

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

**PLANNING & ZONING AND
REGULAR SESSION
AUGUST 27, 2020**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, August 27, 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; Kane, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Johnson, Commissioner Fourth 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, some commissioners, staff and public are attending remotely as well as on site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

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

Due to COVID-19 requirements, in-person public comment has been suspended unless otherwise required by law. The public is allowed to participate by phone.

Mayor Alvey called the meeting to order.

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

Invocation was given by Mayor David Alvey.

Mayor Alvey asked the Clerk if there were any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk**, said, yes, Mr. Mayor. There's just a clarification up under the Standing Committee's Agenda for Item No. 1, which is the MOU for understanding for the Quindaro Ruins Project. On August 10, 2020, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted to forward the item to the full commission for consideration with a revised map. That is the clarification.

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

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

PLANNING AND ZONING CONSENT AGENDA

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 Markley** disclosed contact on Vacation Application #A-2020-10 and Plan Review Application #PR-2020-17. **Commissioner Bynum** disclosed contact on Special Use Permit #SP-2020-65, Special Use Permit #SP-2020-66, Vacation Application #A-2020-10, and Plan Review Application #PR-2020-17. **Commissioner Burroughs** disclosed contact on Vacation Application #A-2020-10 and Plan Review Application #PR-2020-17. **Commissioner Philbrook** disclosed contact for and against Plan Review Application #PR 2020-17. **Commissioner Ramirez** disclosed contact on Vacation Application #A-2020-10. **Commissioner Walters** disclosed contact on Plan Review Application #PR-2020-17. **Commissioner McKiernan** disclosed contact on Special Use Permit #SP-2020-65 from opponents and Special Use Permit #SP-2020-66 from opponents. I believe its proponents on Plan Review Application #PR-2020-17 and proponents on Vacation Application #A-2020-10.

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

Mayor Alvey asked does any member of the Commission, County Administrator, or public wish to set-aside any item on the Planning and Zoning Consent Agenda? If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. **Commissioner Markley** said, Mayor, I think you have a couple of hands raised, one of which is mine so I'll go ahead and jump in and then I can read you the rest of the list or they can jump in as well. I'd like to set-aside Special Use Permit #SP-2020-3. I'm not in opposition, but just to make a statement and I think perhaps another commissioner would like to do the same.

Commissioner Townsend disclosed contact with an item by receipt of a written email. Several of them received by me and those which were read by me concerning Plan Review Petition #PR-2020-17. **Mayor Alvey** asked, you're not setting aside though, you're just disclosing contact? **Commissioner Townsend** said I am not. I am disclosing contact.

Commissioner McKiernan said I'd like to set-aside Item B-5, Special Use Permit #SP-2020-65 and Item B-6, Special Use Permit #SP-2020-66. **Byron Toy** said I'd like to set-aside Change of Zone #3227 and corresponding Special Use Permit #SP-2020-70. **Mayor Alvey** asked, have we received any requests from the public to set-aside an item, Bridgette? **Ms. Cobbins** said we did not. **Doug Bach, County Administrator**, said, Mayor, we did just have a hand go up from the public as you made that last comment. **Rocki Mayes** said, Cecilia, you're ready to talk. **Janet Parker** said, Mr. Mayor, she's the interpreter for Ms. Wesselhoft. **Mr. Bach** said which is item A2 and B9, which Mr. Toy set-aside. **Mayor Alvey** said so those items have been set-aside. Make sure the interpreter has indicated that to Ms. Wesselhoft.

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

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATION

August 27, 2020

ITEM NO. 1 – 20335...CHANGE OF ZONE APPLICATION #3219 - ERICK RAMIREZ-DUBON

Synopsis: Change of zone from R-1 Single Family District to A-G Agriculture District for multiple accessory structures and to keep horses at 3625 Emmons Drive, submitted by Gunnar Hand, Director of Planning. The applicant is requesting a change of zone on 5.93 acres of land, in order to allow agricultural uses such as animals and accessory buildings by right. The Fire Department has received numerous complaints of illegal burning operations at this location by Mr. Dubon and his guests. Animal Services were called to inspect the keeping of horses at the applicant's property. The horses were determined to be in fair condition but improvements to facilities were suggested. The applicant has received multiple Notices of Violation which is why they are seeking a change of zone. Violations include:

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

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

1. Applicant must continue to work with the Code Enforcement Department until all code violations are remedied;
2. Burning on the property is only allowed within designated burn cycles, as set out by the Fire Department, and a burn permit must be obtained from the Fire Department before such activity can be conducted;
3. Construction, building additions, and/or demolitions must be properly permitted through Building Inspections Department;
4. All animals must be well-kept with adequate water, shelter, food and care;
5. Must maintain adequate ground coverage by providing 75 percent coverage after two full growing seasons;
6. Provide a plan for hazardous waste disposal; and,
7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve Change of Zone Application #3219, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 2 – 20336...CHANGE OF ZONE APPLICATION #3227 - VERONICA WESSELHOFT

Synopsis: Change of zone from C-1 Limited Business District to C-2 General Business District for auto sales at 2120 Park Drive,

and

ITEM NO. 9 – 20337...SPECIAL USE PERMIT APPLICATION #SP-2020-70 - VERONICA WESSELHOFT

Synopsis: Special use permit for automotive sales at 2120 Park Drive, submitted by Gunnar Hand, Director of Planning. The applicant wants to rezone the property and obtain a special use permit to operate a used car lot with an existing car insurance and multi-service businesses operating within the building at 2120 Park Drive. The Planning Commission voted 7 to 0 to recommend denial of Change of Zone Application #3227 and Special Use Permit Application #SP-2020-70 for the following reasons:

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

Byron Toy, Lead Planner, said Ms. Wesselhoft wants to change the zoning from C-1 to CP-2 and also obtain a special use permit in order to operate a used auto sales at this location in conjunction with two existing office businesses that are operating inside that building. The Planning Commission recommended denial of the application, in part because of the used car lot is not the best use for the property due to the proximity to the established neighborhood that is to the north and west, and Clifton Park to the south.

Mayor Alvey asked the applicant to present her application. Ms. Issac, if you would state your name for the record, you may present those item on behalf of the applicant.

Cecilia Issac, Interpreter for the Unified Government, said I'm a contractor with the Unified Government. I reached out to Ms. Wesselhoft and did not receive a response. I have nothing to

present, Mayor. **Ms. Mayes** said Ms. Wesselhoft is on. (Talking transposed in Spanish between Ms. Issac and Ms. Wesselhoft. **Ms. Issac** said, my husband is here with me and he's going to explain in English.

COZ 3227 and SP-2020-70



DEPARTMENT OF PLANNING • URBAN DESIGN
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Mr. Wesselhoft asked, do you want me to explain what's going on? **Mayor Alvey** said yes. Just present your application and what you're asking for. **Mr. Wesselhoft** said we want to actually want to change to C2, not just for car sales. With the pandemic right now, I'm trying to find anything that I can get into legally to keep me afloat instead of relocation to another state or another city. I like Wyandotte County. I'd like to stay in this county, keep the revenue here, but I'm just going to find another way—the office isn't cutting it. I need to find a way that makes a lot of money by changing the zone. It's pretty tough right now. I'd like to see it changed, not just car sales, but whatever I can do in that zone legally, that I can prosper in the future as well and stay in the county.

COZ 3227 and SP-2020-70



UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

Zoning	
Existing	C-3 Limited Business District
Proposed	SP-2 Planned General Business District
Total Land Area	
Existing	0.30 Acres
Right-of-Way	
Existing	0 Acres
Proposed	0 Acres
Net Land Area	
Existing	0.30 Acres
Proposed	0.30 Acres
Building Coverage & Floor Area Ratio	
Coverage (Total Footprint Area)	3,200 SF
FAR (Gross Area/Net Land Area)	FAR
Vehicle Parking	
Stalls Required	12 Stalls
Stalls Provided	24 Stalls



August 27, 2020

I understand there was some mishap that happened, a wrecker there and the tow truck and the guy walking that which it broke my rules. Nobody was supposed to work on anything here. I told them he could park the tow truck, but I didn't expect it was going on here. I'm from out of town. I come in every two weeks in town. That's (inaudible) to get into different avenue to try to survive through this pandemic. A lot of businesses shutting down. A lot of people getting unemployed, and I'm trying my best to hang in there. I got my home here. I got my building here. I'm trying to stay in this town. I love this town, but if I can't, I will just have to take my revenue somewhere else. That's basically—it's hard to survive a day without a paycheck. There ain't no guarantee in the private sector and there's no guarantee in a check, either you win, or you lose. So, you understand what I'm saying?

Mayor Alvey opened the public hearing. Is there anyone who would like to speak in favor of Change of Zone #3227 or Special Use Permit SP#2020-70, if so, please state your name and address for the record. You'll be given up to three minutes to state your comments. **Ms. Mayes** said I have a Victor Subia. **Ms. Mays** said it looks like they dropped off. **Mayor Alvey** asked, is there anyone else who would like to speak in favor? **Ms. Mayes** said I do not see any hands, Mayor. **Mayor Alvey** said all right. We will come back if we can get him back on. Is there anyone who would like to speak in favor.

No one appeared in support.

Mayor Alvey asked, is there anyone who would like to speak in opposition? **Ms. Mayes** said I do not see any hands, Mayor.

Mayor Alvey asked, have we received any notifications by mail? **Ms. Cobbins** said no requests by mail in support or in opposition, Mayor.

No one appeared in opposition.

Mayor Alvey asked, have we been able to get Mr. Subia back on? Mr. Subia said just ignore that request. It was actually in error. You guys can proceed.

Mayor Alvey closed the public hearing.

Mayor Alvey asked, would the presenter, Ms. Issac, would like to make any closing comments for the applicant or the husband? **Ms. Isaac** said I'm only here to interpret whatever Mr. Wesselhoft has to say or someone in Spanish. I am not allowed to present anything on my own. **Mayor Alvey** said I understand. Any closing comments from the applicant? I would ask the commission, any questions or comments?

Doug Bach, County Administrator, said, Mayor, I would ask that Cecilia ask the applicant whether they have anything. She needs to repeat your question to them so she understands if she has any closing comments. (Ms. Issac spoke Spanish to Ms. Wesselhoft.)

Ms. Mayes said it doesn't look like they're saying anything. I have asked to unmute, and they have not.

Mr. Wesselhoft asked, what is the question? **Mayor Alvey** asked, do you have any closing comments before we vote? **Mr. Wesselhoft** said like I said, I'd like to see before you, give me a negative, at least try to, I'm trying to survive trying in here, that's what I'm saying. It's difficult right now. I know a couple of people that have left this state, went across state line or different city. I want to stay here to keep the revenue over here. I love this city; I don't want to relocate. I chose another city to come here and I like it, I'd like to stay. Like I said, convert it to C2 not just for cars, but whatever they can do in the C2 that I can prosper now and in the future. It's not a great location for business, but I need to go somewhere to survive. It's basically, that's what I'm concerned about.

Mayor Alvey said so we have the first. I'll entertain a motion for Change of Zone #3227. Now, to be clear, it was recommended for denial. Is the vote here to accept the recommendation of the Planning and Zoning Commission? **Ken Moore, Chief Counsel**, said that'd be correct, Mayor. A motion, a yes would be to uphold the denial. **Mayor Alvey** asked, is there a motion to uphold the recommendation of the Planning & Zoning Commission for denial of the change of zone

petition? I'm hearing none. Is there a motion to approve the petition for a change of zone? Are we all just confused here?

Commissioner Markley said I think, Mayor, the awkwardness is the district commissioner is absent tonight and so we're all sort of feeling odd, I think, about making a decision on his behalf. In the absence of other comments or questions from the Commission, I would make a recommendation to uphold the recommendation of the Planning Commission.

Action: **Commissioner Markley made a motion, seconded by Commissioner Philbrook, to uphold the recommendation of the Planning Commission to deny Change of Zone Petition Application #3227.**

Commissioner McKiernan said, Mayor, before we do that, Commissioner Bynum actually got knocked off the internet. She is the At-Large Commissioner for this area. I wonder, I see now, I believe she is back, maybe not.

Mayor Alvey said we do have a motion and a second.

Roll call was taken on the motion and there were nine "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook. **Commissioner Bynum** said I was knocked off and I'm back on. I don't know what we're voting on. I'm sorry. **Mayor Alvey** said we had a motion and a second to uphold the recommendation of the Planning and Zoning Commission to deny the change of zone petition. **Commissioner Bynum** said thank you. If you need my vote, it's "Aye."

Mayor Alvey said now I'll entertain a motion for the Special Use Permit #SP-2020-70. Is there a motion to uphold the recommendation of the Planning & Zoning Commission to deny the special use permit?

