OCTOBER 29, 2020 UNIFIED GOVERNMENT BOARD OF COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM

You are invited to a Zoom webinar.
When: Oct 29, 2020 07:00 PM Central Time (US and Canada)
Topic: Full Commission Meeting (P/Z)

Please click the link below to join the webinar:
https://us02web.zoom.us/j/82047119091?pwd=VE9MR0Y5akt2Zk5yNDI5Uk84djVaZz09
Passcode: 597497
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US: +13462487799,,82047119091# or +16699009128,,82047119091#
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Webinar ID: 820 4711 9091
International numbers available: https://us02web.zoom.us/u/kcHrRtc8SQ

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION GIVEN BY COMMISSIONER HAROLD JOHNSON, FAITH DELIVERANCE OF CHURCH OF GOD IN CHRIST

IV. PLEDGE OF ALLEGIANCE

V. REVISIONS TO THURSDAY, OCTOBER 29, 2020 AGENDA

VI. CLERK'S STATEMENT
(Anyone wishing to speak about a particular item on the Planning & Zoning Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Planning & Zoning Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Planning & Zoning Consent Agenda are viewed as a single group and voted on with one vote.)

VII. PLANNING AND ZONING CONSENT AGENDA

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

PLANNING & ZONING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **#3232 - ANDREA WEISHAUBT WITH ATLAS SURVEYORS**
   Synopsis: Change of Zone from AG Agriculture (WYCO) District to R-1 Single Family District to allow the property owner to sell the buildings and retain the land at 13635 Hollingsworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 20469

2. **#3234 - MARIA MAGANA**
   Synopsis: Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District for limited auto repairs at 4811 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 20470

3. **#3236 - GREG SCOVITCH WITH HILLWOOD ENTERPRISES, LP**
   Synopsis: Change of Zone from A-G Agriculture District to MP-2 Planned General Industrial District for Urban Outfitters distribution center at 10901 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 20471

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2020-82 - MARIA MAGANA**
   Synopsis: Special Use Permit for limited auto repairs at 4811 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751
   (RECOMMENDED FOR APPROVAL FOR 2 YEARS)
   Tracking #: 20472

2. **#SP-2020-83 - MARC S. AND PAMELA ROWE WITH ROWE RIDGE VINEYARD AND WINERY**
   Synopsis: Renewal of a Special Use Permit (#SP-2015-28 - expired 6/25/2020) for live entertainment at 11255 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 5**

YEARS)
Tracking #: 20466

3. **#SP-2020-84 - JASON NEWMAN WITH EXZANCE PROPERTIES, LLC**
   Synopsis: Renewal of a Special Use Permit (#SP-2019-101 - expires 10/31/2020) for a Short-Term Rental/AirBNB at 4112 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
   Tracking #: 20467

4. **#SP-2020-85 - JASON T. HUSSEY**
   Synopsis: Special Use Permit for an earthen fill at 732 North 57th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**
   Tracking #: 20473

5. **#SP-2020-87 - GARY C. PHILLIPS WITH ACI BOLAND, INC.**
   Synopsis: Special Use Permit for the Temporary Use of Land for a modular classroom for M. E. Pearson Elementary School at 310 North 11th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
   Tracking #: 20474

C. MASTER PLAN AMENDMENT APPLICATION

1. **#MP-2020-7 - GREG SCOVITCH WITH HILLWOOD ENTERPRISES, LP**
   Synopsis: Master Plan Amendment from Entertainment (Prairie Delaware Piper Master Plan) to Business Park (Prairie Delaware Piper Master Plan) at 10901 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 20476

D. PLAN REVIEW APPLICATION

1. **#PR-2020-26 - DAVID EICKMAN WITH OLSSON**
   Synopsis: Preliminary and Final Plan Review for a parking lot for storage trailers at 5900 Speaker Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 20468

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

1. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-61) for a used auto dealership at 2930 South 44th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 20480

2. AN ORDINANCE rezoning property at 3100 South 74th Street (#3228) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 20479

3. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-78) for a home occupation single customer salon at 2947 North 83rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 20483

4. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-80) for a Short-Term Rental/AirBNB at 3716 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 20484

5. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-71) for a microbrewery and drinking establishment at 601 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
   Tracking #: 20485

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. VACATION APPLICATION

1. **#A-2020-11 - SCOTT AND REBECCA JOHNSON WITH SCOJO'S PROPERTY MANAGEMENT, LLC**
   Synopsis: Vacation of an alley at 1041 Berger Avenue, 1044 McAlpine Avenue and 522, 523 and 525 South 11th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR DENIAL 5/3 VOTE)**
   Tracking #: 20475

B. MASTER PLAN

1. **CONSIDERATION OF CENTRAL AREA MASTER PLAN**

   Synopsis: Consideration of the Central Area Master Plan, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751 **(RECOMMENDED FOR APPROVAL 8/0 VOTE)**

   Plan may be viewed at:
   https://xfer.wycokck.org/public/file/HjHPdwbrGkupL1rZko2YJg/10.23.20Central%20Area%20Master%20Plan_DRAFT%20REPORT_100720.pdf

   Tracking #: 20477

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR OCTOBER 29, 2020

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

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

REGULAR AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

1. **ORDINANCE: 31st AND KIMBALL AVE. SANITARY STREAM CROSSING IMPROVEMENT PROJECT – CMIP 6301**

   Synopsis: An ordinance directing the Chief Counsel to institute proceedings as provided by law to acquire land for the 31st and Kimball Ave. Sanitary Stream Crossing Improvement Project – CMIP 6301, submitted by E. James Bain, Assistant Counsel

   On November 30, 2017, the Commission unanimously adopted Resolution No. R-47-17, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Tracking #: 20457

2. **ORDINANCE: POLICE TOW LOT**
Synopsis: An ordinance amending the 2020-2025 CMIP; amending prior authorization of certain public improvements related to the Police Tow Lot Project (CMIP 8212); and authorizing the issuance of general obligation bonds and/or temporary notes to finance all or a portion of the costs of such improvements, submitted by Kathleen VonAchen, Chief Finance Officer.

*On September 28, 2020, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*
Tracking #: 20393

3. **NOMINATIONS: BOARDS & COMMISSIONS**
Synopsis: Nominations for Boards and Commissions:

Murrel Bland (Reappointment) to the Landmarks Commission, 10/29/20 - 12/11/23, submitted by Commissioner Bynum

Anne McDonald (Reappointment) to the Housing Authority, 10/29/20 - 12/11/23, submitted by Commissioner McKiernan

Tamika McClain to the Kansas City Area Transportation Authority (KCATA), 11/1/20 - 10/31/24, submitted by Mayor Alvey

4. **PLAT: TURNER LOGISTICS CENTER SECOND PLAT**
Synopsis: Plat of Turner Logistics Center Second Plat located at 69th & College Parkway and being developed by NP Turner Industrial LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.
Tracking #: 20486

5. **PLAT: LOT 1, PRIME INDUSTRIAL DEVELOPMENT II**
Synopsis: Plat of Lot 1, Prime Industrial Development II located at 1101 South 5th Street and being developed by Premier Investments LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.
Tracking #: 20487

6. **PLAT: HONEY CREEK ESTATES REPLAT**
Synopsis: Plat of Honey Creek Estates Replat located at 115th and Parkview Ave. and being developed by Colbert Family Living Trust, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 20488

7. **PLAT: LOWELL BRUNE ELEMENTARY**
   Synopsis: Plat of Lowell Brune Elementary located at 91st and Parallel Pkwy. and being developed by the Board of Education of Rural High School District #2 of Wyandotte County Kansas, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.
   Tracking #: 20489

8. **MINUTES**

   Synopsis: Minutes from regular sessions of July 30, August 27, September 3, September 17, October 1, 2020; and special session October 1, 2020.
   Tracking #: MINUTES

9. **WEEKLY BUSINESS MATERIAL**
   Synopsis: Weekly business material dated October 1, 8, 15, and 22, 2020.
   Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

1. **PUBLIC HEARING/JOINT RESOLUTION/ORDINANCE: 2021-2025 NRA PLAN RENEWAL**
   Synopsis: Conduct a public hearing to consider a joint resolution/ordinance to approve the Neighborhood Revitalization Area (NRA) Plan Renewal for 2021-2025, submitted by Katherine Carttar, Director of Economic Development.

