about them. This, in my mind, is a completely different thing. For one thing, out in Piper, you're just practically plowing open prairie to build that. This is tucked into a residential area in a much, much different environment. While I love the Piper apartments, I'm not sure it's an apples to apples comparison right yet.

I think what I really need to understand is, if you're open to a continued dialogue with the neighbors, then why would we put the IRB project first? That question is actually for staff.

Ms. Carttar said in terms of the incentive or planning, really there is not a requisite order that those need to go in. To your point, Commissioner Bynum, this would have to remain somewhat in kind of the same general theme of what is going through. What would be approved with the IRBs is a multifamily complex. Now, it doesn't matter in terms of the incentive and

what's approved with the IRBs, what it looks like, none of that. This is all part of the planning process, but kind of the generalities of the project.

So, multifamily, about 162 units. There's a bit of some wiggle room there as well as the actual investment amount, that not to exceed, it's pretty set in stone. If it were to shift through the planning process to be a completely different project and have townhouses instead of multifamily, then, yes, this IRB would no longer be applicable. If it's really just planning changes, how it looks on the site, kind of the configuration and that kind of stuff, then having the IRB go first is not an issue.

Commissioner Kane said, Mayor, I made a motion for denial. **Mayor Alvey** said yes, and Commissioner Bynum and others raised their hand so I want to accommodate the commissioners who would like to speak.

Commissioner Johnson said I would echo what Commissioner Bynum said with regard to my appreciation for what I have seen from Mr. Allison in terms of the projects. I'm going to try to make my statements as true as I made it to the neighbors of Mission Cliffs. But, for the fact that the neighborhood has spoken with you unanimity from what I understand. But, for the fact that there is a master plan, which I have great appreciation for and other factors—I like the project. I understand there has been some effort to try to design, at least initially, something that would be satisfactory.

Having said that, I think the neighborhood has been quite honestly, quite polite in terms of how they've addressed this because from what I understand that there is no acceptance of any multifamily project at all that this neighborhood association would agree to. I think I heard that when I went and toured with the neighbors. I might be incorrect on that, but I would say that if there is in any way for—and I said this to the neighborhood as well—that if there's a way for there to be a meeting of the heads and the minds to try to find something that would be applicable and acceptable to the neighborhood, that is something that I would like to do. If that, in fact, is something that is feasible—I know there's been a motion already on the table by Commissioner Kane, but I would just, as a matter of suggestion say maybe we need to table this until such time as it has a chance to go through Planning and Zoning.

Having said that, in my concluding remarks, as I said during the ED&F Standing Committee, and I'm going to echo this, I'm going to relay this also to the developer out at the Woodlands, hey, don't forget about Northeast Wyandotte County. We would love to talk to either one of you all about how we might use or your ideas about developing in Northeast Wyandotte County. I would welcome you with open hands and open arms. Having said that, thank you.

Commissioner Ramirez said just two more things and then I'll be done for the night, or for this topic, I should say. One thing that has been mentioned a lot is this is something KU is liking, it's wanting to have, but we've not received phone calls or emails or no one from KU is here in support of this project. So, that's my only thing. I love KU. We need to keep KU. But, if this is something that they want, then they should be here talking with the community as well, not just the developer, but KU as well.

My second and last comment on this topic, one of our colleagues says this pretty frequently. If we strip away all the incentives, strip away everything from this project, does this project stand on its own merits? In my opinion, it does not. So, I hope that we continue the conversation with the community and make sure that they are heard.

Commissioner Philbrook said so, I got an opportunity to go up and look around. I understand why the community up there is not excited about having 162 apartments right by their community. They've worked hard to develop what they have there. They have a pretty doggone nice community to be proud of. I believe that we need that development; just not there. I don't believe that we should push it on those folks because they have had an HOA for a long time. I don't even know if that property is still in the original HOA district that was created. So, that's another question that I have.

Because there is such a division of folks not being able to get together on this and be happy with an outcome as of yet, and the fact that the community is definitely not interested in a lot of multi-housing to pass the IRBs now when we don't even have something that would be close to fitting in that request for IRB funding—in this case be, I think, a little ahead of ourselves. So, that's all I have to say on that.

Commissioner McKiernan said I said at the Economic Development meeting and I'll say it again here, I do think that IRBs are an appropriate financing vehicle for a project like this. I didn't say

necessarily for this project. What I'm hearing are, a lot of this project is not appropriate for this area. What I'm hearing are a lot of Planning and Zoning concerns regarding access, regarding size, regarding construction, regarding proximity. Those are the things that I'm hearing and those really are Planning and Zoning issues. It's not an issue of whether or not the IRB is an inappropriate vehicle for financing something like this.

In terms of using the IRB as a way of getting an amenity, we look at what we're giving up. What we're giving is a 50% break, but we're also getting about 2000% more taxes than that property is generating in the first year. It would take 50 homes valued at \$300,000 each to equal the property taxes that this project could pay in its first year. So, we shouldn't look at what we're giving up. We should look instead with all of our economic development incentives, at what we're gaining. We're gaining amenities. We're gaining jobs. We're gaining quality places to live. We're gaining tax revenue that we can use to ultimately lower taxes or provide better services or possibly both.

Having said all of that, if my colleagues believe that this project should go before Planning and Zoning before it comes in for IRBs, then so be it.