Action: Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to uphold the finding of Planning & Zoning to deny Special Use Permit Application #2020-70. Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 20338...SPECIAL USE PERMIT APPLICATION #SP-2020-3 - MARCOS RAMIREZ

Synopsis: Special use permit for a shipping container for storage of boxing ring and chairs at 3308 Strong Avenue, submitted by Gunnar Hand, Director of Planning. The shipping container would be in the rear of the building on the property. The applicant was issued a Notice of Violation on October 21, 2019, for multiple tires and a shipping container stored outside on the property. The applicant had a pre-application meeting with staff on November 8, and his application for a special use permit for use of the shipping container on November 22, 2019. The applicant owns and operates the boxing gym on the property, and this container would be used as a storage unit to store a boxing ring, chairs, and other equipment that is occasionally used on-site by the business. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-3, subject to:

1. Subject to approval, the special use permit shall be valid for two years. The Applicant is solely responsible for renewing their special use permit. The applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new special use permit is approved;
2. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners’ meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
3. Shipping container must be painted to match the building within 90 days of approval of the Special Use Permit;
4. Applicant must not use the shipping container to hold items that could leak, corrode, become pressurized, explode, are flammable or noxious, or otherwise could cause air, land, or water pollution. Storage of any such items or chemicals may result in immediate revocation of this special use permit;

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

Mayor Alvey asked staff to open with remarks.

Byron Toy, Lead Planner, said the applicant wants to have a ship container on the property to store equipment inside that container. It's been recommended for approval for two years. This is not a permanent situation. Typically, when staff does recommend approval for shipping containers, we suggest they find another alternative as this is a temporary use of land. Those are my comments.

Mayor Alvey asked, is the applicant available? **Ms. Mayes** said I do not see him in the attendees list.

Mayor Alvey asked, is there anyone present who would like to speak in favor of this? (No one appeared.)

Mayor Alvey asked, is there anyone in opposition? **Ms. Mayes** said I see no hands raised.

Commissioner Markley said actually, Byron really just took the words right out of my mouth. I just wanted to sort of make a statement. This Commission, all of us, have taken a very solid stance against shipping containers in neighborhoods. I think, myself, and perhaps some of the other commissioners are concerned when we saw this just to make a distinction and make sure it was clear to people. Our stance, or at least my stance, speaking for myself, again shipping containers in neighborhoods continues to be a very appropriate use a neighborhood. This is a temporary permit. My, by speaking to the applicant, my advice would be to find another alternative during the period of this two-year special use permit. Find another alternative for storing those items, because, again, speaking for myself, but I think for the Commission as a whole, we definitely have taken a strong stance saying that they are not a permanent storage solution within neighborhoods. That's really all I wanted to say. If any other commissioner wants to similarly state, I think people reached out saying that they had concerns.

Commissioner Ramirez said just to echo Commissioner Markley's comments, and then I had one question. Is the container, will the container be behind, in the back of the business? **Mr. Toy** said, yes, Commissioner. **Commissioner Ramirez** said okay. Then that was the only question I had.

Commissioner Townsend said I wanted to echo my appreciation for Commissioner Markley's comments. I think as a Commission, we've come a long way on this point. I was a bit taken back when I saw the recommendation. The other thing that disturbed me, in light of, was that the submitter seemed to want this to be a permanent thing. That was not where we were going. Speaking for myself, that is certainly not something I'd want to see, but Mr. Toy and Commissioner Markley have already stated the positions that I agree with on this matter then.

Commissioner Markley said that being said, I do support the two-year special use permit. If there are no further comments, I would move to approve the application as recommended by the Planning Commission.

Action: **Commissioner Markley made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-3 for two years, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 2 – 20327...SPECIAL USE PERMIT APPLICATION #SP-2020-45 - LANCE PIERCE WITH KARAT INVESTMENT GROUPS, LLC

Synopsis: Renewal of a special use permit (#SP-2019-4 - expired 4/28/2020) for a short-term rental/Airbnb at 4028 Booth Avenue, submitted by Gunnar Hand, Director of Planning. This special use permit allows for the operation of a short-term rental at 4028 Booth Street, through sites such as Airbnb and VRBO. The property is a duplex. Both units will be rented out. This property is not the applicant's primary residence. There have been no Notices of Violation issued on this property during its time as a short-term rental. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-45, subject to:

1. Applicant must obtain a business license;
2. The maximum number of guests is twelve.
3. The maximum number of guest vehicles is four.

4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
5. The special use permit shall be valid for two years from the publication of the associated ordinance. The applicant is solely responsible for renewing their Special Use Permit. The applicant should contact the Planning and Urban Design Department no less than two 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 Bynum, to approve Special Use Permit Application #SP-2020-45 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 3 – 20328...SPECIAL USE PERMIT APPLICATION #SP-2020-46 – NOAH WAMBUI WITH IDEAL AUTO

Synopsis: Renewal of a special use permit (#SP-2018-43 - expired 4/26/2020) for a salvage yard and recycle used motor vehicle parts at 810 South 26th Street, submitted by Gunnar Hand, Director of Planning. The renewal is to continue the operation of a salvage yard, specifically vehicle recycling and salvage auto parts. There is no record of any enforcement cases on this property. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-46, subject to:

1. Based on previous failure to comply with special use permit stipulations, this special use permit may be approved for six months. The special use permit shall be valid for six months from the publication of the associated ordinance. The applicant is solely responsible for renewing their special use permit. The applicant should contact the Department of Planning and Urban Design no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new special use permit is approved.
2. The property must have the following repairs and improvements:
 - a. The metal shed building is an unfit structure and must be repaired up to code or be demolished;

- b. The concrete surface must be cleared of all vegetation. Patch all holes and cracks and resurface the concrete areas;
 - c. Zoning Ordinance Section 27-701 requires an eight foot tall architectural screening fence around any automotive salvage yard. Upgrade the present fence to the standards for an architectural screening fence. An architectural screening fence around a salvage yard is eight feet tall, solid metal panels with masonry columns at 32 feet on center and provides screening on all sides. Applicant will acquire all required building permits; and,
 - d. Re-stripe the required four parking spaces to current size of 9 feet wide by 18 feet long. One stall must be ADA compliant and properly marked. Include the ADA graphic painted at the end of the stall. Install a five-foot-wide ADA access aisle and stripe it with a hatch mark pattern. Install or maintain the ADA placard on a durable metal post mounted at the front of the ADA stall and ensure the minimum distance of 60 inches above finish grade to the bottom of the sign.
 - e. An approved sign permit is required if an exterior business sign is to be installed.
 - f. Gates must remain closed at all times.
 - g. Provide to Planning staff several photos of the interior of the property to show status of the items listed in #2 above.
3. There is no history of any building permit issued for this property in the last four years of occupancy. Applicant must obtain building permits for any work that requires a permit, and all work must be compliant with current building codes.
 4. Applicant must acknowledge that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and requirements. Failure to make the necessary improvements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
 5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
 6. Any automotive-related business in Wyandotte County that is required to obtain any special use permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.
 7. Applicant must acquire and maintain a business license.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application #SP-2020-46 for six months, subject to the stipulations. Roll call was taken and there were nine "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

**ITEM NO. 4 - 20329...SPECIAL USE PERMIT #SP-2020-59 - STEPHEN P. MASLAN
WITH STEPHEN P. MASLAN AND COMPANY**

Synopsis: Renewal of a special use permit (#SP-2015-20 - expired 5/28/2020) for an auto salvage yard at 1124 Pawnee Avenue, submitted by Gunnar Hand, Director of Planning. Since their previous approval, the applicants have received no Notices of Violation from the Code Enforcement Department other than two notices related to graffiti on-site. The applicant has requested approval for ten years. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-59, subject to:

1. Clean up trash debris between street and fence perimeter;
2. Nothing shall be stored higher than the height of the fence;
3. Any automotive-related business in Wyandotte County that is required to obtain any special use permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
4. The applicant must demonstrate that each independent truck driver holds a Kansas City, Kansas business license and special use permit. Applicant has three months to provide documentation showing that truck drivers have the necessary special use permits to park vehicles within city limits and are current with business licensing or the special use permit will automatically terminate. This will require each driver living in Kansas City, Kansas, to apply for a special use permit to park their vehicle at their home by May 29, 2015, or find commercial parking arrangements;
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and
6. The Special use permit shall be valid for five years from the publication of the associated ordinance. The applicant is solely responsible for renewing their special use permit. The applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new special use permit is approved.
7. Provide a 15-foot landscape buffer and curb along all public rights-of-way.
8. Zoning Ordinance Section 27-701 requires an eight-foot-tall architectural screening fence around any automotive salvage yard. Upgrade the present fence to the standards for an architectural screening fence. An architectural screening fence around a salvage yard is eight feet tall, solid metal panels with masonry columns at 32 feet on center in intervals and provides screening on four sides of the property.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve Special Use Permit #SP-2020-59 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 5 - 20330...SPECIAL USE PERMIT APPLICATION #SP-2020-65 - DAVID SHOWALTER

Synopsis: Renewal of a special use permit (#SP-2019-88 - expires 8/27/2020) for a Short-Term Rental/Airbnb at 433 Ann Avenue, submitted by Gunnar Hand, AICP, Director of Planning. The applicants, David and Karen Showalter, are seeking renewal of SP-2019-88. This is not the applicants’ primary residence. It is used as a vacation home. The applicants’ primary residence is in Texas, but there are local caretakers to maintain the property in their absence. There has been one Notice of Violation issued on this property during its time of being operated as a short-term rental for trash and brush in the backyard. The applicants state that they hired a professional to come and remove it as soon as they were made aware of the situation. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-65, subject to:

1. Maximum number of guests shall be four;
2. Maximum number of guest vehicles shall be two;
3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
4. The special use permit shall be valid for two years from the publication of the associated Ordinance. The applicant is solely responsible for renewing their special use permit. The applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new special use permit is approved; and,
5. Applicant must keep a current Business License/Occupation Tax Receipt and Kansas State Lodging Tax.

Mayor Alvey said, Mr. Toy, would you please just present on this. Give us an idea of what’s going on here.

Byron Toy, Lead Planner, said the applicants are David and Karen Showalter. They are trying to renew a special use permit for an Airbnb short-term rental. This is not their permanent residence as they live in Texas. They were approved for two-years last time, so this is a renewal again for two-years. They base this sometimes as their vacation home, but as I said previously, this is not the primary residence. We have not received any opposition at the Planning Commission, however; there is a letter that was attached to the staff report recently by a former Strawberry Neighborhood President, Justine Underwood-Jones that expressed opposition to the application.

Mayor Alvey said, Commissioner McKiernan, you had pulled this off. Do you have any comments or questions before we move?

Commissioner McKiernan said I have no problem with either of these applications. There was no one who appeared in opposition at either the neighborhood meeting or the Planning Commission. The Planning Commission did approve both of these items unanimously and put them on consent, but tonight at about 5:00, I got an email. There is a person within the application; there is a person who is listed as the local contact; the local manager who is responsible for carrying out tasks locally on behalf of the owners. The person who is listed three different times as the caretaker in the document emailed me and said that's untrue. What I'm going to propose, when this is all said and done, is that we simply hold these items over for one month to give our Planning staff an opportunity simply to clarify the details that are included on the application.

Mayor Alvey asked is the applicant available?

David Showalter said I'm actually up in our 5th St. house, 709 N. 5th St. I was really surprised to see this letter from Justine Underwood who's been gone from the neighborhood for a year about, who encouraged me to buy the house next to the house that she used to own.

We spent a lot of money fixing it up and Justine wanted to manage it as a short-term rental. We got stalled out on repairs. We've done a whole lot of good work to the house, and it's occupied by a friend right now that needs a place to live. That's 433 Ann. That's the other application, that's 65, 66 is 709 N. 5th Street that I've owned with my wife for, I don't know, five, six or seven

years. Our daughter, Adrienne Matlock, lives right around the corner. That's why we bought this house so we could visit her when we're up here. We live down in the Houston area.

I'm up here now and we just finished spending, I think, \$1,800 on new carpet. It's a nice place. We bought it from Joe Markovich who renovated it. We've had this house quite a while and 433 Ann, that's 65, for I think for two or two and a half years.

I'm surprised to see Justine's letter. I don't know what motivated her to say the things that she said. We've got adequate access to contractors and have made relationships with several people in the community if any repairs are needed. Those houses are in real good condition. Just last week we checked with the lady who had agreed to be our kind of local contact. Of course, my daughter is here, and I've got other friends, Wesley McCain, and my granddaughter's here. I'm around. I've got friends in the neighborhood. If this Magda Born, who apparently is now just telling us she's not going to be a manager. We can find a manager. I have a lot of property and I take care of a lot of property.

I guess I'm frustrated this process has taken quite a while. We've paid all the fees. We provided all the information. I think for whatever reason, Justine is trying to torpedo it and probably has convinced this Magda Born to withdraw. Obviously, we're going to manage our property and have a local contact. I just hate to see more delay. I need to confirm with Maggie if she is really resigning. Apparently, she told somebody that she has. She hasn't told me. I just need to get a different manager. I would ask that this be approved so we can go ahead and finalize our arrangements here.

Mayor Alvey opened the public hearing and asked, is there anyone present who would like to speak in favor of the application? **Ms. Mayes** said I do not see any hands up.