   On September 17, 2020, the Commission unanimously adopted R-70-20 setting the public hearing date of October 29, 2020.

   Tracking #: 20481

2. **PUBLIC HEARING/ORDINANCE: RIVERFRONT TIF PROJECT AREA 1 FOR YARDS II APARTMENT PROJECT**
   Synopsis: Conduct a public hearing to consider a redevelopment project plan for Project Area 1 within the Riverfront Development District (Yards II Apartment Project), submitted by Katherine Carttar, Director of Economic Development.

   On August 27, 2020, the Commission unanimously adopted Resolution R-64-20 setting the public hearing date of October 29, 2020.

(This item requires a two-thirds vote to pass.)
Tracking #: 20492

3. **PUBLIC HEARING/ORDINANCE: EPIC TIF PROJECT PLAN AND DEVELOPMENT AGREEMENT FOR MENARDS**
Synopsis: Conduct a public hearing to consider a redevelopment project plan and development agreement for the project area within the EPIC Center Redevelopment District (Menards), submitted by Katherine Carttar, Director of Economic Development.

On September 17, 2020 the Commission unanimously adopted Resolution R-69-20 setting the public hearing date of October 29, 2020.
(This item requires a two-thirds vote to pass.)

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. **RESOLUTION: FOP LODGE 40 MOU**
Synopsis: A resolution authorizing the County Administrator to sign a Memorandum of Understanding (MOU) with the Fraternal Order of Police, Lodge 40, effective January 1, 2020 through December 31, 2021, submitted by Susan Alig, Assistant Counsel.
Tracking #: 20451

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. **LAND BANK OPTION APPLICATIONS**
Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Interim Land Bank Manager.

New construction - single family homes
517 Elizabeth Ave. (Parcel 118134), Blake Lostal
624 Orville Ave. (Parcel 118453), Blake Lostal
10841 Country Side Dr. (Parcel 182702), Mosaic Construction Co.
737 Tauromee Ave. (Parcel 081463), S&M Management LLC
455 N. Bluegrass Dr. (Parcel 228408), Darlene Dunn

5249 N. 109th St. (Parcel 182736), Sean McLucas
14141 Minnesota Ave. (Parcel 179500), Sean McLucas
3341 N. 87th St. (Parcel 932020), Lucio Vazquez
1236 Armstrong Ave. (Parcel 080889), Omar Khalil
1238 Armstrong Ave. (Parcel 080883), Omar Khalil
1240 Armstrong Ave. (Parcel 080888), Omar Khalil
926 S. Coy St. (Parcel 074612), Oscar Guzman
3819 Lloyd St. (Parcel 132721), Rogelio Avalos
1302 S. 38th St. (Parcel 170703), Mitch Graham

New construction - duplexes
1132 & 1134 Armstrong Ave. (Parcel 080798, 080797), Omar Khalil
1136 & 1138 Armstrong Ave. (Parcel 080796, 080795), Omar Khalil
4903 Dixie Ave. (Parcel 217327), Rogelio Avalos

New construction - commercial
1841 State Ave. (Parcel 054096), Marquis Custom LLC
(build chapel and parking lot for funeral home)
1857 Minnesota Ave. (Parcel 054050), Marquis Custom LLC
1873 Minnesota Ave. (Parcel 054051), Marquis Custom LLC
(coffee shop, donut and pizza shop)

New construction - garages
2027 N. 4th St. (Parcel 109717), Angela Knight
1926 N. 25th St. (Parcel 208314), Paul Tyes
3422 & 3430 N. 32nd Terr. (Parcel 163808, 163809), Irvin Jackson
(would need to cancel a lease)

*On September 28, 2020, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*
Tracking #: 20397

2. **LAND BANK PROPERTY TRANSFERS**
Synopsis: Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Interim Land Bank Manager.

Rehab - new construction side lot
2401 N. Tremont St. (Parcel 111813)
(This lot in neighboring a home that is currently being rehabbed the Land Bank. The contractor is requesting the neighboring lot to build a deck and driveway.)

Land Bank land swap
Fred Del Toro applied for a special use permit to put livestock on his property, but it was at the entrance to the Quindaro Cemetery. The Land Bank was asked if we would have property that we could swap that would meet his needs.
Fred Del Toro current property:

3447 & 3456 N. 31st Terr. (Parcel 163904, 163902)

Land Bank Lot
3314 N. 47th St. (Parcel 916907)

*On September 28, 2020, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*
Tracking #: 20403

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

Planning and Urban Design

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

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

To: City Planning Commission

From: Planning and Urban Design Staff

Date: October 29, 2020

Re: **Change of Zone Petition #3232**

GENERAL INFORMATION

Applicant:
Andrea Weishaubt

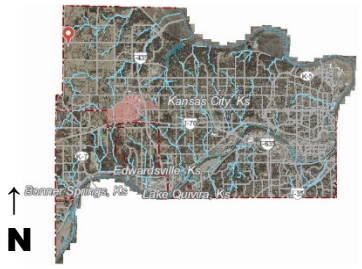
Status of Applicant:
Representative
Atlas Surveyors
2300 Hutton Road, Suite 108
Kansas City, Kansas 66109

Requested Actions:
Approval of a Change of Zone from AG (WyCo) Agriculture District to R-1 Single-Family District.

Date of Application:
May 29, 2020 (initial application)

Purpose:
Change zoning district from AG (WyCo) Agriculture District to R-1 Single-Family District.

Property Location: 13635 Hollingsworth Road



Commission Districts:	District Commissioner:	Mike Kane
	Commissioner At Large:	Melissa Bynum
Existing Zoning:	AG (WyCo) Agriculture District	
Adjacent Zoning:	**North:**	AG (WyCo) Agriculture District; R-1 (WyCo) Large Lot Single-Family District
	South:	AG (WyCo) Agriculture District
	East:	AG (WyCo) Agriculture District; R-1 (WyCo) Large Lot Single-Family District
	West:	R (WyCo) Rural Residential District; R-1 (WyCo) Large Lot Single-Family District
Adjacent Uses:	**North:**	Undeveloped farmland; Single-family residence
	South:	Single-family farmstead
	East:	Undeveloped farmland; Single-family residence
	West:	Undeveloped farmland; Single-family residence
Total Tract Size:	96.24 Acres	
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates this property as Low-Density Residential.	
Major Street Plan:	The Citywide Master Plan designates Hollingsworth Road as a Collector Street.	
Required Parking:	Article V, Section 4.5.B.1 of the 1992 Piper Area Annex Zoning Code requires two (2) parking spaces per dwelling unit, plus two (2) spaces for any accessory house occupation or principal agriculture use. Section 27-452(e) of the Code of Ordinances requires two (2) off-street parking spaces on the premises for each single-family dwelling.	
Advertisement:	The Wyandotte Echo – June 18, 2020; August 20, 2020 Letters to Property Owners – June 17, 2020; August 21, 2020, September 8, 2020 and October 23, 2020	
Public Hearings:	October 12, 2020 and October 29, 2020	
Public Support:	None to date.	

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: Applicant, Andrea Weishaubt with Atlas Surveyors, has submitted a final plat for two (2) residential lots created from the current Parcel #963104; the applicant has also requested a Change of Zone for one (1) of the newly platted parcels. The proposed outcome of the applicant's planning actions are as follows: Lot 1 is platted to be 0.69 acre and Lot 2 is platted to be 94.86 acres. (Plat approved by City Planning Commission.) Lot 1 is requested to be rezoned from AG (WyCo) Agriculture District to R-1 Single-Family District; Lot 2 will remain zoned AG (WyCo).

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

FACTORS TO BE CONSIDERED

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

   The neighborhood is rural. Aside from a small parcel that is enveloped by the applicant property to the east, south, and west, all other nearby parcels are zoned AG (WyCo) Agriculture District. There has been little development in the neighborhood, as evidenced by the large number of parcels that are still zoned under the 1992 Piper Area Annex Zoning Code.