Action: **Commissioner Kane** said, Mayor, I withdraw my motion.

Commissioner Burroughs said I appreciate commissioner's comments in reference to what he's hearing. What I'm hearing, Mayor, is we've had a couple of issues this evening that have been dealt with the community and master plans. I'm new to the Commission much like you, Mayor, and it's been a challenge in our community to continue to gain the trust of the people of this community and how this government moves forward. We were elected because we committed to listening to the people of this community.

Mission Cliffs is a beautiful homestead area. There are multilevel facilities as you come into the community that are very nice. I would agree with the comments that other commissioners made in reference to Mr. Allison's developments in western Wyandotte County. I believe they would complement the area; however, the citizens that participated in the master plan for that area have spoken. They gave up their time and their talents, along with our staff and our city. The political clout that we put out there as elected leaders to be engaged with members of our

community, what damage are we doing there when we really truly need them at the table moving forward for projects? Are we going to be able to continue to hold their trust?

If they want to have continued meetings with Mr. Allison, I would strongly encourage Mr. Allison to do so. The Mr. Allison I know will not shy away from that. So, I would encourage them to work together to find an acceptable project. But, I'd also caution them that the homeowners association that you can't continue to say no to everything. It's just not good for the community. If you wait too long, something will happen that you won't have input into.

So, Mayor, I side on the side of the residents on this. I truly believe that a master plan is just that, a master plan. We are working on another master plan right now, Central Avenue. Are we going to send a message that no matter what we say with the master plan, it's going to be up to us as to how we deal with it? Your words hold very little merit when it comes to whatever a developer and/or an elected body chose to take. With that, I will just say I truly trust that we will make a decision tonight that will be beneficial to the Mission Cliffs as well as encourage Mr. Allison to continue to invest, as he has, in our community.

Action: Commissioner Johnson made a motion, seconded by Commissioner Ramirez, to table this until such time as Mr. Allison can—well, two things, until such time as it can go to Planning and Zoning, which I hope will allow Mr. Allison time to meet with the neighbors once again since they haven't heard from him, but to allow him the time to be able to talk to them to see if there's a feasible way to create a sustainable project that they can all agree on. Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook, Townsend.

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 20257...RESOLUTION: LEASE AGREEMENT WITH MOTOROLA SOLUTIONS, INC.

Synopsis: A resolution approving a lease purchase transaction with Motorola Solutions, Inc., for in-car and body worn cameras, submitted by Casey Meyer, Assistant Counsel. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by

Commissioner Bynum, on July 27, 2020. It was requested, and approved by the Mayor, to fast track this item to the July 30, 2020 full commission meeting.

Mayor Alvey said this was presented to the standing committee last Monday and received a unanimous vote. Any comments?

Commissioner Bynum said I would move approval. It's a refinement of the lease agreement with Motorola so that we can move the body worn camera project forward and basically bring it to a conclusion. It is part of why it's fast tracked to tonight.

Action: **RESOLUTION NO. R-52-20**, "A resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to enter into a lease purchase transaction, the proceeds of which will be used to pay the costs of acquiring and installing equipment related to in-car and body worn cameras and to approve the execution of certain documents in connection therewith." **Commissioner Bynum made a motion, seconded Commissioner Kane, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 20290...RESOLUTION: CARES SUBCOMMITTEE RECOMMENDATIONS

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

Mayor Alvey said this was the blue sheet mentioned earlier that contains the revised resolution.

Doug Bach, County Administrator, said I believe this information was presented to the Commission in great detail during the 5:00 session with opportunity for comment, so presentation

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has been done. Unless Commissioner Bynum would like to make any additional comments, I believe presentation has been done by staff. I'd be happy to answer any additional questions.

Commissioner Bynum said I don't need to make comments, but I see Mr. Bain on the line and Crystal if there's any additional comment we need from either of our staff coordinators. If not, I can make a motion to approve the resolution as presented.

Action: **RESOLUTION NO. R-53-20**, "A resolution adopting the reimbursement recommendations of the WYCO Cares Subcommittee." **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

COMMISSIONERS' AGENDA

ITEM NO. 1 – 20259...RECOMMENDATIONS: DISBURSEMENT OF 2020 CASINO GRANT FUNDS

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

Mayor Alvey asked, Mr. Emerick Cross, do you have anything to add? **Emerick Cross, Assistant County Administrator**, said, Mayor, this is the 2020 Hollywood Casino and UG grant designations. I do want to point out that notification for these will be sent out to the grant recipients on Friday, August 7, 2020. If approved, we will get these on the website as soon as possible. I know a lot of applicants are wanting to know the status of this.

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

Mayor Alvey said that concludes the regular portion of our meeting. We are adjourned in that capacity. We're now called back as the Land Bank Board of Trustees.

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LAND BANK BOARD OF TRUSTEES' AGENDA

ITEM NO. 1 – 20228...LAND BANK APPLICATION

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

Mayor Alvey asked, does any member of the Commission, or County Administrator, wish to set-aside this one item? (The item was not set-aside.)

Application

725 S. 4th St. - Breck Ricketts

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

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

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

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY

ADJOURNED THE MEETING AT 11:20 P.M.

July 30, 2020

Bridgette D. Cobbins
Unified Government Clerk

mbb/cg

July 30, 2020