Mayor Alvey asked, have we received any notice by mail? **Ms. Cobbins** said we have no requests.

Mayor Alvey asked, anyone present who would like to speak in opposition? **Ms. Mayes** said there are no hands up. **Mayor Alvey** asked, anything received by mail? **Ms. Cobbins** said nothing by mail.

Mayor Alvey closed the public hearing.

Mayor Alvey asked, Commission, any questions?

Commissioner Bynum said I just have a question for the applicant. I guess my question is, is it a short-term Airbnb or is it a rental property? When was the last time you had a short-term rental in, I guess, either of the properties? Do you have any booked in the future. It sounds like you said you have someone living there more as a renter, so that's what I would like clarification on. That would be a different license? **Mr. Showalter** said I don't have any bookings right now because I think I've been under the impression that we didn't have permission to get short-term rentals. Right now, my granddaughter is staying in 709 N. 5th. She does not have a lease. I'm letting her stay there. She started a job at the MERC. I want to keep my options open to have short-term rentals.

We did do an Airbnb like two or three years ago, and we had some sporadic rentals maybe a couple of times a month when we were busy. I just would like to keep that option open. We've paid the fees and gone through the process. It's not under a long-term lease right now, just accommodating my granddaughter.

It's kind of the same situation at 433 Ann. There's a friend of my daughter, Adrienne Matlock, who needed a place to stay so she's staying there right now. I think that's kind of temporary for her. She's been there a few months and that's another place. I'd like to keep my options open for a short-term rental for both of the properties.

We've maintained them well. I know there is a need for short-term rentals. If the houses are empty and I can't find a tenant or don't want to do a long-term lease, I just want to keep the options open for the short-term rentals. I hope that answers your questions.

Mayor Alvey said seeing no more questions, I'll entertain a motion.

Commissioner McKiernan said I would move, and I'm assuming I'll have to make these motions separately, but because Ms. Born is identified by name three times in the application and because I got an email at 5:00 today that says I'm not a part of that, I feel that we need to clarify. We actually need to get it clarified, because what I'm being told doesn't match the application that was submitted and considered by the Planning Commission.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Townsend, to hold Special Use Permit Application #SP-2020-65 for one month, bring it back to full Commission, and in that month, our Planning Commission will verify the information contained in the application.

Mr. Toy said just a point of clarification. Commissioner McKiernan, is that you want Planning staff, you said Planning Commission. I just want to make sure. **Commissioner McKiernan** said Planning staff. I'm sorry. There's no reason for this to go back to Planning Commission. It has been approved unanimously by them. I cannot see that they would come up with any different conclusion in a second time around. I would just like staff to clarify for me. **Mr. Toy** said okay.

Roll call was taken on the motion and there were nine "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 6 - 20331...SPECIAL USE PERMIT #SP-2020-66 - DAVID SHOWALTER

Synopsis: Renewal of a special use permit (#SP-2019-89 - expires 8/27/2020) for a short-term rental/Airbnb at 709 North 5th Street, submitted by Gunnar Hand, Director of Planning. The applicants, David and Karen Showalter, are seeking renewal of SP-2019-89. This is not the applicants' primary residence. The applicants state that currently, the property is used as their vacation home. The applicants' primary residence is in Texas, but there are local caretakers to maintain the property in their absence. No Notices of Violation have been issued to this property. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-66, subject to:

1. No more than four guests are allowed at a time;
2. No more than two guest vehicles are allowed at a time;
3. Provide a guest manual that lists rules and regulations such as "no parties, etc.";
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
5. The special use permit shall be valid for two years from the publication of the associated ordinance. The applicant is solely responsible for renewing their special use permit. The applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for

renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new special use permit is approved; and,

6. Applicant must keep a current Business License/Occupation Tax Receipt and Kansas State Lodging Tax.

Commissioner McKiernan said I would move on #SP-2020-66 the same thing, that this item be held over for one month to return to full commission and in the meantime, Planning staff can clarify the accuracy of the application.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Townsend, to hold over Special Use Permit Application #SP-2020-66, for one month, to return to full commission and in the meantime, Planning can clarify the accuracy of the application.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 7 – 20332...SPECIAL USE PERMIT APPLICATION #SP-2020-67 – CHERYL M. SNOPEK

Synopsis: Renewal of a home occupation special use permit (#SP-2019-93 - expires 8/27/2020) for a dog grooming business at 401 South 82nd Street, submitted by Gunnar Hand, Director of Planning. This is a full-service pet grooming salon in the garage of their residence. The applicant has stated that they specialize in grooming dogs who are misbehaved, afraid, abused, old, and frail. The applicant has stated that they will host one dog at a time, maximum two per day. The applicant has received no Notices of Violation since their previous approval. The applicant has requested to be approved for five years. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-67, subject to:

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

7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
8. The special use permit shall be valid for five years from the publication of the associated ordinance. The applicant is solely responsible for renewing their special use permit. The applicant should contact the Planning and Urban Design Department no less than two 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 Bynum, to approve Special Use Permit Application #SP-2020-67 for five years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 8 – 20333....SPECIAL USE PERMIT APPLICATION #SP-2020-69 - ROBERT DIMOND JR. WITH D.A. GROUP, INC.

Synopsis: Renewal of a special use permit (#SP-2018-67 - expires 8/30/2020) for an automotive repair operation at 1017 Merriam Lane, submitted by Gunnar Hand, Director of Planning. The applicant has received no Notices of Violation since their previous approval. The proposed use does not conform to the goals and aspirations of the Rosedale Master Plan. The applicant has requested approval for five years. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-69, subject to:

1. As parking and striping degrades, the lot must be resurfaced;
2. All cars in lot must be operable;
3. No outside storage of automotive parts or materials;
4. Noise level not to exceed 65 decibels with doors closed;
5. The parking lot shall be striped and resurfaced, as the paving materials become degraded;
6. In order to have legitimate signage, a sign permit must be filed with the Planning and Urban Design Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department;
7. No displays on the sidewalk, including signs, pennants, attention-attracting devices, etc.;
8. Must conform with the Commercial Design Guidelines;
9. Must maintain a business license with the Business Licensing Department;
10. Special use permit is approved for five years;

11. Any automotive-related business in Wyandotte County that is required to obtain any special use permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request. 1
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and
13. The special use permit shall be valid for five years from the publication of the associated ordinance. The applicant is solely responsible for renewing their special use permit. The applicant should contact the Planning and Urban Design Department no less than two 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 Bynum, to approve Special Use Permit #SP-2020-69 for five years, subject to the stipulations. Roll call was taken and there were nine "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 9 – 20337...SPECIAL USE PERMIT APPLICATION #SP-2020-70 - VERONICA WESSELHOFT

Synopsis: Special use permit for automotive sales at 2120 Park Drive, submitted by Gunnar Hand, Director of Planning.

Action: This item was previously heard with Change of Zone Application #3227 .

ITEM NO. 10 - 20334...SPECIAL USE PERMIT APPLICATION #SP-2020-71 - JOSEPH COLLINS WITH STRAWBERRY HILL BREWING COMPANY

Synopsis: Renewal of a special use permit (#SP-2018-65 - expires 8/30/2020) for a microbrewery/drinking establishment at 601 Central Avenue, submitted by Gunnar Hand, Director of Planning. The applicant stated that there are no changes to their operation. Future plans include completing the building and beginning operations. The applicant has stated that there is no

intention for live music but may implement a limited menu within a few months of opening. The applicant anticipates 30 to 40 customers at any given time but anticipates no more than three employees working at any given time for the foreseeable future. The applicant has received no Notices of Violation since their previous approval. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application #SP-2020-71, subject to:

1. Hours of operation shall not exceed 11 am-2 am M-F and 9 am-2 am Saturday and Sunday;
2. The security plan must always be followed. Security issues, noise complaints, or safety related incidents could be cause for revocation of the special use permit;
3. The business must use an ID card reader starting at 10 PM. After 10 PM the business operates primarily as a night club with live entertainment;
4. Must comply with City Codes related to security;
5. If live entertainment (karaoke, comedy, bands) is ever added, a Special Use Permit for live entertainment must be obtained prior to events;
6. Must maintain business license with Business Licensing Department;
7. Must obtain a sign permit for all signage;
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and
9. The special use permit shall be valid for five years from the publication of the associated Ordinance. The applicant is solely responsible for renewing their special use permit. The applicant should contact the Planning and Urban Design Department no less than two 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 Bynum, to approve Special Use Permit Application #SP-2020-71, for five years subject to the stipulations. Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

MASTER PLAN AMENDMENT APPLICATION

ITEM NO. 1 – 20342...MASTER PLAN AMENDMENT #MP-2020-6 - RYAN CRONK WITH KC THE YARDS 2, LLC

Synopsis: Master plan amendment from Industrial to Mixed Use at 200 South James Street, submitted by Gunnar Hand, Director of Planning. The request is in connection with the proposed establishment of the Riverfront Tax Increment Financing (TIF) District. The first phase of the development contemplates the construction of approximately 225-240-unit market-rate multi-family residential development, with potential for a retail/restaurant/commercial component on the first floor, surface parking, courtyards, landscaping, lighting, utilities, and other infrastructure. The Planning Commission voted 7 to 0 to recommend approval of Master Plan Amendment #MP-2020-6, subject to:

When development is ready, the applicant or another representative party, must apply for all planning actions necessary for such development.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve Master Plan Amendment Application #MP-2020-6, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

MISCELLANEOUS - ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 20343...ORDINANCE

Synopsis: An ordinance rezoning property at 1908 South 74th Street (#3224) from R-1 Single Family District to MP-2 Planned General Industrial District, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-51-20**, “An ordinance rezoning property hereinafter described located at approximately 1908 South 74th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to MP-2 Planned General Industrial District.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 2 – 20344...ORDINANCE

Synopsis: An ordinance rezoning property at 2914 South 74th Street (#3225) from R-1 Single Family District to AG Agriculture District, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-52-20**, “An ordinance rezoning property hereinafter described located at approximately 2914 South 74th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to AG Agriculture District.” Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 3 – 20345...ORDINANCE

Synopsis: An ordinance rezoning property at 9700 Leavenworth Road (#3226) from A-G Agriculture and CP-2 Planned General Business Districts to CP-1 Planned Limited Business and MP-2 Planned General Industrial Districts, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-53-20**, “An ordinance rezoning property hereinafter described located at approximately 9700 Leavenworth Road in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture and CP-2 Planned General Business Districts to CP-1 Planned Limited Business and MP-2 Planned General Industrial Districts.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 4 – 20350...ORDINANCE

Synopsis: An ordinance authorizing a home occupation special use permit (#SP-2020-38) for a short-term rental/Airbnb at 2824 North 99th Terrace, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-54-20**, “An ordinance authorizing a special use permit to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, as set forth in #SP-2020-38 for a short-term rental/Airbnb at 2824 No. 99th Terrace; valid for two years.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 5 – 20346...ORDINANCE

Synopsis: An ordinance authorizing a special use permit (#SP-2020-49) for a car staging area and storage of used cars at 1401 State Avenue, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-55-20**, “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, as set forth in #SP-2020-49 for a car staging area and storage of used cars at 1401 State Avenue.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 6 – 20347...ORDINANCE

Synopsis: An ordinance authorizing a special use permit (#SP-2020-50) for administrative office, warehouse of parts and appliances, appliance repair, carpentry shop and materials storage, minor auto repair and maintenance at 1300 Meadowlark Lane, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-56-20**, “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, as set forth in

#SP-2020-50 for administrative office, warehouse of parts and appliances, appliance repair, carpentry shop and materials storage, minor auto repair and maintenance at 1300 Meadowlark Lane.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 7 - 20348...ORDINANCE

Synopsis: An ordinance authorizing a special use permit (#SP-2020-57) for the sale of semi-trailers at 2330 State Line Road, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-57-20**, “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, as set forth in #SP-2020-57 for the sale of semi-trailers at 2230 State Line Road.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 8 – 20349...ORDINANCE

Synopsis: An ordinance authorizing a home occupation special use permit (#SP-2020-62) for a gym and personal trainer at 6135 Sloan Avenue, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-58-20**, “An ordinance authorizing a special use permit to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, as set forth in #SP-2020-62 for a gym and personal training at 6135 Sloan Avenue.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 9 – 20351...ORDINANCE

Synopsis: An ordinance authorizing a special use permit (#SP-2020-63) for the temporary use of land for a modular office at 452 South 26th Street, submitted by Gunnar Hand, Director of Planning.

Action: **ORDINANCE NO. O-59-20**, “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, as set forth in #SP-2020-63 for a modular office at 452 South 26th Street.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

PLANNING AND ZONING NON-CONSENT AGENDA

VACATION APPLICATION

ITEM NO. 1 – 20341...VACATION APPLICATION #A-2020-10 - WIL ANDERSON WITH BHC RHODES

Synopsis: Vacation of right-of-way/alley at 1521 South 40th Street, submitted by Gunnar Hand, Director of Planning. The applicant is requesting to vacate the portion of Silver Avenue measuring 125 feet east to west and 60 feet north to south. The requested vacation, totaling approximately 7,500 square feet, is to be platted as an addition to the Gibb’s & Payne’s 2nd Addition Replat. This vacation is being requested by the applicant on behalf of his client, who resides at 1521 South 40th Street, a residence that lies within the current right-of-way (and proposed vacation area). The Planning Commission voted 6 to 1 to recommend denial of Alley Vacation Application #A-2020-10 for the reasons outlined by staff.