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

   Lot 1 will be rezoned from AG (WyCo) to R-1 if the replat of the parcel is successful. Lot 1 will be under one (1) acre, but similar in size and use to the parcel adjacent to the west. Lot 1 will contain a pre-existing single-family residence and accessory structure.

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

   The applicant has notes to Staff and to neighbors that the property owner does not have any further plans other than the fact that the property owner would like to sell one or both of the parcels. The property owner has not expressed any interest in future development.

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

   The property has been vacant about 5 months.

5. ***The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or***

permanently injure the appropriate use, visual quality or marketability of nearby property.

The proposed Change of Zone will allow the homestead to be separated from the larger portion of the property, thus allowing the larger portion (Lot 2) to remain zoned AG (WyCo) and to be available for agricultural purposes. Without a development plan for the property, the proposed use and facilities upgrades needed to fit that use are unknown. As a simple rezoning of Lot 1 from AG (WyCo) to R-1 would not substantially injure the marketability of nearby properties.

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

   There are no immediate plans for the Rottinghaus Addition Plat, but any future development must be reviewed for, among other considerations, the adverse effect said development will have on infrastructure capacity, safety, or parking. The extent of the needed upgrades is currently unknown due to the lack of development plans.

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

   The recommended density in the Low-Density Residential land use designation is one (1) residence per one-third (1/3) to three (3) acres. At 1.38 acres, Lot 1 is within the recommended range, while Lot 2, at 94.86 acres, is much less dense than the Low-Density Residential land use designation anticipates. Future development in Lot 2 should take into account the current limited availabilities of public utilities in this area of Wyandotte County.

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

   The Wyandotte County Conservation District has cited several potential issues that could be caused by future development, including erosion, mud being tracked on the rights-of-way, airborne dust, and topsoil displacement. A summary of the Conservation District's comment can be found in a letter from the Wyandotte County Conservation District to the Director Planning in the "Attachments" section of this report.

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

   a. ***Water service***

      Well service is available on the property.

   b. ***Sanitary sewer service***

Not available at this location.

c. Storm water control

Available.

d. Police

Police service is provided by District #224.

e. Fire

Fire service is provided by Fire Station #8.

f. Transit

No public transit serves this property.

g. Schools

Piper East Elementary school, Piper Middle School, and Piper High School are provided by Kansas City, Kansas USD 203.

h. Streets

The property is accessible by Hollingsworth Road.

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

Lot 1 will be used as a single-family property. Lot 2 has the potential to be used for agricultural purposes.

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

Under the proposed Change of Zone, the Rottinghaus Addition Plat can meet all applicable ordinance requirements except for the continuous frontage minimum for Lot 2; BOZA-2385 is requesting a variance from this requirement. If the Final Plat is approved and the Change of Zone is not, then Lot 1 will be in violation of Article V.4.4.A of the 1992 Piper Area Annex Zoning Code.

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

A change in zone from AG to R-1 is only for Lot 1, which operates as a single-family property in the past. Allowing the Change of Zone allows the majority of the subject property to remain AG (WyCo) as a separate parcel, thus preserving the character of the neighborhood and the Piper area as a whole. The relative

gain to the public health, safety, and welfare is greater than the hardship imposed on the individual landowner or landowners.

PREVIOUS ACTIONS

BZA-2385 (2020) (simultaneous application)
Rottinghaus Final Plat approved by City Planning Commission on 10/12/2020

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 3 PM on Friday, August 7, 2020 at 2300 Hutton Road, Suite 108. Meeting minutes show that one (1) neighbor was in attendance. The neighbor, who is looking to purchase the proposed Lot 1 from the current property owner, asked three (3) questions related to the purpose of the neighborhood meeting and the plans for the property as a whole.

KEY ISSUES

Access
Future Development Potential
Lot Frontage
Utility Connections

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application #3232, subject to:

1) **Lot 1 must conform to all R-1 Single-Family District regulations, including setbacks and uses;**
2) **Compliance with the Best Management Practices outlined in the Wyandotte County Conservation District Letter Dated August 18, 2020; and**
3) **Any land disturbance or further development on the property must receive all proper permits and approval from the relevant UG Departments.**
4) **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **Change of Zone Application #3232**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 12, 2020 City Planning Commission Minutes
Final Plat Submitted by the Applicant
Final Site Plan Submitted by the Applicant
Zoning Map
Photos of Property Provided by Staff, Dated June 10, 2020
Letter from Wyandotte County Conservation District, Dated August 18, 2020

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing		
Final Plat	October 12, 2020 Approved	N/A
Change of Zone	October 12, 2020 Approval	October 29, 2020

STAFF CONTACT: **Michael Farley**
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#3232** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#3232,** as it is not in compliance with the City Ordinances and as it will not promote the health, safety

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

October 12, 2020 City Planning Commission Minutes:

Hearing starts at 50:55:

CHANGE OF ZONE APPLICATION #3232 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS – SYNOPSIS: Change of Zone from A-G Agriculture (WYCO) District to R-1 Single Family District to allow the property owner to sell the buildings and retain the land at 13635 Hollingsworth Road.

ROTTINGHAUS ADDITION – SYNOPSIS: Final Plat for three (3) single-family lots at 13635 Hollingsworth Road.

Detailed Outline of Requested Action: Applicant, Andrea Weishaubt with Atlas Surveyors, has submitted a final plat for two (2) residential lots created from the current Parcel #963104; the applicant has also requested a Change of Zone for one (1) of the newly platted parcels. The proposed outcome of the applicant's planning actions are as follows: Lot 1 is platted to be 0.69 acre and Lot 2 is platted to be 94.86 acres. Lot 1 is requested to be rezoned from AG (WyCo) Agriculture District to R-1 Single-Family District; Lot 2 will remain zoned AG (WyCo).

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 12, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Andrea Weishaubt, Atlas Surveyors, 2300 Hutton Road, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 53:15: Planning Director Hand stated that this Change of Zone and Final Plat are associated with the Appeal that was heard and approved at the Board of Zoning Appeals meeting earlier in the0 evening. There have been no Notices of Violation on the subject property or opposition expressed to the staff

on these applications. The staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 54:24:

On motion by Mr. Connelly, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application #3232**:**

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

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

1) **Lot 1 must conform to all R-1 Single-Family District regulations, including setbacks and uses;**
2) **Compliance with the Best Management Practices outlined in the Wyandotte County Conservation District Letter Dated August 18, 2020; and**
3) **Any land disturbance or further development on the property must receive all proper permits and approval from the relevant UG Departments.**
4) **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting.**

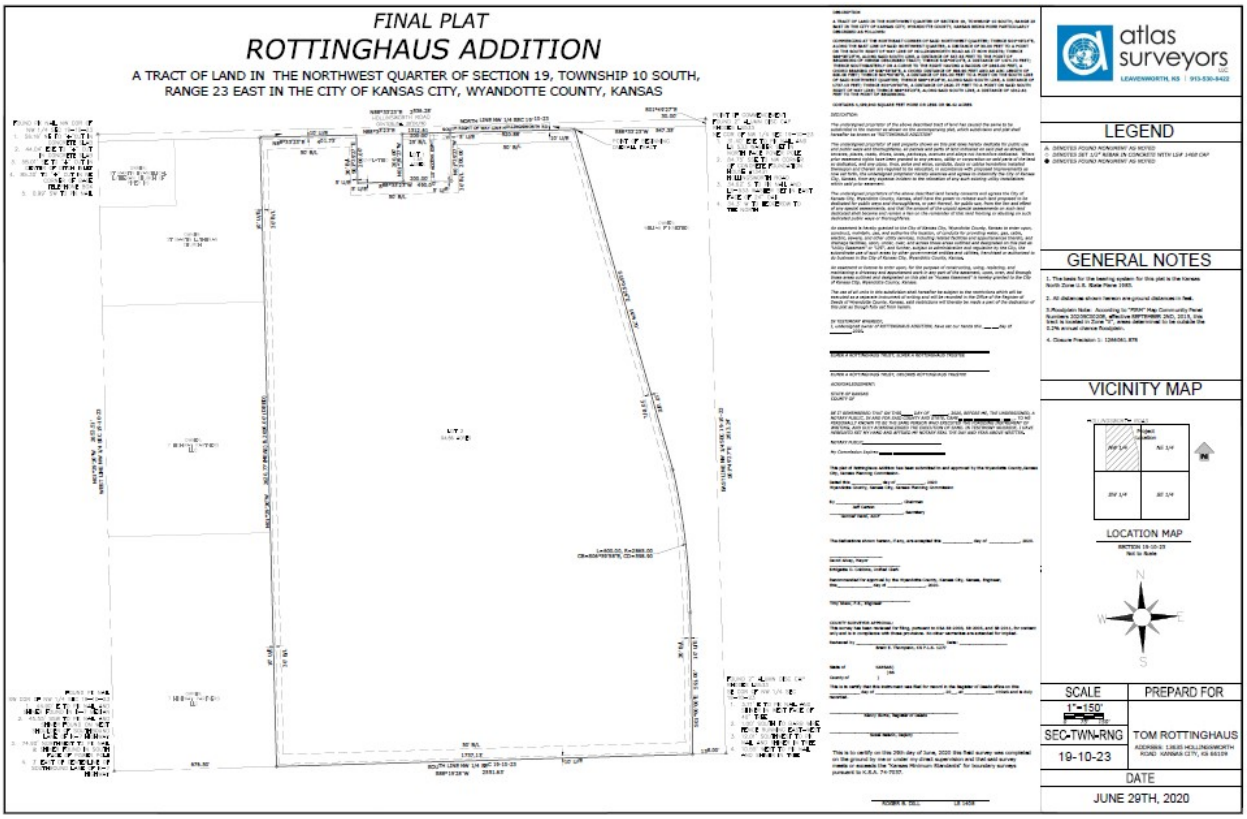
On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE** Rottinghaus Addition Plat**:**

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

Motion to APPROVE Passed: 8 to 0
Subject to:

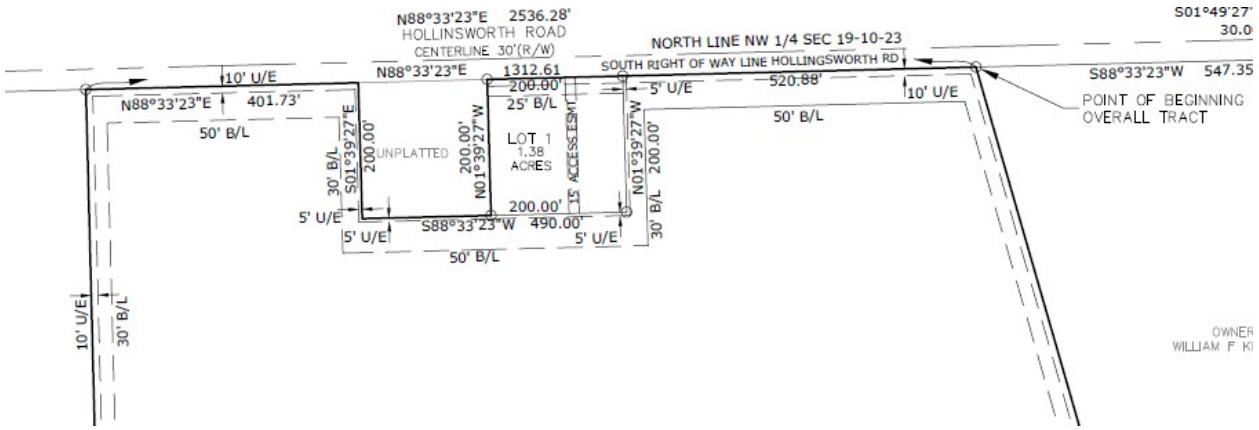
1) **Satisfactory completion of all comments from UG Departments.**

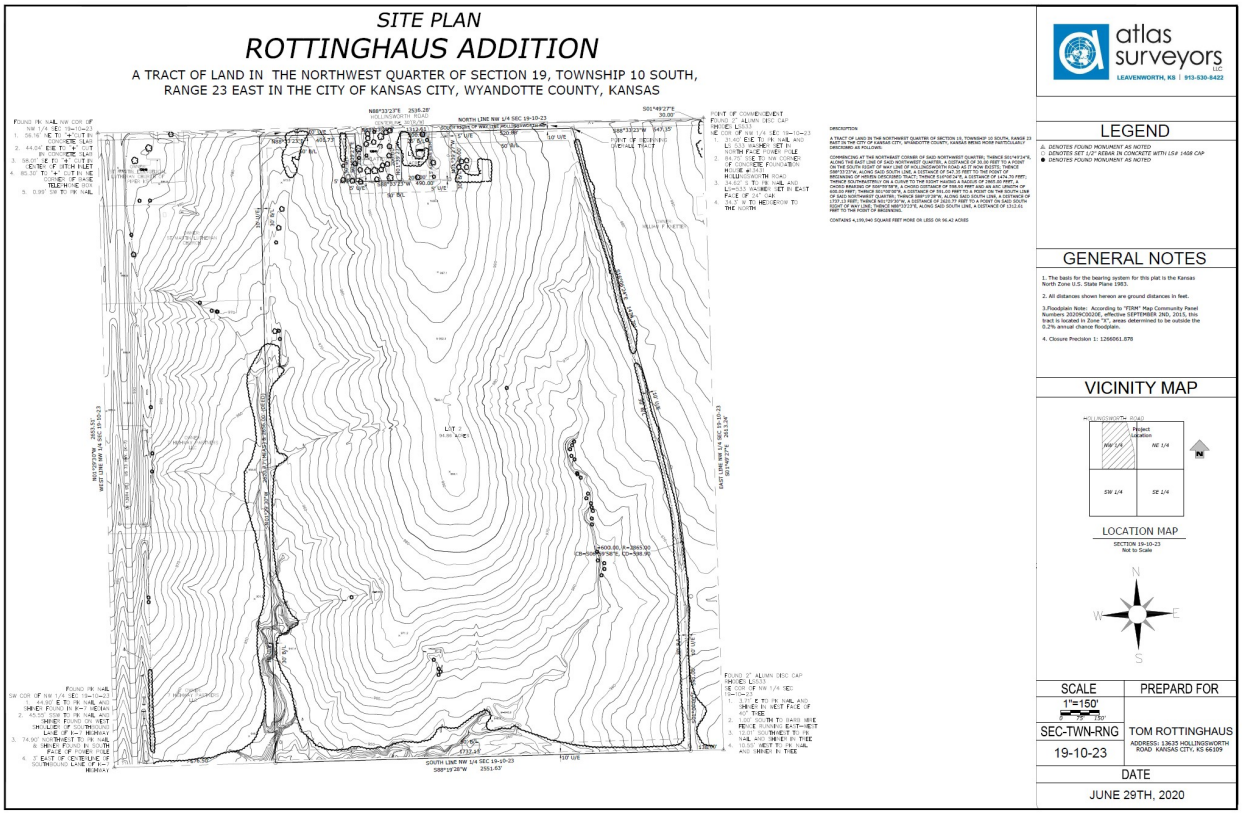
FINAL PLAT SUBMITTED BY THE APPLICANT



Above: Full Final Plat, as submitted by the applicant.

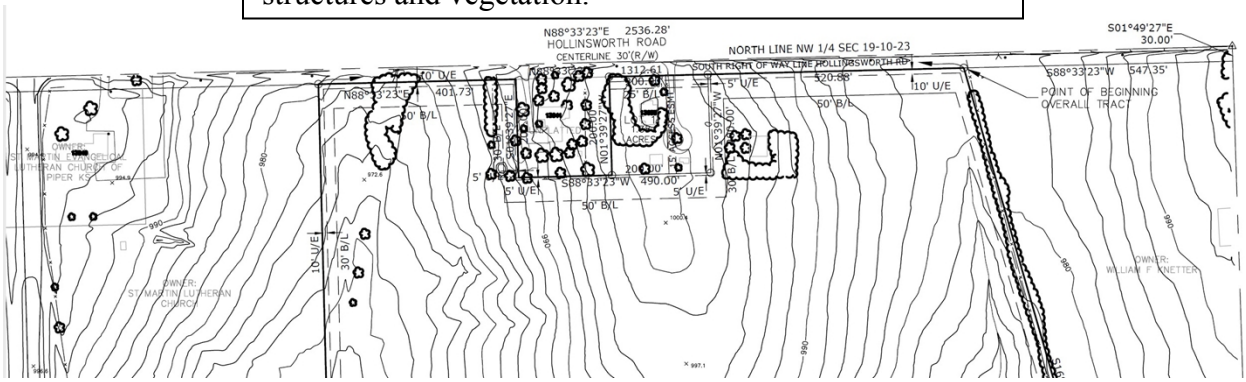
Below: Insert of frontage of new lots of the Rottinghaus Addition.