Staff Recommendation

Staff concurs with the recommendation of the City Planning Commission.

Planning and Urban Design Comments

1. Staff notes the presence of the Shawnee Prophet’s Grave and White Feather Springs National Historic Landmark to the southeast of the applicant property.
2. Staff notes the seriousness and finality of vacating a public right-of-way. Vacating a public right-of-way to a private individual removes land from the Unified Government’s possession—

land which could be used in the future to connect Silver Avenue, given as park space, or sold for future development. Vacation of a pre-planned (albeit underdeveloped) right-of-way should not be made lightly. Other options to address the situation must be explored first.

3. K.S.A. Section 12-506 states that "...streets, (or) alleys...vacated shall revert to the owners of the real estate immediately abutting thereon, according to the frontage of such real estate thereon....". The vacation plat provided by the applicant shows the entire portion being allotted to property owner of Parcel #169479, but by state law the northern half of the vacation should revert to the property owner of Parcel #169750. The applicant's client must produce a notarized agreement with adjacent property owner to the north that, at a minimum, grants enough of the vacation to the applicant and his client for the residence addressed as 1521 South 40th Street may exist on its own parcel in compliance with all zoning codes, including parcel size and building setbacks.
Staff Response: Staff spoke with the application on July 30 regarding this comment. The applicant told staff that the property owner and neighborhood have verbal agreement for the entirety of the vacated right-of-way to be owned by the applicant's client and platted as part of 1521 South 40th Street. However, staff has not received a written agreement yet.
4. Utilities (storm sewer and stormwater lines) run through the vacated right-of-way and have access points within the boundaries. Applicant should be aware of applicable utility easements.
5. The applicant property lies within the environs for the Shawnee Prophet's Grave and White Feather Springs Historic Landmark. Any future exterior development, expansion, or renovation of the property will be subject to a staff environs review. A building permit will not be issued until approval has been granted through such a review letter from Planning and Urban Design staff.
6. Subject to approval, a \$50.00 ordinance publication fee is due immediately following the Board of Commissioners' meeting. The right-of-way will not be officially vacation until the ordinance is published in the *Wyandotte Echo*.

Planning Engineering Comments

1. Items that require plan revision or additional documentation before engineering can recommend approval: It appears the existing building is within the right of way of Silver Avenue. Following discussions with UG Public Works, they are not in support of the vacation because there are utilities i.e. 24" RCP storm sewer line within the right of way. Further discussion with staff is required.
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.

Mayor Alvey said, staff, opening remarks.

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Byron Toy, Lead Planner, said the applicant wants to vacate a portion of Silver Avenue located here by the pin. As you can see, the house is clearly in the right-of-way. The Planning Commission recommended denial of this petition because the opportunity to connect 38th Street on the east side and 40th Street on the west side, by extending Silver Avenue in the future, if that was ever to happen, would be lost if this portion of right-of-way was vacated.

Mayor Alvey said I'd ask the application to present his application. Please state your name and address for the record.

Wil Anderson, BHC Rhodes, 712 State, KCK, representing Cheryl Marquis at 1521 S. 40th, said we presented at the Planning Commission. Just a bit of history. The plat was created in 1893, revised slightly in 1912, and all that time Silver Avenue has been open. John and Mildred, the parents of Cheryl bought the house in 1993, some 37 years ago. The house has been there. Prior to them buying the house, they deeded the property to Cheryl in 2007 but, I believe, has since passed away.

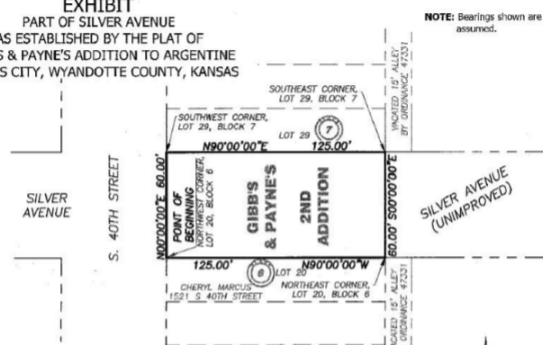
In response to in terms of the house being there, we also contacted the owner to the north, the parcel to the north, and they've agreed if the vacation was approved, they would basically quit claim their rights to the north half of Silver Avenue in that area to allow the house to remain. If you have a look at a more general view of that area, you'll find that the storm gully, if you like, runs from a fair bit south and heads north. There are some major culverts in directly behind there. If you look at the streets to the south, several of the streets are in the same position. They are not formed through; they are formed to the east side of the gully and go no further.

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Of interest to this specific strip is the area to the north is the Emerson Park Church. Their parking area comes in there. They are unlikely to give up that. It's very effective. The area to the south is owned by the Eastern Shawnee Tribe. There is actually a monument in there. We actually did the survey for the monument some years back. I know at that time, the Shawnee Tribe was trying to keep it quiet just because they're concerned about the safety of the monument being there. Note that the Silver Avenue is formed to the eastern line of both those properties. There's a gate there that allows access into that area as well.

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EXHIBIT
PART OF SILVER AVENUE
AS ESTABLISHED BY THE PLAT OF
GIBB'S & PAYNE'S ADDITION TO ARGENTINE
KANSAS CITY, WYANDOTTE COUNTY, KANSAS



NOTE: Bearings shown are assumed.

Insert of the full
vacation plat,
submitted by the
applicant.

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Upper Left: East view of residence from the intersection of South 40th Street and Silver Avenue.

Upper Right: East view of Parcel #169749 (the parcel that is addressed as 1521 South 40th Street), with a partial view of the current residence to the north. Almost the entirety of the residence is within the current right-of-way designated for the westward extension of Silver Avenue from South 38th Street.

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The area off Silver Avenue there, if you have a look at some of the photos in the report, Page 10, you can see that the actual road level, where it is on the top of a large bank, a contour bank. It's maintained by the church. What we are asking is to allow the vacation to go through and that would give title to that piece of land. It's not affected by—there was some comments about stormwater and sewer in the report. Stormwater is all the way through that. It actually goes

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through the pipe goes through the property to the south and then heads north and then back in to meet up to with the culvert that I previously talked about.

As you all know that under state statute, those rights for the city to come in and maintain and protect the stormwater lines is a fact. It doesn't go away because of the change in ownership. Basically, what we're asking for is to allow that piece to close. It's about 132 ft. which would allow them title to the residence who have been living, in effect, in the street. We can turn them into people who live in a home now. In effect, we're trying to legalize that so that they do have title to the land and pay taxes on that land. I'd be open for any questions that can help. I believe the owner is on line and also wishes to comment.

Cheryl Marquis, 1521 S. 40th St., said my family has owned this property at 5121 S. 40th St. for over 40 years. I personally have lived in this house for the past 25 years. I've maintained the property. I've updated the house plus I've paid my property taxes.

The reason I'm here tonight is when I listed my home to be put on the market, it was discovered that the property boundaries were inaccurate which halted the sale of this property. During my many years of living in this house, I've become involved with community programs which include the neighborhood watch called SWAN, which stands for Southwest Argentine Neighbors. In the beginning, by joining the efforts of making the community more welcoming, eventful, and beautiful. I volunteered to help with the planning and working side-by-side with many of my neighbors. We did events like Silver City Days, which is a celebration of the founders of Argentine who worked the silver mines. We also did Christmas at Emerson Park. I made, I think, maybe a million cookies. I also helped children sit in Santa's lap.

Also, we did the annual spring clean-up. Everyone pitched in and helped neighbors plant flowers on Strong Avenue, picked up trash, sometimes it felt like a ton, but I was also SWAN's president for many years. I joined my local community church which was within walking distance of my home. The church is called Metropolitan Avenue United Methodist Church.

Again, I served many committees helping to bring the Argentine community food, clothing. Their children, we taught vacation bible school. I, again, became trustee's president for years wanting to keep the building stable and beautiful for our neighbors. I also started helping with the food kitchen in Armourdale called Crosslines. My church made lunch for the homeless once a month. I donated my time to serve meals. Went to stands to purchase foods for those meals. I

also started a Weight Loss Program for the retirement people at Crossline Towers. I went weekly to encourage and support and to educate them.

Speaking of education, I want to give you a little background on myself. I went to the 10th Grade, didn't graduate, but I went back to Argentine, St. John's Divine Church, and the nuns helped me to get my GED. Then I went to KCK Community College for two years for an Associates Degree. Then I went on to Park College for a four-year degree. I received a bachelor's degree in Business Management/Marketing. I'm a single mother of three. I had to retire at 65 to be a caregiver for my elderly father, which has passed away.

The reason I'm here this evening is to appeal to you for your help on this very stressful situation which has resulted in a personal/financial burden. My house was supposedly going to be my retirement future. This vote would possibly be the loss of my 25 years of very hard work. At this time, I want to thank you for the time and your understanding of my unique situation.

Mayor Alvey said I have a question, Wil and Byron. I'm assuming that piece of property—was that the location of White Feather Springs? Is that also where—**Mr. Anderson** said correct. The White Feathers is the parcel to the south. **Mayor Alvey** asked, so the nation owns that property? **Mr. Anderson** said correct. **Mayor Alvey** said we would probably never, I can't imagine we would want to develop the site, the burial site of Kinawawa. I don't understand what we would be holding on to Silver Avenue.

I know that area pretty well. My great-grandfather platted all this. He was Gibbs, of the Gibbs Payne Addition. That area would have been developed if he could have developed it. My concern is that we are holding on to something that really I see no reason for the past 137 years because I know he platted that in the 1890s that we would ever develop that right-of-way. Since we can still maintain all of the utilities through there, I think it's a good move personally. **Mr. Anderson** said he actually platted it in 1893 so you have to give him a few more years.

Commissioner Kane asked was that house built with no permits and not built on a lot? I just had somebody ask me that through an email. **Mr. Anderson** said there's no record of it, Mike. The Planning—it was brought up at the Planning Commission as well. The statement of the Planning Commission was they could find no record, or otherwise, that there was a permit in place. It sort of comes back to part of it—how many people get a title report when they buy a house? How

many people actually get a survey when they get a title commitment? They're may be title commitments that go to the title company's check, but if they don't get a survey, they have no idea whether there is an encroachment on the house or on the street or anything like that. I can imagine it going through in the early times when it was first built. That's the only reason I can come up with.

Commissioner Burroughs said we have a responsible homeowner who has paid their taxes, had a lien and paid that lien, and has taken care of the property. In looking at the plans that I see in front of me, I don't see Silver Avenue making a straight connection to the street, to the east, if my prints are correct. I think this is a tremendous injustice to have someone who has worked hard, to be a good member of our community, a property owner, a responsible property owner who has been not only a responsible property owner, but a community servant. The announcement that she made earlier, her commitment to others within the community.

Mayor, I would hope that we would strongly consider deeding the property to the homeowner and move this item along. I think the person has been, Ms. Marquis has been put through a tremendous emotional roller coaster during this discussion. I see no need to continue to put her through that. Mayor, I would hope that the Commission would agree to deed her the property.

Mayor Alvey said I probably should have followed the process here, I'm sorry, but is there anyone else who would like to speak in favor from the public. **Ms. Mayes** said, there are no hands up, Mayor.

Mayor Alvey asked, is there anyone who would like to speak in opposition? **Ms. Mayes** said no hands, Mayor.

Commissioner Ramirez said I just want to thank Ms. Marquis for investing in Argentine, investing in our community, being an amazing homeowner, being an amazing servant to her community. I just echo the comments of Commissioner Burroughs and Mayor Alvey.

I have one question, and this would be for Planning staff. I know from the Planning Commission meeting, one of the reasons why Director Hand, Director of Planning, he wanted to

keep Silver open because of the access to the memorial site. Is there access on Ruby to get to the same spot? **Mr. Toy** said I'd actually have to pull a right-of-way map a little bit further south, which I'm unable to do on this slide here to see if Ruby Avenue is connected and you're able to get to that parcel further south.

Commissioner Ramirez said I believe it's Ruby. I believe there is—if there's another access point, then I agree with Mayor Alvey. I don't think that after all these years there's any reason for us to continue building on that street especially with the area where it is part of an Indian tribe and on a historical register. I don't think it would be a very good thing for us to do at all.

I support that we continue and let her allow this to happen and let her continue to invest in our community. **Mr. Toy** said, Commissioner Ramirez, it looks like south of Ruby, which in your packet, it looks like there is a little better access to the memorial from the south side from the east side of Ruby as opposed to the west side. **Commissioner Ramirez** said okay. So, the community members would still have access to that lane? **Mr. Toy** said, correct. **Commissioner Ramirez** said okay.