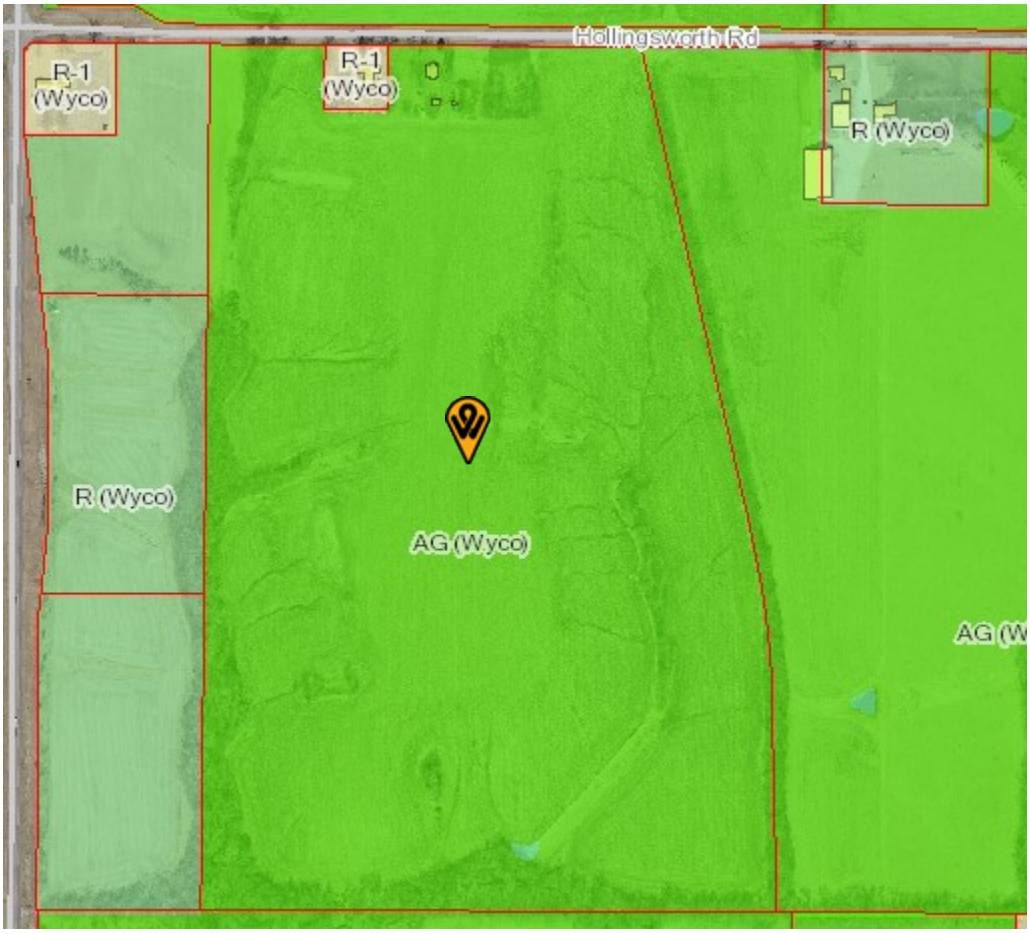


Above: Full final site plan, as submitted by the applicant.

Below: Insert of frontage of new lots, with existing structures and vegetation.



ZONING MAP



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

LETTER FROM WYANDOTTE COUNTY CONSERVATION DISTRICT, DATED AUGUST 18, 2020

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

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

August 18, 2020

RE: COZ-3232 Andrea Weishaubt with Atlas Surveyors Ag to R-1 13635 Hollingsworth Road

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the Change o Zone for: COZ-3232 Andrea Weishaubt with Atlas Surveyors Ag to R-1 13635 Hollingsworth Road.

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

MAPS AND REPORTS

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

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

- There are two major soil types identified: Grundy silty clay loam, 3 to 7 percent slopes and Grundy silty clay loam, 1 to 3 percent slopes. This soil type is considered erodible when the surface is denuded of a protective cover.
- We didn't receive any addition information on erosion control or future plans for the area. Therefore, we do not have any comments on this site. If there is to be any major grading an Erosion Control plan will be needed.
- The Best Management Practices in this report can be used to develop an Erosion Control Plan..
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to

buildings, roads and other structures and to plant roots. Special design commonly is needed.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the Protecting *Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

***Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

Sediment Trap -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the Water Quality Field Guide pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 29, 2020

Re: **Change of Zone Petition #3234 and Petition #SP-2020-82**

GENERAL INFORMATION

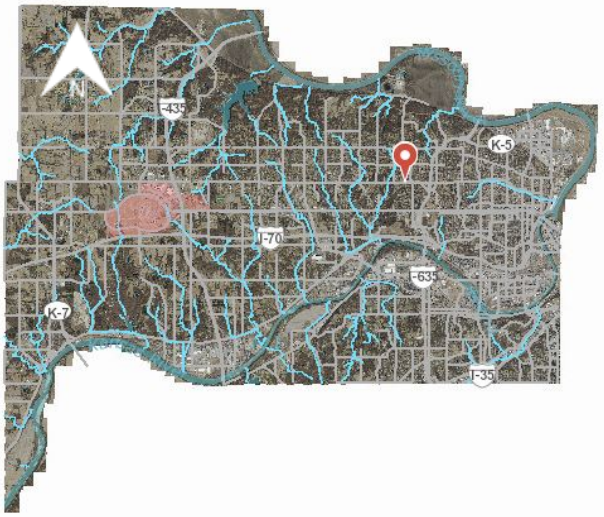
Applicant:
Maria Magana

Status of Applicant:
Representative of
Property Owner
4811 Parallel Pkwy
Kansas City, Kansas 66104

Requested Actions:
Change of Zone from
C-1 Limited Business District
to CP-2 Planned General
Business District and the approval
of a Special Use Permit.

Date of Application:
July 31, 2020

Purpose:
The approval of a change of
zone from C-1 to CP-2 for
limited auto repairs.



Property Location:	4811 Parallel Pkwy Kansas City, Kansas 66104
Commission Districts:	Commissioner At Large: Melissa Bynum District Commissioner: Gayle E. Townsend
Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	**North:** CP-2 Planned General Business District **South:** R-1 Single Family District **East:** C-1 Limited Business and CP-2 Planned General Business District **West:** C-1 Limited Business District
Adjacent Uses:	**North:** Commercial Businesses **South:** Single Family Homes **East:** Commercial Businesses **West:** A Vacant Lot
Total Tract Size:	0.35 Acre
Master Plan Designation:	The City-Wide Master Plan designates this property as Community Commercial.
Major Street Plan:	The Major Street Plan classifies Parallel Parkway a Class A Thoroughfare.
Parking Requirement:	Section 27-466(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. One (1) parking space per every twenty-five (25) are required to be ADA. For every six (6) ADA parking spots, one (1) is required to be van-accessible.
Advertisement:	The Wyandotte Echo – August 20, 2020 Letters to Property Owners – August 21, 2020 and October 23, 2020
Public Hearings:	October 12, 2020 and October 29, 2020
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Maria Magana, is seeking the approval of Change of Zone #3234 from C-1 Limited Business District to CP-2 General

Business District in conjunction with a Special Use Permit SP-2020-82 for the purpose of performing limited auto repairs at 4811 Parallel Parkway.

There have been multiple Notices of Violation issued on this property in the last four (4) years for things such as weeds, trash, vehicles in violation, and excessive stored items.

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

FACTORS TO BE CONSIDERED

1. ***Neighborhood character.***

   The character of the neighborhood is primarily commercial in nature with businesses lining Parallel Parkway, a Class A Thoroughfare. There are single-family homes behind the property to the south.

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

   The zoning and uses are set out above. The proposed use is compatible with the neighboring commercially zoned properties, but not the single-family homes directly to the south.

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

   This property is suitable for use as a commercial business. The property could be suitable for CP-2 Planned General Business District if managed properly. Removal of the restrictions from C-1 to CP-2 districts may create issues of noise and waste that may detrimentally affect nearby properties.

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

   The property is not vacant. It is currently being utilized as a used tire shop.

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

   The proposed use provides a convenience to the public in the form of auto repair services. If noise and automobile waste is not managed properly, the use of the property may substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Class A Thoroughfare to accommodate it if managed properly, while it functions as a limited auto repair shop.

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

   The City-Wide Master Plan designates this area as Community Commercial. The proposed change of zone conforms to this plan. Special Use Permits are not addressed in the Master Plan

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

   The proposed use could cause environmental harm if automotive waste is not properly managed.

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

   Noise, vibration, dust, and illumination are all issues that are associated with automobile repair shops. These issues may create problems for nearby properties.

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

    The proposed use may pollute the air, land, or water if chemicals and other waste are not disposed of properly.

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

    The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing auto business in a built-out neighborhood.

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

    a. ***Water service***

       Available

    b. ***Sanitary sewer service***

       Available

c. Storm water control

Available

d. Police

Police service is provided by District #444.

e. Fire

Fire service is provided by Station #18.

f. Transit

Public transportation is provided by KCATA on the 116 West Parallel line. The nearest stop is directly in front of 4811 Parallel Pkwy.

g. Schools

Public Education is Provided by Kansas City USD 500.

h. Streets

See item #6 above.

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

The establishment of an automotive would have some economic impact on the community as it is a business. It will offer automotive repair services in the neighborhood and may create some jobs.

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

The proposed use could be capable to meet applicable ordinance requirements if upgrades are made to the property and code violations were rectified.

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

The proposed use will not create issues of overcrowding of land as it will operate within the existing building and its site. It will not cause undue concentrations in population as it will only minimally increase customer traffic from the current business. Parking and storage of cars may become an issue.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it provides the convenience of automobile repair services with some economic benefit. If denied, the landowner could not use the property as an automobile repair shop but could use it for other types of businesses or sell the property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 15, 2020. No one was in attendance.

KEY ISSUES

Nearby Single-Family Homes
Noise
Parking
Multiple Code Violations
Proper disposal of chemicals and other waste

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application #3234 and Special Use Permit Application #SP-2020-82, subject to:

1. **If approved, applicant must submit final plans and elevations to the Development Review Committee (DRC) for all necessary and proposed building upgrades, landscaping and fencing;**
2. **Must complete the rooftop maintenance and otherwise bring the building up to code with permits for any work that requires permits;**
3. **The potholes in the parking lot must be repaired. The entire parking lot must be paved or resurfaced with asphalt or concrete. All parking spaces on the front, east and south sides must be striped;**
4. **ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
5. **Must comply with Commercial Design Guidelines, including:**
    i. **Architectural screened fence posts should match stone of existing building;**
    ii. **Apply wainscoting around lower third of building on all four (4) sides, except the existing stone on the office shall remain;**
    iii. **Exterior walls, excluding the office area, must be covered in stucco, colored to compliment the wainscoting;**
    iv. **Must provide a landscape buffer between building and the sidewalk along Parallel Parkway and bus stop;**
    v. **Provide a materials palette for the proposed design;**
6. **If a trash dumpster is to be used on the property, a trash enclosure is required to be built with materials to match the main building;**
7. **Chemical spills must be cleaned up immediately;**

8. **No outside storage of salvage parts, no outside storage or display of new or used tires, automotive parts, or merchandise, no inoperable vehicles stored on the property;**
9. **All Sales and Service must take place inside a totally enclosed building;**
10. **All signage must be compliant with the sign ordinance. Must obtain sign permits for any sign types that require permitting. Business owner and property owner are collectively responsible to ensure that all signage is compliant with the sign ordinances at all times;**
11. **All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
12. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
13. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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;**
14. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,**
15. **If approved, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **#3234 and #SP-2020-82** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 12, 2020 City Planning Commission Minutes
Zoning Map
Aerial Map
Site Photographs Provided by Staff, Dated August 17, 2020
Conservation District Comments

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing Rezoning	October 12, 2020 Approval	October 29, 2020
Public Hearing Special Use	October 12, 2020 Approval	October 29, 2020

STAFF CONTACT: **Shana Shanteau**
sshanteau@wycokck.org

MOTIONS

Change of Zone:

I move the Unified Government Board of Commissioners **APPROVE** Petition **#3234** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#3234,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit:

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2020-82** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2020-82,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 12, 2020 City Planning Commission Minutes:

Hearing starts at 56:44:

CHANGE OF ZONE APPLICATION #3234 – MARIA MAGANA – SYNOPSIS: Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District for limited auto repairs at 4811 Parallel Parkway.

SPECIAL USE PERMIT APPLICATION #SP-2020-82 – MARIA MAGANA – SYNOPSIS: Special Use Permit for limited auto repairs at 4811 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Maria Magana, is seeking the approval of Change of Zone #3234 from C-1 Limited Business District to CP-2 General Business District in conjunction with a Special Use Permit SP-2020-82 for the purpose of performing limited auto repairs at 4811 Parallel Parkway. There have been multiple Notices of Violation issued on this property in the last four (4) years for things such as weeds, trash, vehicles in violation, and excessive stored items.

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

1. The City's currently adopted zoning and subdivision regulations;

2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 12, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Maria Magana, applicant, 4811 Parallel Parkway, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:02:33: Planning Director Hand stated that this request is for limited auto repair only, such as oil changes and tire repair, which would not include auto body work or larger engine repair. There have been multiple Notices of Violation on the subject property over the last three (3) years so staff is supportive of this request and its potential clean-up and rehabilitation at the property. If the applicant wants to have a storage container for tires in the future, she would need to apply for a Special Use Permit. The staff has outlined several conditions in the staff report to improve the property as per Code requirements for this use. Director Hand stated that the staff has not received any opposition on this proposal. The staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 1:04:50:

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application #3234**:**

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

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

1. **If approved, applicant must submit final plans and elevations to the Development Review Committee (DRC) for all necessary and proposed building upgrades, landscaping and fencing;**
2. **Must complete the rooftop maintenance and otherwise bring the building up to code with permits for any work that requires permits;**
3. **The potholes in the parking lot must be repaired. The entire parking lot must be paved or resurfaced with asphalt or concrete. All parking spaces on the front, east and south sides must be striped;**
4. **ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
5. **Must comply with Commercial Design Guidelines, including:**
    i. **Architectural screened fence posts should match stone of existing building;**
    ii. **Apply wainscoting around lower third of building on all four (4) sides, except the existing stone on the office shall remain;**
    iii. **Exterior walls, excluding the office area, must be covered in stucco, colored to compliment the wainscoting;**
    iv. **Must provide a landscape buffer between building and the sidewalk along Parallel Parkway and bus stop;**
    v. **Provide a materials palette for the proposed design;**
6. **If a trash dumpster is to be used on the property, a trash enclosure is required to be built with materials to match the main building;**
7. **Chemical spills must be cleaned up immediately;**
8. **No outside storage of salvage parts, no outside storage or display of new or used tires, automotive parts, or merchandise, no inoperable vehicles stored on the property;**
9. **All Sales and Service must take place inside a totally enclosed building;**
10. **All signage must be compliant with the sign ordinance. Must obtain sign permits for any sign types that require permitting. Business owner and property owner are collectively responsible to ensure that all signage is compliant with the sign ordinances at all times;**
11. **All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
12. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
13. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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;