Commissioner Kane asked, what does Legal say about building a house without a permit? **Ken Moore, Chief Counsel**, said I don't know the facts, but obviously it's not advised.

Commissioner Markley said I'd like to make a motion to overturn the recommendation of the Planning Commission. If you recall, the recommendation of the Planning Commission was for denial so that means if we're overturning it, your vote would be for approval.

Action: **Commissioner Markley made a motion, seconded by Commissioner Ramirez, to overturn the recommendation of the Planning Commission and approve the Vacation Application #A-2020-10.**

Commissioner Burroughs said I believe somebody else made the motion. It was a motion I was ready to make. I think it's only appropriate that we do what is right as a community for a member of our community who has been a responsible ratepayer, as well as a community servant.

Commissioner Kane said the question is on Angela's vote, a vote with her is a yes, but if you don't like it, you vote no. I mean, help me with this picture. **Mayor Alvey** said the motion is to overturn the recommendation of the Planning Commission, which would result in the vacation of the right-of-way. **Commissioner Kane** said thank you.

Roll call was taken on the motion and there were eight "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Markley, Walters, Philbrook, Bynum; and one "No," Kane.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 20340...PLAN REVIEW APPLICATION #PR-2020-17 - DOUG CLEMENTS WITH USD 500

Synopsis: Preliminary and final plan review to remove previously approved sidewalk stipulation for Lowell Brune Elementary School at 2220 North 89th Terrace, submitted by Gunnar Hand, Director of Planning. The applicant wants to amend a previously approved condition from #PR-2018-31 requiring the construction of a sidewalk from Waverly Avenue to the new elementary school which bisects the property of 8833 Waverly Avenue. The Planning Commission voted 6 to 1 to recommend denial of Plan Review Application #PR-2020-17 for the reasons outlined by staff and the comments of the maker of the motion.

Staff Comments and Suggestions

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

Planning and Urban Design Comments

1. The purpose of the sidewalk connection from the school to Waverly Avenue was to provide a safe, walkable option for school children that live in the neighborhood as two elementary schools have been closed in order to build the new Lowell Brune Elementary.

The sidewalk allows children to safely walk through their local, neighborhood street network without them having to walk along Parallel Parkway, a Class A Thoroughfare, then 90th Street to make it safely to school.

Staff understands the school district's concern about the students' safety regarding dense woods, vegetation and topography, but the precedent set at Gloria Willis Elementary is applicable at Lowell Brune even if the sidewalk is not built. Parents will and can park their vehicles at the entrance to Indian Woods Subdivision at the intersection of 88th Street and Parallel Parkway, which can invariably cause the same traffic congestion and circulation issues that occurred at Gloria Willis Elementary.

Applicant Response: If the sidewalk is not constructed across the adjoining property to Lowell Brune Elementary, the situation would not be similar to Gloria Willis Middle School as mentioned in the comment above. Waverly Avenue is located 325 feet from the east school property line and a student would need to traverse grass, trees, and steep terrain. This condition would not encourage drop off and pickup from Waverly. If the sidewalk is built, that would encourage parent drop off and pickup, similar to Gloria Willis Middle School.

To add to the originally submitted waiver letter, USD 500 has revised their bussing policies and will be providing bussing to all students in the Waverly neighborhood.

2. According to the applicant, the property owner at 8833 Waverly Avenue has refused to grant an access easement to Kansas City, Kansas USD 500 that provides access from Waverly Avenue to Lowell Brune Elementary. Additionally, the applicant, Kansas City, Kansas USD 500 has not used eminent domain to obtain the access easement, which the School District has the ability to do.

Applicant Response: The landowner at 8833 Waverly Avenue has refused to grant an access easement to USD 500. The landowner is concerned about current impact to their property, future property viability, student safety, liability, lack of lighting, coyotes and snakes, and devaluing her property.

USD 500 does have the ability to use eminent domain, however, the District does not believe this is a necessary use of eminent domain due to pedestrian access being provided to the property from the south, as well as the other concerns noted for the sidewalk connection.

Planning Engineering Comments

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

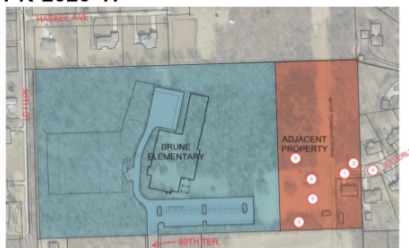
Mayor Alvey said the Planning Commission voted 6 to 1 for denial. That is, they voted to maintain the stipulation for the sidewalk. I'll ask staff to make some opening remarks.

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Byron Toy, Lead Planner, said the applicant wants to amend the stipulation requiring them to build a sidewalk from Waverly Avenue to the east to the elementary school to the west, which is across 8833 Waverly Avenue. The district wasn't able to reach an agreement with the property owner to create an easement at 8833 Waverly Avenue. They did not use their eminent domain power that they do have that is given to them by the state of Kansas. We offered to use our eminent domain powers if the district paid for the improvements of that sidewalk. That did not take place. The Planning Commission recommended denial of the petition as the most direct route to Lowell Brune Elementary School toward Waverly Avenue and the Indian Hills neighborhood is the actual sidewalk, as it was originally approved.

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Doug Clements, Director of Physical Properties, KCK Public School District, 2010 N. 59th St., said I'll also mention that the majority of the presentation will be done by Bryan Hill. He's

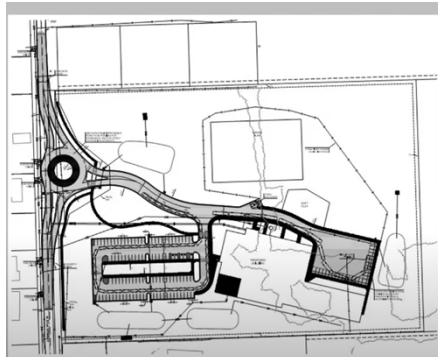
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civil engineer with MKEC. I just wanted to mention very briefly some of the history and the background of it. Probably have a little different take on some of the things that staff mentioned.

When we first looked at this property, we did a fairly thorough search through the county, through that part of the county for some property. I found this property attractive for two reasons. First of all, at the time, it was 20 acres. I was thrilled that maybe had the opportunity to build on something more than a postage stamp. I noticed that stub street off there to the east which is Waverly. I thoroughly understand and support and appreciate the city's desire for connectivity through the city. We did make, what I feel like, was every attempt to—before we ever purchased it, I'm going clear back to 2017—before we ever purchased it, to make sure we had that connectivity. When that became apparent that was not going to be an option, the then CFO and I did meet with two members of the Unified Government just because I wanted to make sure they understood that we were not going to have that connectivity and if that was going to be a major problem.

Understanding that it would not be, we went through the process. I understood we had to go through the process. Whatever got said in that meeting, I still had to go through the process. We went through that entire process and got through our Planning and Zoning, got on the consent agenda. If you recall, it got pulled off the consent agenda at the UG Commission meeting because they wanted to change, you all wanted to change the access from 91st St. to Parallel, which we now do have a sidewalk connection along Parallel, which we offered to pay for. All through that process, there was never any mention of the sidewalk. I will mention too, that I do not believe—I believe that the intent of the stipulation as it was made in the motion by, I believe Commissioner Carson, we have met that stipulation. How that stipulation got translated from the motion he made to the stipulation that was put before this body, was completely different. I want to make sure we consider that as well.

I'm going to turn it over to Brian Hill and let him go through the balance of presentation please.



History

- Site access originally planned off of 91st Street.
- June 11, 2018: PDP passed Planning Commission w/ no sidewalk stipulation to Waverly.
- June 28, 2018: Consent agenda at BOCC. Project sent back to PC by BOCC after concerns brought up by UG staff at the BOCC meeting. Staff wanted to revise staff report at the BOCC meeting.

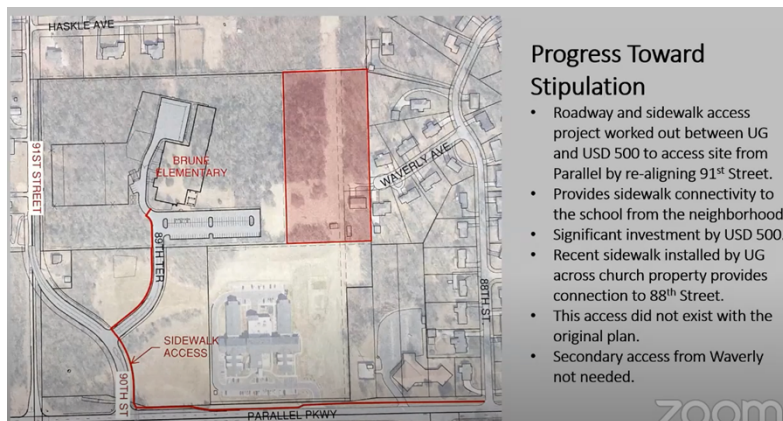
Brian Hill, MKEC Engineering, 11827 W. 112th St., Overland Park, KS, said following Doug's comments, starting off with a little bit of further history with the site, this here shows the school property. This was the original plan for the school. Access for cars were going to come off of 91st Street via a roundabout and access the school from the west.

Again, as Doug mentioned, the Planning Commission passed the full project without the sidewalk stipulation to Waverly. It then went to the Board of County Commissioners on consent agenda. That was pulled off by UG staff, off of the consent agenda. At that time, they expressed concerns regarding an access that connected to Waverly and wanted to basically revise the staff report at the Board of County Commissioners meeting.

History

- August 13, 2018: PDP passed Planning Commission w/ sidewalk stipulation added. Stipulation stated: *"....attempt to find a solution for a sidewalk to be constructed....to Waverly."*
- September 17, 2018: PDP passed BOCC w/ same stipulation.

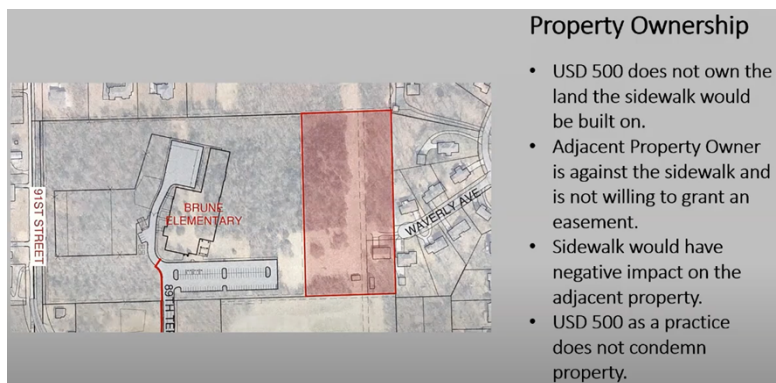
With that, then we went back to—probably put back to Planning Commission. At that Planning Commission meeting, the stipulation that was placed by the Planning Commission stated to attempt how to find a solution for a sidewalk to be constructed to Waverly. Then in September that passed the Board of County Commissioners with that same stipulation to attempt to find a solution for a sidewalk connection to Waverly.



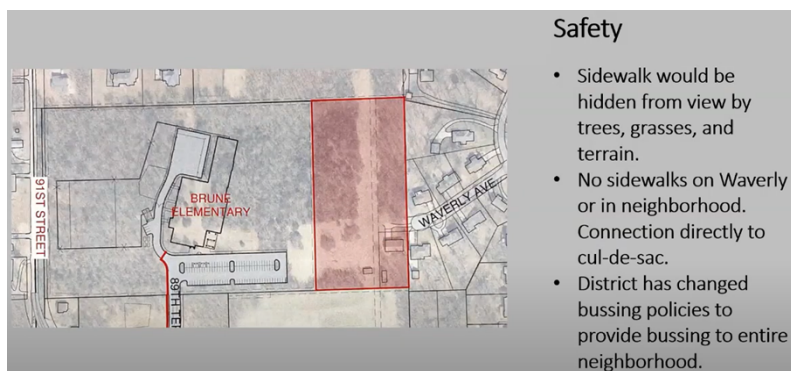
Some progress that has been made toward that stipulation. I want to share here this evening with you. This here, again, shows the adjacent property that is owned by Ms. Christie Lee and then the Brune Elementary property. Since the stipulation was placed, a roadway, sidewalk access project, as it worked out between the UG and USD 500 to access the school via Parallel by the realigning of 91st St. to 89th Terr. This joint project provides a sidewalk connectivity to the school. This was not in place when the original stipulation was placed. Access was off 91st St. This is a different owner here. 91st Street was the only access.

This provides the sidewalk connectivity to Parallel and also over to the neighborhood to the east. There was a missing section of sidewalk. That's also been placed here by the UG to complete this connection to the neighborhood as well as vehicle access to the school site. Based on this connection and in partnership with the UG, the secondary connection to Waverly across another property that is not needed to provide sidewalk connectivity to the school.

The school district has had discussions with the previous landowner as well as the current landowner. The adjacent property, as Mr. Clements mentioned, both property owners have refused to grant an easement or property for a sidewalk connection across the property after local discussions with those owners.