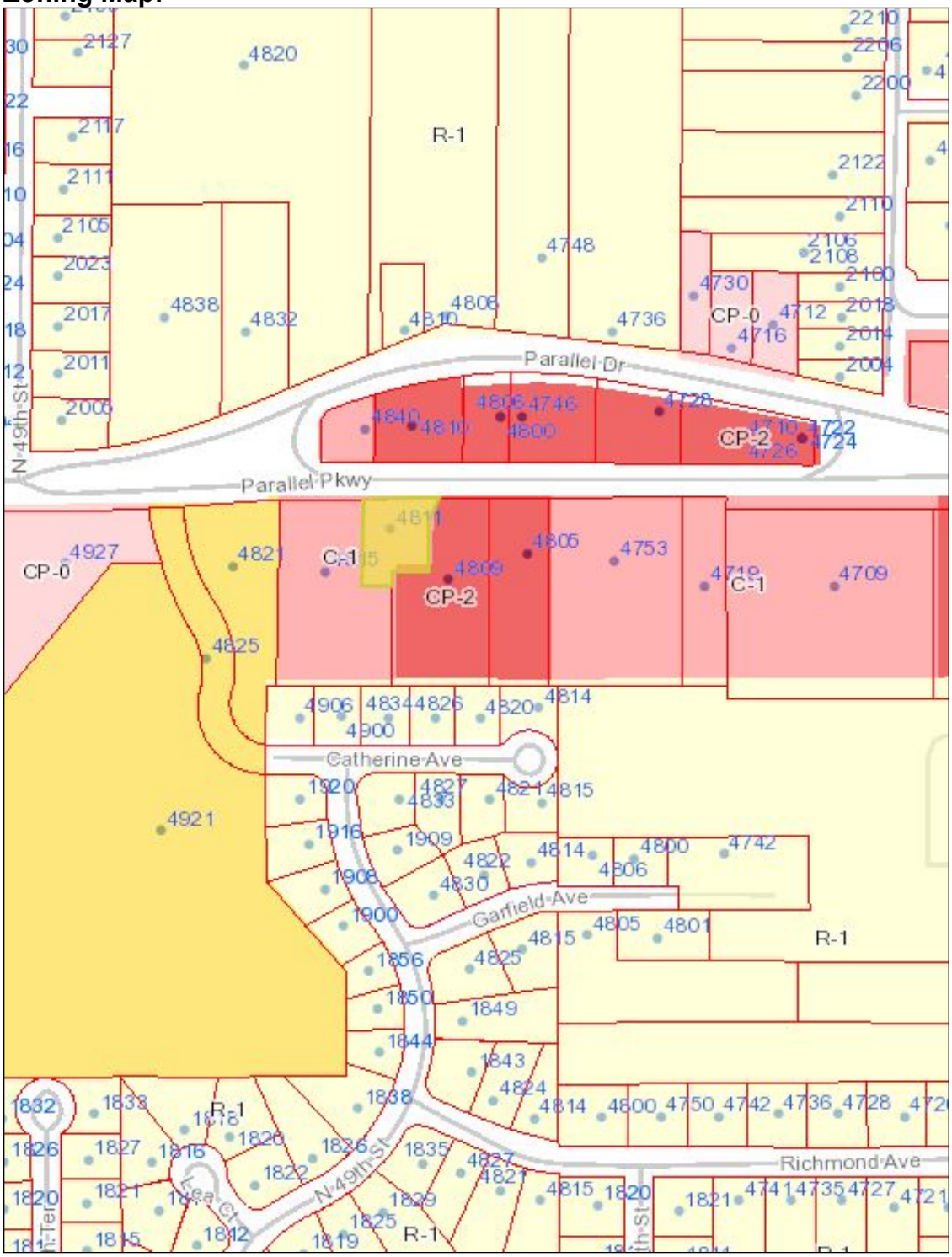
14. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,**
15. **If approved, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2020-82 for two (2) years**:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0
Subject to the above stipulations.

Zoning Map:


R-1
CP-0
CP-2
C-1
Parallel Dr
Parallel Pkwy
N 49th St
Catherine Ave
Garfield Ave
Richmond Ave
Lea Ct

Aerial Map:

4832
4810
Parallel Dr
4840
4810
4800
4746
4806
Parallel Pkwy
4811
4805
4815
4809
4906
4900
4834
4826
4820
4814
Catherine Ave

Site Photographs Provided by Staff, Dated August 17, 2020:

YOKOHAMA
08/17/2020
18:11

No hay garantía en llantas usadas
There is no warranty on used tires
We reserve the right to refuse service to anyone
Nos reservamos el derecho de dar servicio a alguien
Cargo por desechar llantas
Tire Disposal Fee
Solo aceptamos efectivo
We accept cash only
No aire GRATIS
No se permiten Armas
Weapons are not allowed
SMILE
YOKOHAMA
08/17/2020
18:12

08/17/2020
18:12

08/17/2020
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08/17/2020
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YOKOHAMA
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18:14

YOKOHAMA
08/17/2020
18:14

YOKOHAMA
08/17/2020
18:14

4811
YOKOHAMA
08/17/2020
18:15

No hay garantia en llantas usadas
There is no warranty on used tires
We reserve the right to refuse service to anyone
Nos reservamos el derecho de dar servicio a alguien
Cargo por desechar llantas $5
Tire Disposal fee $5
Solo aceptamos efectivo
We accept cash only
No se permiten Armas
Weapons are not allowe
¡¡NO!!
TRASPASSING
ONLY CASH
08/17/2020
18:15

COIN LAUNDRY
USED TIRES
913 295 2880
08/17/2020
18:15

USED TIRES
913 295 2880
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18:15

08/17/2020
18:16

08/17/2020
18:16

08/17/2020
18:17

G
4811
KCBPU
108554
08/17/2020
18:18

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

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

August 18, 2020

RE: COZ-3234 and SP-2020-82 Maria Magana CP-1 to CP-2 for Auto Repair 4811 Parallel Parkway

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the Change of Zone for: COZ-3234 and SP-2020-82 Maria Magana CP-1 to CP-2 for Auto Repair 4811 Parallel Parkway.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- The main concern with this site is chemical spills. They need to be cleaned up immediately.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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

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

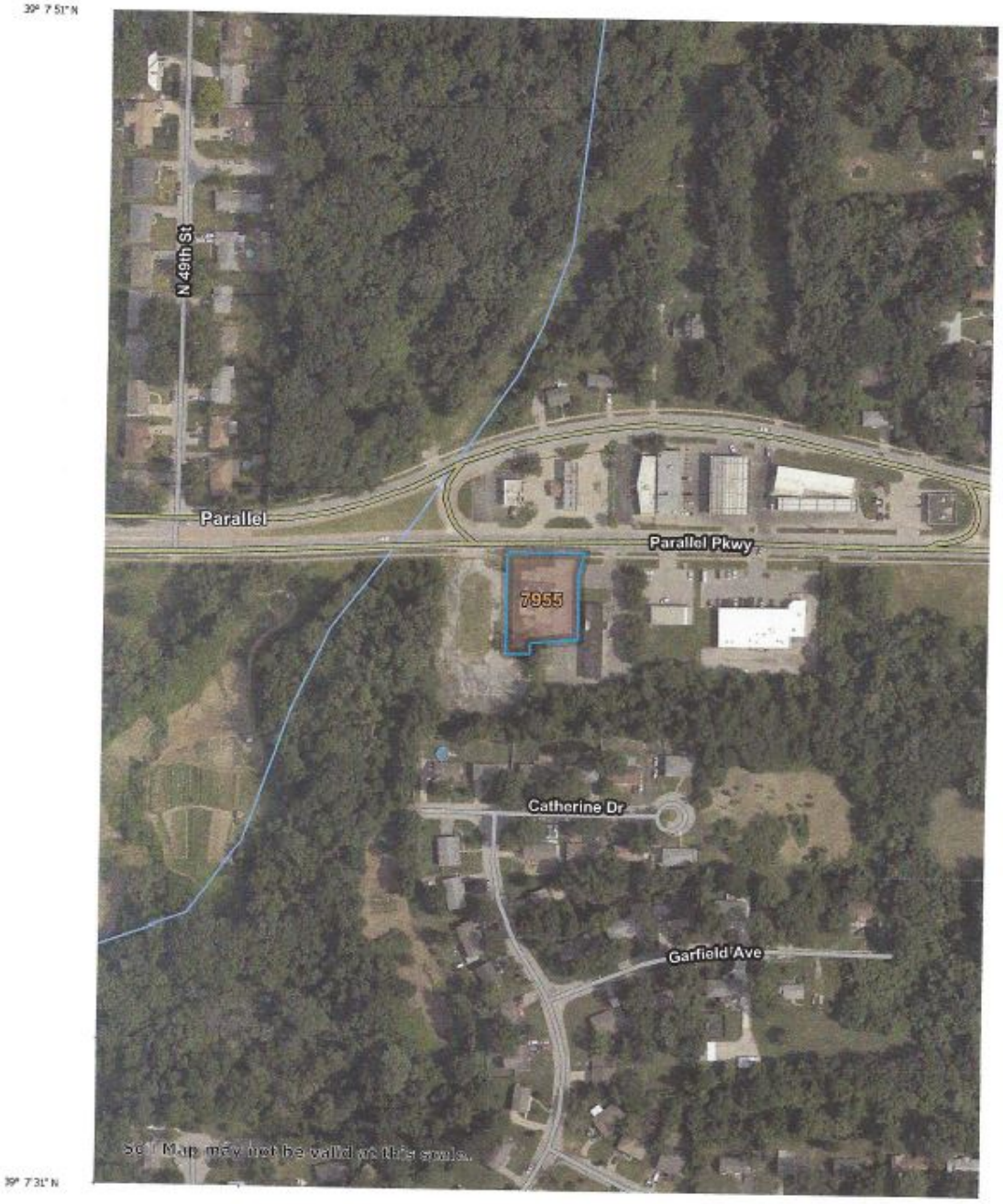
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