Again, just like to mention a few other factors here. This has been the case ever since the school was started, the design and develop USD 500 does not own the property there between the school and Waverly. The property owner has been against the easement sidewalk—would have a negative impact on their property based on this location and access across their property. Mr. Toy mentioned the condemnation. USD 500 has a practice, although it can, does not condemn property. It does not feel that is warranted in this case.



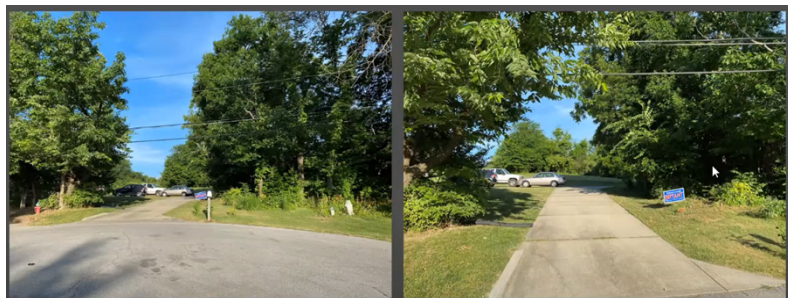
I would like to discuss safety as well. This property has significant trees, has significant terrain, and grasses and is hidden from view. This sidewalk, a connection would not be a safe path for students to traverse from Waverly to the school. It would not be visible there due to the trees and the terrain.

Secondly, there are no little sidewalks on Waverly at the site or in the neighborhood. A sidewalk connected to Waverly would dump right into the cul-de-sac there at the end of Waverly. That is not something we want kids to walk right into.

Thirdly, as the district has changed their bussing policy for this and is providing bussing for the entire neighborhood even though it's inside their typical non-bus radius. Those students will have the opportunity to be bused to Brune with this change in the policy.



Also, feasibility, as mentioned. The existing terrain is steep in excess of maximum ADA slopes. You would have a sidewalk here very appropriate to Mrs. Lee's driveway. Her driveway comes off the end of the cul-de-sac here to her driveway and the house here. The sidewalk would be right adjacent to her driveway. The bisects, the property is already bisected by a water transmission line, further bisects her property as well as the concern that this would provide an opportunity for and encourage parents to use this cul-de-sac as a pickup and drop-off location here on the cul-de-sac. The district wants to encourage parents if they are dropping students off the vehicle, to access the site via the entrance to the school and go through the proper drop-off procedures at the door of the school.



Here are some pictures showing the area from the end of Waverly. There is Mrs. Lee's driveway here. You can see the tree cover here and the tree cover on her property there as the sidewalk would traverse up the hill.

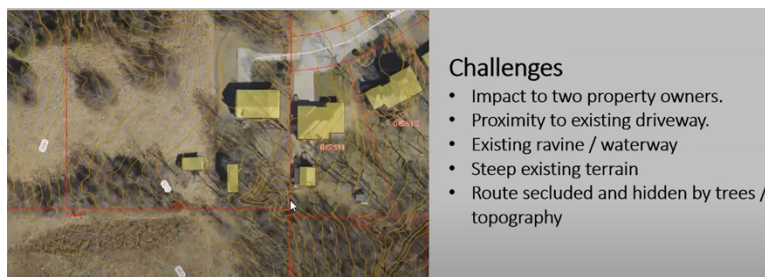


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Here is a view looping back to the east. There, the terrain is about 30 – 40 ft. of fall across the property and walled in with trees on both sides.



Mr. Hand, with Planning and the Planning Commission staff report, had suggested a potential sidewalk route here and existing utility easements there on the outskirts of Mrs. Lee's property there. Several concerns on that. You can see that the topography with the trees, there's a deep ravine coming through here,



and would not be a safe route for students. Again, the proximity to the driveway to the house, into a ravine, the trees. The route would be very secluded for students.



Here are a few pictures of that route here coming along the property line. The trees, power poles, fences. Getting back to the back here, you start getting into the ravine with the trees.



Here again, are some pictures of the area behind Mrs. Lee's fence, the ravine here, some of the trees there along the south side of her property.

Summary

USD 500 formally requests the sidewalk stipulation be removed due to:

- Sidewalk connectivity and roadway access to Paralell by UG / USD 500 agreement
- Property Ownership. Property owner will not grant access.
- No regard by UG for adjacent property owner. District unwilling to condemn property.
- Impact to Adjacent Property (function / value)
- Student Safety
- Feasibility

In summary, the USD 500 requests the sidewalk stipulation be removed. Due to conditions have changed since we heard the original stipulation. originally, we had access to 91st St. only, now

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there's sidewalk connectivity and roadway access to Parallel into the neighborhood with the interlocal agreement between Unified Government and USD 500.

Property ownership, the school district does not own the adjacent property. The property owner will not grant access. Also, there just hasn't been a lot of regard for that property owner through this process by the Unified Government. The district, again, is unwilling to condemn her property for this just due to the connectivity already being provided as well as safety and just feasibility concerns with the route.

Again, it will impact the adjacent property both in function and value. Student safety, we do not feel this is a safe route at this time with it being an undeveloped parcel there with the trees and terrain and just lack of visibility. Also, with the feasibility of constructing that with proximity to the home, which is another factor.

We ask for the removal of the stipulation based on those factors. Doug, I'll turn it back over to you if you have any final comments. **Mr. Clements** said, I don't think I do at this point, but I will stand for questions. We'll both be available for any other comments or questions.

Mayor Alvey said I'll open the public hearing. Is there anyone present who would like to speak in favor of Plan Review Application #PR-2020-17? **Ms. Mayes** said I do not see any hands up, Mayor. **Mayor Alvey** asked, do we have any electronic or mail communication? **Ms. Cobbins** said not in support, Mayor.

Mayor Alvey asked, is there anyone who would like to speak in opposition? **Ms. Cobbins** said the Clerk's Office has three individuals who would like to speak, Mr. Mayor. **Mayor Alvey** asked, in opposition to? **Ms. Cobbins** said in opposition, yes. The first one is Christie Lee. **Mayor Alvey** said so she's in opposition to removing the stipulation? **Ms. Cobbins** said she's in opposition of the item. I'm not sure about the stipulation, but her request is that she is in opposition of the item. **Mayor Alvey** said, so to be clear, she must—well, we'll see. Are you in support of removing the stipulation to require a sidewalk? **Ms. Mayes** said I do not see a Christi Lee in the attendees. **Ms. Cobbins** said I have Susan Brown. **Ms. Mayes** said there is Susan Brown. **Mayor Alvey** said she is in support of removing the stipulation, I believe.

Susan Brown, 8831 Waverly, said I am in favor of removing the stipulation. On Monday, I sent a letter to each of the commissioners with my concerns for the sidewalk proposal. If offering children a safe way to school is the goal of the sidewalk, then this location is not one that would accomplish this. Both of the proposed sidewalk locations would place the children on a path that is extremely secluded. If a child were hurt or approached by a stranger, no one would be able to see them from any of the houses in this area.

As I mentioned in my letter that I sent to the commissioners, we frequently see coyotes and snakes in this area. I don't know if you realize it, but it is 440 ft. from Waverly to the top of the hill where the sidewalk would then have to turn for another 70 ft. to the school parking lot and another 240 ft., 243 ft. to the school building. The sidewalk can't go straight from Waverly to the school as it would run into the retention pond, which is not fenced.

The first site for the sidewalk through 8833 Waverly would place it right through the middle of Ms. Lee's property and would prevent her from accessing a large portion of her land without crossing the sidewalk. I can see where this would greatly devalue her property.

The second site proposed would be if using the utility easement between our home at 8831 Waverly and Ms. Lee's home, using this easement would require removing trees, dealing with a fire hydrant, telephone poles. If the sidewalk is built at 5 ft., as I understand is a standard, and using this easement, it would actually place that sidewalk 50 inches from our backdoor.

Again, once the children leave the street, they would be completely out of sight of any houses. At the end of our property where the sidewalk would turn, is a runoff area that frequently has more than one foot of running water when it rains. I can't imagine who would take on the liability for a child that might leave the sidewalk on to our property or a child that might be approached by a predator, both human or animal. Keep in mind that both areas are highly wooded and highly secluded. Also, when we back out of our driveway, we would have to cross the end of either proposed sidewalk and I'm really concerned that a child could dart off into the street when we're backing up and we couldn't see them.

A much safer option would be to use a provided bus service or to have a parent drop off their child at the front door. Thank you for taking your time to listen to my concerns and I really hope you guys can see the impracticality of the sidewalk and vote to remove the stipulation from the current plan.

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Also, if I could just ask a question. One of our neighbors from across the street was unable to access your meeting through his computer. Is he able to speak at this time? **Mayor Alvey** said yes.

Darrell Henry, 8828 Waverly, said I'm directly across from the Brown's. I'm opposed to this because I want it taken off the plan. I'm opposed to it because of the drop-off point there. Waverly, up the hill, has no sidewalk; extremely, extremely slick. If it wasn't for Mr. Brown taking his own equipment in the winter and shoveling this street for us, we would have many, many accidents on it so. It is even shoveling sometimes with the ice on it, it's hard to maintain a car from sliding down the hill.

I do not like the idea of the property being disseminated in such a way with a 50-inch access to the backdoor of the Brown's nor crossing the Lee's property in such a manner. The ponds present a problem behind the nursing home there. There's a little drainage pond there that could possibly be a place where the kids would attempt to jump on ice or whatever and play in it. I don't know how deep it is, but I don't think it would be safe. Then there is their own water drainage off of the school itself. The pond there is not very well protected and that definitely would be an invitation to sit on or stand on the ice and play on the ice in the wintertime. That's my opposition to it.

Ms. Cobbins said, Mr. Mayor, Alexie Ebert submitted a request to speak in opposition. **Mayor Alvey** asked, to remove the stipulation? Is there anybody else? Is she in favor of moving the stipulation or is she in opposition to the sidewalk?

Alexie Ebert said I am in opposition to the sidewalk. I am a high school English teacher and a doctoral student studying adult learning and leadership. I was startled to hear about the proposed sidewalk that would connect Waverly Avenue and Lowell Brune Elementary thus decreasing the homeowners' home values and putting those who would use the sidewalk in danger.

As a professional and in my sixth year of education, I have seen firsthand the effects trauma can have on a child's education. Should a predator, wild or human, harm a student in the seclusion of the area that is without lighting or ADA accessibility, the trauma from that event would be detrimental to cognitive progress. In a time when student schooling had been thrown into

inconsistencies and unknowns, I cannot understand justifying yet another potential detriment to their educational progress.

WIFI's part of my doctoral studies surround the neuro science of adult brains. Stress can have negative long-term physical and mental health effects as it triggers functional issues in the amygdala. While the homeowners stress related to the potential construction of the sidewalk is thus far short-term, actual construction of the sidewalk could induce long-term stress which could have lifetime consequences.

Throughout my time as a teacher and as a graduate student, I have learned that there are always multiple solutions to a problem, and I believe there are other avenues that can be explored other than constructing a sidewalk connecting Waverly Avenue and Lowell Brune Elementary.

Mayor Alvey asked, are there others who support removing the stipulation? **Ms. Cobbins** said, Mr. Mayor, we have an acknowledgement from John Barber, he would also like for it to be in the record that he is against the stipulation. That's it from the Clerk's Office.

Mayor Alvey asked, is there anyone in opposition to removing the stipulation for the sidewalk?

Paul York said I'm not in opposition to it. I was trying to get in with the last group. I apologize.

Mayor Alvey said give us your city of residency. **Mr. York** said KCK. I originally sent an email expressing my opposition of the sidewalk. I sent it to all the commissioners, the County Administrator, and the Mayor. I got no response. I wasn't shocked by that, but I was disappointed, and I certainly won't forget it. I live at 8825 Waverly Avenue. I have two small kids and my wife that live with me. If this sidewalk went through, it would dump pedestrians out right in front of our home. This is not a through street. It is not a cul-de-sac. There are no sidewalks, there are no streetlights, it is a dead-end street.

Several other reasons why I oppose it is the need. I question the need. I've been here for 10 years. I see two kids playing in this neighborhood of elementary age. They both belong to me. They're not going to that school.

Number two, I used to work for a school district. I know first-hand the lengths that parents will go to circumvent the parent/child drop-off points of a school. This will clog up our street. Our street cannot handle that kind of traffic.

Number three, and one that hasn't been brought up yet is that both potential ideas involve cutting through heavily wooded areas with questionable or less than ideal site lines. This would be a pedophile's dream. Before we scoff at that, just realize that according to the KBI public offender registry, there are 65 registered sex offenders within three miles of that school. Two of those are currently not abiding by the registry requirements.

Number four, there is a bus option, plain and simple. The kids can ride the bus.

Number five, was the second proposed plan that would run between the Brown's residence and the Lee's residence. Like Don and Susan Brown mentioned, this would put the sidewalk within 48 to 50 inches of their backdoor. That just doesn't seem right as well as the terrain, the creek bed, the heavily wooded area, it would all seem to fly in the face of what you're trying to accomplish with a safe pathway to school.

Lastly, I attended the neighborhood meeting that the engineering company held for us and I was blown away by the impact it would have on the Lee's, having that sidewalk cut right through their front yard right after they bought that home. Could you imagine buying a home and then having the government come along and say, yeah, we're going to put a sidewalk right in the middle of your front yard. That probably explain why it moved them to tears. I wish they could have spoken tonight.

Mayor Alvey asked, is there anyone else who[s actually opposed to removing the stipulation? **Ms. Mayes** said Brian Hill from MKEC Engineering. **Mayor Alvey** said he's in support of this, but he's already presented, right? **Mr. Hill** said Mrs. Lee was planning on speaking. I don't know if she's logged in as someone else tonight. **Ms. Mayes** said I don't see anybody on with the name of Christie Lee. I know Susan Brown has her hand up again, but she already spoke. **Mr. Hill** asked, could Mrs. Brown speak again? **Mayor Alvey** said you'll have an opportunity here. **Ms. Mayes** said I have people who have already spoken with their hands up again.

Mayor Alvey said since there are no further comments or questions from the public, I'll close the public hearing. Would the petitioner like to make any closing comments?

Mr. Clements said I would. I just want to reiterate and I'm going to suspect since the one neighbor had gone over to the Brown's that potentially Ms. Lee, I would suggest may also be there. I don't

know that for a fact. We're just suggesting that, I think and that's one of the things, the neighbors really kind of hit on most of the points. Really, one of our big concerns is the invitation that this would become for a student drop-off point there at the end of Waverly. As they've all mentioned, it's not built to a city standard cul-de-sac. I think you can see some of that in Brian's pictures that he presented. Frankly, we've had a little bit of that same issue and now we created a sub street there to the south of Gloria Willis. We've had to go in and put a gate up to prevent people from just driving off into our property and causing issues, but those neighbors, I don't want to create that same situation for Ms. Lee or any of the other property owners here along Waverly. Like going back to what we said, originally, we did not know or think this was going to be any kind of an issue. I do appreciate your consideration. I'm very hopeful that you will remove this stipulation, although I say, the stipulation that Commissioner Carson made was an attempt, and I feel like we have made those attempts.

Commissioner Kane said Christie Lee is at Brown's house. She should speak. **Mayor Alvey** said I've already closed the public hearing. I'm going to suggest that—I understand when this came through last year or a year and a half ago, at that time, there was no provision for bus service to the neighborhood. That was one of the concerns that the Planning Commission brought forward. There was no plans for bus service, but that clearly has been addressed now and there will be within the radius of what you normally would do, that's going to be provided. I'm of the opinion that this stipulation, based upon so many factors that been already identified, I am in support of removing the stipulation.

Commissioner Bynum said I'm going to cut right to the chase on this. I am fully opposed to the stipulation for the sidewalk. The build project for this school has been a challenge since the beginning, that being said, we've managed our way through it, the school district along with the UG. My sincere hope is that we, the UG, and the school district can continue to work with each other before and during future projects.

To the gentlemen who stated he emailed with no response, I'm very sorry to hear that. I did a quick search of my emails and I do not see one from you, so I apologize for that. I've been responsive to the neighbors who've contacted me, as I know Commissioner Kane has as well.

As I explained to Ms. Brown when I was on the telephone with her, I'm very familiar with the neighborhood. I'm very familiar with Waverly and the entire area. I roamed that area extensively in my youth. I am making a motion to remove the sidewalk stipulation.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, to remove the sidewalk stipulation as placed on Plan Review Petition #PR-2020-17.**

Commissioner Burroughs said having lived in this area, I feel very familiar with the area. Mr. York, I did look up to see if I had an email from you because I did contact all of those that had contacted me. I have one that says you sent a message 8/20 at 12 midnight and it went into quarantine in our email boxes. I would just advise the commissioners that if you look in your quarantine box, you may find your email from paulyork10@gmail.com. I'm really sorry to hear that statement that you wasn't contacted. Mr. York, I would just state if you talk to Ms. Brown, Mrs. Lee and others, you will see that many of us have reached out to the neighborhood. I'm in support of the motion, Mayor, just whenever you want to do roll call.

Commissioner Townsend said I just wanted to clarify the motion. I believe I am in support of what Commissioner Bynum is trying to achieve and want to make it clear. Since the Planning Commission recommended denial, I believe Commissioner Bynum's motion then, similar to the circumstance we had earlier tonight, is to overturn the recommendation of the Planning Commission. Is that correct? **Commissioner Bynum** said that's my motion. **Commissioner Townsend** said thank you.

Roll call was taken on the motion and there were nine "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

MISCELLANEOUS ORDINANCES

ITEM NO. 1 – 20355...ORDINANCE

Synopsis: An ordinance allowing for outdoor taverns and providing regulations associated therewith, amending Sections 32-62, 32-101 to 32-103, Chapter 32, Article III of the 2008 Code

of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, 573-5751 submitted by Gunnar Hand, Director of Planning.

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

Byron Toy, Lead Planner, said Michael Farley will be making this presentation.

COVID-19 Emergency 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; to secure the health, safety, and welfare of residents by making access to local public rights-of-way easier and safer.

Ordinance: To amend Chapter 32 addressing use of outdoor spaces by bars and opening of neighborhood streets as temporary recreational spaces between now and December 31, 2020.



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Michael Farley, Planner, said as you're aware, we've been proposing several emergency ordinances throughout the last couple of months in response to the COVID-19 virus. The purpose of this one is going to be two-fold. It will be addressing Chapter 32, and it will be allowing bars to operate outside much in the manner that restaurants already have been, as well as opening up streets to greater local pedestrian use for temporary recreational activity.

Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

OUTDOOR TAVERNS



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The first thing we're going to look at is the amendment to Chapter 32, Article III revisions to that addresses outdoor taverns also previously addressed outdoor restaurant spaces.

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Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

OUTDOOR TAVERNS

Overview:

- Must have business license from the UG and liquor license from the State
- Allowed areas and standards are the same as sidewalk cafes and walk-up markets
- Subject to all Kansas Alcoholic Beverage Control (ABC)



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The outdoor taverns are going to be allowed only for bars that already have a business license from the Unified Government and a liquor license from the state and are in full compliance. Someone can obtain that, but you have to have that before you can open up an outdoor tavern. This is not the same as some sort of temporary serving permit. Allowed areas and the standards are going to be the same as sidewalk cafes and walk-up markets. Again, above all, everything is going to be subject to all Kansas alcoholic control regulations.

Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

OUTDOOR TAVERNS

Overview:

- Must have business license from the UG and liquor license from the State
- Allowed areas and standards are the same as sidewalk cafes and walk-up markets
- Subject to all Kansas Alcoholic Beverage Control (ABC)



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The allowed areas for these outdoor taverns will be from the building to curb, which is the wall of the building of the curb of the street, just like restaurants are allowed to do within parklets. Bars are allowed to build semi-permanent or permanent parklet structures subject to natural standards in the same way that restaurants and bars have been subjected to in previous ordinances, as well as surplus parking spaces in a parking lot that is owned or leased by that bar. If your customers are allowed to park there to frequent your business in the past, if there is surplus parking spaces above what is required by the zoning code, you are allowed to convert those into a designated space for the consumption of alcohol, and again, semi-permanent structures are allowed in that

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area the same that a bar/restaurants; so that could be a tent of some sort. We are leaving that up to each business owner to make that decision along with some guidance that has already been passed.

There are some restrictions, however, because we realized that this is a new use and bringing out to the public space can cause some friction with and with other uses of public space by the general public.

Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

OUTDOOR TAVERNS

Allowed Areas:

- Building-to-curb area: Wall of building to curb of the street
- Parklet: Subject to NACTO standards
- Surplus parking spaces: In parking lot owned or leased by bar



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Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

OUTDOOR TAVERNS

Restrictions:

- Building-to-curb area: May not be in a yard that abuts a residentially zoned property
- Must close outdoor portion by 10 PM
- Admin review of proof of ABC regulations



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First, the building the curb area. You are now allowed to put a thing in a yard that abuts a residentially zoned property. We're not going to have any sort of outdoor tavern/outdoor patio area pushing right up to a house or an apartment that is right behind the bar. All outdoor tavern use must be closed by 10 pm regardless of when the bar's, hours of operation are. As well as there will be an administrative review from the department of Planning and Urban Design for the bars to show proof of ABC regulations including the path that wait staff will take from the establishment to the designated area in order to serve the drinks and food.

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Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

OUTDOOR TAVERNS: Building-to-Curb (Yard)



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These are some examples of what an outdoor space could look like. This is building the curb in a yard on the sidewalk.

Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

OUTDOOR TAVERNS: Building-to-Curb (Sidewalk)

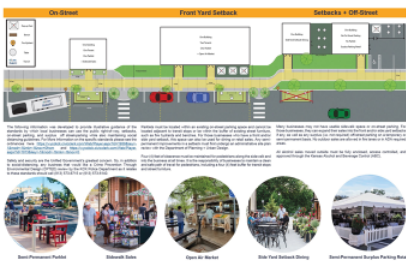


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Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

OUTDOOR TAVERNS: Parklets



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Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

OUTDOOR TAVERNS: Parklets



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Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

OUTDOOR TAVERNS: Surplus Parking



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Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

OUTDOOR TAVERNS: Surplus Parking



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Parklets, and we have also updated our parklet bifold that the Planning Department has put out.

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Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

ALL OUTSIDE FOOD & DRINK SALES

Applies To:

- Sidewalk Cafes
- Walk-up Markets
- Outdoor Taverns

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Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

ALL OUTSIDE FOOD & DRINK SALES

Public Health:

- Places greater emphasis on bars and restaurants to take measures that promote cleanliness and sanitation
- Designated seating for customers
- All food & drink brought to seated customers by waitstaff

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Additionally, we have made several amendments to the use of sidewalk cafes and walk-up markets as they have been used by food establishments. All these new amendments will apply to sidewalk cafes, walk-up markets, and outdoor taverns themselves. Some of this will be repetition, but we want to emphasize that all three outdoor spaces now will have some more regulations.

We are putting greater emphasis on bars and restaurants and take measures to promote cleanliness and sanitation. This includes requiring that all customers seat in a designated seating area outside, and they must be seated when they're being served, unless you're a walk-up market where you can just come take your food and leave, but you're not staying on the premises anyways. All food and drink, as I mentioned before, will be brought to be seated customers by wait staff. No one is going in to get their own food and bringing it out.

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Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

ALL OUTSIDE FOOD & DRINK SALES

Neighborhood:

- Not allowed in a yard that abuts a residentially zoned property
- No outdoor or loud music past 10 PM
- Issues with public urination can lead to prohibition of outdoor sales



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We also wanted to add more neighborliness requirements. Again, nothing is allowed in a yard that abuts a residentially zoned property. Again, that's only the side of your yard. If it's a restaurant that backs up into an apartment building behind them, you just can't use the backyard. The side areas are still fine if you have the space for it. You can comply with social distancing and other sidewalk regulations.

Additionally, no loud or outdoor music is allowed past 10 pm. That includes music that you can hear inside the building. We already have noise standards in zoning districts. This is just a blanket regulation that continues to promote peace and quiet after 10 pm, as well as issues including public urination, prohibition of outdoor sales for a particular bar or restaurant. Again, putting the ball in each business owner's court to make sure that they take the extra steps to regulate their patron's behaviors in an outdoor space.

Open Streets Ordinance

Proposed Ordinance Sections 32-380 – 32-382: OPEN STREETS

OPEN STREETS



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We also have an open streets ordinance that we are proposing.

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Proposed Ordinance Sections 32-380 – 32-382: OPEN STREETS

Goals:

- Addressing need for access to public places
- Increasing connection between neighbors
- Giving more options for recreation
- Providing residents with more control over their local public spaces



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This is coming from (inaudible) and this is addressing several issues in the county right now. Access to public spaces, increasing connection between neighbors, giving more opportunities for recreation, and providing residents with more control over their local public spaces.

Proposed Ordinance Sections 32-380 – 32-382: OPEN STREETS

Overview:

- Greater use of a street by residents by way of temporary recreational use
- Any neighborhood street (not a Major Street) can be an Open Street
- Neighbor-led initiatives with County oversight



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So, what an open street would be is any residential street that is not considered a major street by any master plan that the city has can have someone go forward, apply, and set up barriers on that street in order to bring greater awareness to the use of that street by pedestrians.

Proposed Ordinance Sections 32-380 – 32-382: OPEN STREETS

Application Process:

- Block Captain applies for permit
- Notice must be given to all block neighbors
- Barriers provided and monitored by the Block Captain



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So, let's walk through that real quick. The block captains, and this is going to be a neighbor who lives on that street, they have to be a neighbor or business owner on the block that will be affected who applies for the permit. They will provide notice to every neighbor on that affected block and that captain will also be providing the barriers themselves and monitoring those barriers when they're up. This is a grassroots movement with local government oversight. We're allowing a lot of people to take use of their streets in their own hands while still ensuring safety of all pedestrians and drivers.

Proposed Ordinance Sections 32-380 – 32-382: OPEN STREETS

Notice:

- Notice must be given to 100% of block neighbors (residents and businesses)
- Notice must also be given to:
 - All local neighborhood groups
 - Homeowner Associations
 - Neighborhood Business and Revitalization Organizations
 - Neighborhood Resource Center
 - Right-of-Way Manager



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Notice is important. Every resident and business on the affected block will be given notice that this permit is being applied for. Notice will also be provided to all local neighborhood groups, homeowners associations, if there is a neighborhood business and revitalization organization, as well as the Neighborhood Resource Center, and the Right-Of-Way Manager will be notified and given the permit application.

Proposed Ordinance Sections 32-380 – 32-382: OPEN STREETS

- Open Street Barricade:**
- Durable, orange material
 - Must be built to Public Works standards
 - At least 48 inches high
 - Legible signs place on front barricade
 - Only one (1) block per set of four (4) barricades



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There's standards for these open street barricades. We do allow for a wide variety of uses, but they do need to be durable, made of a bright orange material. It's to be built to Public Works' standards, at least 4 ft. tall, legible signs on the front barricade, and I'll get into what that means to

say in a second, and there needs to be four sets or four barricades, two pairs per block, and only one block at a time will be blocked off per permit in order to prevent issues at intersections.

Proposed Ordinance Sections 32-380 – 32-382: OPEN STREETS

Open Street Barricade:



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Proposed Ordinance Sections 32-380 – 32-382: OPEN STREETS

Open Street Barricade:



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Open street barricades can look like this as long as they're durable, they stand up, and they provide notice to drivers that this street, while not inaccessible, is being used for pedestrian and temporary recreational use.

Proposed Ordinance Sections 32-380 – 32-382: OPEN STREETS

Open Street Barricade:



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The idea behind this is like the signs you see driving that kids live here, this is not cutting off traffic for anyone. We'll talk about how the barricades will be arranged. This is just simply giving people an opportunity to have greater use of their street, pedestrian use, recreational use, get out there, breathing in the fresh air, allowing kids to play in the neighborhood when parks or other public spaces right now are not necessarily accessible or safe for them to be at.

Proposed Ordinance Sections 32-380 – 32-382: OPEN STREETS

Open Street

- Barricade Arrangement:**
- Two (2) pairs of barricades
 - First barricade placed at the intersection; second barricade placed 20 feet back
 - Marked as "Local Traffic and Deliveries Only"
 - Can be up 8 AM – sunset or 10 PM (whichever is earlier)

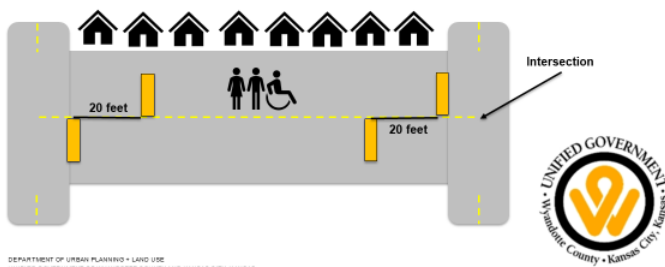


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The arrangements of the open street barricades, there'll be two pairs of barricades, one on each side of the street just below the intersection. The first one will be placed right at the intersection 20 ft back. It will be marked, local traffic and deliveries only. Barricades may only be up from 8 am until sunset that day or 10 pm as right now, it would be sunset. Again, there's the block captain's responsibility to either put them up themselves or ensure that there's someone that lives at the end of the block that can put them up and take them in every night that that person, block captain, makes sure that person can do that.

Proposed Ordinance Sections 32-380 – 32-382: OPEN STREETS

Open Street Barricade Arrangement:



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This is a slight example to visualize how these barriers would work. Again, the first barrier would just hit on one side of the street here, not necessarily to even blocking the whole thing. This isn't quite to scale. The next barrier would be 20 ft. back. You still can allow for local traffic, deliveries, emergency vehicles to pass through and around the barriers and onto the street. It simply makes it inconvenient for drivers to cut through these local streets, but it is certainly possible for anyone who does need to get their car through or truck through to do so.

Proposed Ordinance Sections 32-380 – 32-382: OPEN STREETS

- Block Captain Duties:**
- Put up and take down street barricades
 - Ensure integrity of barricades and repair broken barriers
 - Remove litter and debris around barricades
 - Block Captain duties last through December 31, 2020



DEPARTMENT OF URBAN PLANNING • LAND USE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

I talked about the block captain a little bit. Again, we're putting a lot of responsibility on the permit holder to put up and take down the barriers, ensure the integrity of the barriers, and repair them if they're broken. We have language in there to make sure that block captains will address litter and debris around the barricades. Again, these duties would last through the end of the year, the same as every other emergency ordinance that we passed has December 31. That is all I have.

Mayor Alvey said we have two items here. The first is for outdoor taverns and the second is for open street. We'll take the first issue of the outdoor taverns. Is there anyone present who would like to speak in favor of this item? **Ms. Mayes** said I do not see any hands, Mayor.

Mayor Alvey asked, anyone present who would like to speak in opposition? **Ms. Mayes** said I do not see any hands. **Mayor Alvey** asked any members of the Commission have any questions or comments?

Commissioner McKiernan said no question, Mayor. I would just move to approve this item as submitted.

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Action: **ORDINANCE NO. O-60-20**, “An ordinance allowing for outdoor taverns and providing regulations associated therewith, amending Sections 32-62, 32-101 to 32-103, Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.”
Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.

Commissioner Townsend said I was trying to ask a question, I’m sorry. Just with regard to, I thought it was a statement about going from the door to the curb. I just wanted a clarification on that. Maybe I didn’t understand what this will allow? **Mr. Farley** said certainly, Commissioner. **Commissioner Townsend** asked can it traverse a sidewalk, I guess, is my concern. Does this allow still for people room to pass on the sidewalk? **Mr. Farley** said yes. There will be a designated area on a sidewalk or if there isn’t even a sidewalk, they still have to provide, I believe, it is 4 ft. or whatever the ADA regulation is. That portion was actually already written into the previous portion of the ordinance that was passed. I believe it is at least 4 ft. And, again, that would be regardless of if there was a sidewalk there or not. We want to still allow people to if they need to step up on the curb to get out of traffic if they’re not being blocked in by or have to go around a large outdoor patio space. **Commissioner Townsend** said that answers my question.

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

ITEM NO. 2 - 20356...ORDINANCE

Synopsis: An ordinance allowing open streets for recreational purposes, and providing regulations associated therewith, adding new Article VIII, Sections 32-380 to 32-382 to Chapter 32, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Gunnar Hand, Director of Planning.

(Presentation on this item was given in conjunction with the previous item, Item No. 1.)

Mayor Alvey asked, anyone present in support.? **Ms. Mayes** said I see no hands, Mayor.

Mayor Alvey asked, anyone present in opposition? **Ms. Mayes** said no hands, Mayor.

Action: **ORDINANCE NO. O-61-20**, “An ordinance allowing open streets for recreational purposes, and providing regulation associated therewith, adding new Article VIII, Sections 32-380 to 32-382 to Chapter 32, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

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

REGULAR AGENDA

MAYOR'S AGENDA

ITEM NO. 1 – 20357...CENSUS COUNT

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

Mayor Alvey said I just simply would ask all those viewing and all the commissioners to please, again, continue to urge citizens to be counted by completing the 2020 Census. Kansas has made great strides. I think we’re fourth in terms of reporting on the Census. However, our numbers are still lower than they should be. We have to continue to remind our folks that they have to be counted because federal aid and representation is dependent upon the number. Just putting that message out. The Census is a stop and knock campaign. If you really want to not have someone

show up at your door to take your report, to please just go online or respond to the materials that you received in the mail. We must respond by September 30, 2020. Time is moving.

Action: For information only.

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. (There were no set-asides.)

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve all items as submitted.**

Commissioner Burroughs said Item No. 2, I believe that Commissioner McKiernan chaired that meeting. I want to ensure that it is transparent that I did recuse myself from that vote, Mayor.

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

ITEM NO. 1 – 20294...PURCHASE AGREEMENT - 3 PARCELS FOR RODRIGUEZ MECHANICAL

Synopsis: A purchase agreement for the sale of three UG-owned parcels on 18th St. Expressway totaling 1.68 acres proximate to the new Rodriguez Mechanical headquarters at 1900 Osage, submitted by Katherine Carttar, Director of Economic Development. On August 10, 2020, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

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

ITEM NO. 2 – 20295...PURCHASE AGREEMENT: SCANNELL PROPERTIES FOR THE WOODLANDS

Synopsis: A purchase agreement for Scannell Properties to buy 34 acres of UG-owned land, and donated 94 acres to the UG Parks Dept., as part of the proposed Woodlands development, submitted by Katherine Carttar, Director of Economic Development. On August 10, 2020, the Economic Development and Finance Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

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

ITEM NO. 3 – 20296...THIRD AMENDMENT TO DEVELOPMENT AGREEMENT - SCAVUZZO'S FOODIE PARK

Synopsis: The third amendment to KC Foodie Park development agreement and first amendment to the acknowledgement and assumption agreement, which modifies the Phase 1 minimum improvements commencement date to on or before April 30, 2021. On August 10, 2020, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

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

ITEM NO. 4 – 20297...RESOLUTION: THE YARDS APARTMENTS TIF PROJECT

Synopsis: A resolution setting October 29, 2020, to conduct a public hearing to consider the Yards II Apartments redevelopment plan, submitted by Katherine Carttar, Director of Economic Development. This will be a first-class apartment complex located west of State Line Rd., east of the Kansas River, north of Kansas Avenue, and south of I-670. On August 10, 2020, the Economic

Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-64-20**, “A resolution of the Unified Government of Wyandotte County/Kansas City, Kansas, setting October 29, 2020 at 7:00 p.m. as the date and time of a public hearing regarding the adoption of a redevelopment project plan pursuant to K.S.A. 12-1770 et seq.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken on the motion and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Walters, Philbrook, Bynum.

ITEM NO. 5 – 20322...NOMINATIONS: BOARDS & COMMISSIONS

Synopsis: Nominations for Boards & Commissions:

Julie Xiong to Advisory Committee on Human Relations & Disability Issues, 8/27/2020-12/11/2023, submitted by Commissioner Bynum. Beverly Easterwood to Landmarks Commission, 8/27/2020-12/11/2023, submitted by Commissioner Johnson. Jason Glasrud to Self-Supported Municipal Improvement District Advisory Board, 8/27/2020-12/11/2023, submitted by Commissioner McKiernan.

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

ITEM NO. 6 – MINUTES

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

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

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ITEM NO. 7 - WEEKLY BUSINESS MATERIAL

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

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES’ AGENDA

ITEM NO. 1 – 20300...MEMORANDUM OF UNDERSTANDING: QUINDARO RUINS PROJECT

Synopsis: An MOU between Western University Association of the A.M.E. Church, Inc. and the Unified Government which sets forth the intent of the parties to form a trust in order to own property, seek grants and donations, and to develop the Quindaro Ruins Project, submitted by Gordon Criswell, Assistant County Administrator. On August 10, 2020, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Mayor Alvey said this is regarding the Memorandum of Understanding regarding the Quindaro Ruins. As we announced earlier in the meeting, this item moved out of standing committee with a motion to table and to forward to tonight’s meeting contingent on a revised map of the project area. I believe we do have a revised map. I’d ask Commissioner McKiernan, who chaired that standing committee meeting, if he has any additional comments.

Commissioner McKiernan said I don’t have any additional comments, but I would like to give Commissioner Townsend an opportunity. It was Commissioner Townsend who had the concern that we had not articulated well enough the boundaries of this area at our meeting and asked that we bring this forward. If possible, I would like to turn this over to Commissioner Townsend.

Commissioner Townsend said I'll take that opportunity. I see with this MOU and the attachment that was submitted to the standing committee initially an opportunity not only to use it for that, but also as a guide for any other issues that may come up in this area to help the community, to help the board, more specifically identify what's there. So, street names, locations have been added, points of particular interest. Quiet often, the Quindaro Cemetery is brought up with regard to Planning and Zoning and how close or far a particular action is from that. That, among other things, as you see on the legend have been identified. I appreciate that was done and I think this will be a benefit to the MOU, but to the public and to us with other events relative to decisions we make in this area.

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

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

ADMINISTRATOR'S AGENDA

No items

COMMISSIONERS' AGENDA

No items

Mayor Alvey said that concludes the portion of our regular meeting. We are adjourned in that capacity. I'll call us back to order as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' AGENDA

Mayor Alvey asked, does any member of the Commission, or County Administrator, wish to set aside this item?

ITEM NO. 1 – 20299...LAND BANK APPLICATION

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

Application
2725 Farrow - Rogelio Avalos, new construction

On August 10, 2020, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

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

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY

ADJOURNED THE MEETING AT 9:11 P.M.

August 27, 2020

Bridgette D. Cobbins
Unified Government Clerk

tk

August 27, 2020