Map Unit Name—Wyandotte County, Kansas
(COZ 3234 SP2020-82 4811 Parallel pkwy)



Map Scale: 1:3,000 if printed on A portrait (8.5" x 11") sheet.

N

0 40 80 160 240 Meters

0 100 200 400 600 Feet

Map projection: Web Mercator Corner coordinates: WGS84

USDA Natural Resources Conservation Service

Web Soil Survey
National Cooperative Soil Survey

8/13/2020
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- Knox silt loam, 7 to 12 percent slopes
- Not rated or not available

Soil Rating Lines
- Knox silt loam, 7 to 12 percent slopes
- Not rated or not available

Soil Rating Points
- Knox silt loam, 7 to 12 percent slopes
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

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

Date(s) aerial images were photographed: Jul 17, 2019—Sep 25, 2019

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

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7955	Knox silt loam, 7 to 12 percent slopes	Knox silt loam, 7 to 12 percent slopes	0.5	100.0%
Totals for Area of Interest			**0.5**	**100.0%**

Description

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

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Soil Features

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

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

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

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

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

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

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

Report—Soil Features

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

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

33

October 29, 2020

#COZ 3234 and SP-2020-82

Map Unit Description (Brief, Generated)

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

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

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

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

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

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

Component: Knox (80%)

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna Quercus Macrocarpa-quercus Alba/amorpha Canescens/schizachyrium Scoparium-dalea Candida Bur Oak-white Oak/leadplant/little Bluestem-white Prairie Clover, Deep Loess Protected Backslope Woodland Quercus Rubra-tilia Americana/asimina Triloba-ulmus Rubra/carex Jamesii-sanguinaria Canadensis Northern Red Oak-american Basswood/pawpaw-slippery Elm/james' Sedge-bloodroot ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Armster, eroded (5%)

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

Component: Similar soil (5%)

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

Component: Ladoga (5%)

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

Component: Welda (5%)

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

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

August 21 2020.

Name
Address
City/State/Zip

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #.COZ 3234 and SP#-2020-82 The purpose of this:
(please use all that applies)

- change of zone. **X**
- special use permit. **X**
- preliminary plan review

is for a chance of Zoning and Special Use Permit for limited auto repairs

at the following address: 4811 Parallel Patkway, Kansas City, KS 66104.

I/We am having a neighborhood meeting on Friday September 15 2020, at 7 p.m. at the following address 4811 Paralell Parkeay, Kansas City. KS 66104__.

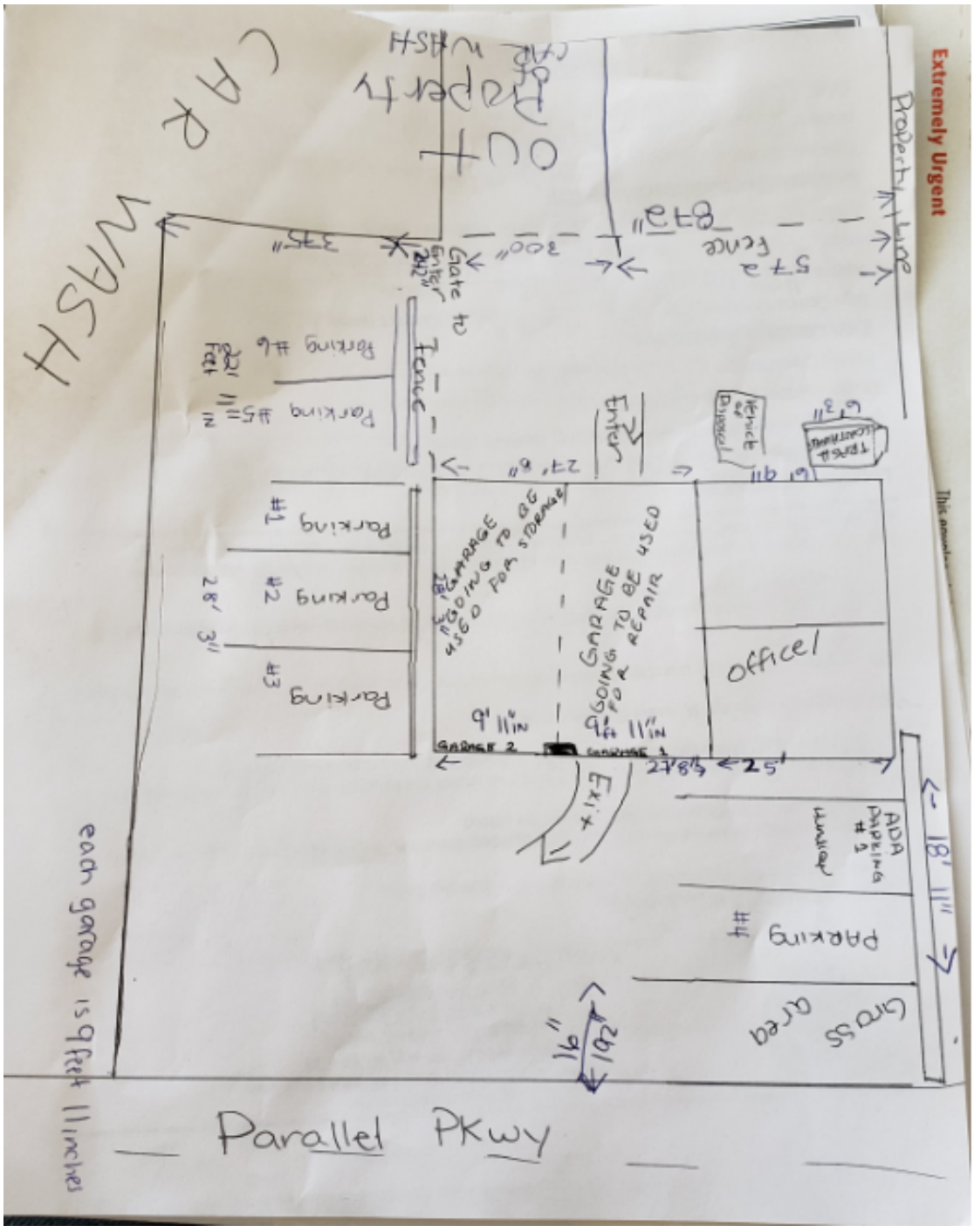
The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the phone number below 816-714-9762 or email me at teresa208530@gmail.com..

Sincerely,

Maria Magana

Site Plan:


Extremely Urgent
CAR WASH
OUT Property
Property Line
Parking #6
Parking #5
Parking #1
Parking #2
Parking #3
Parking #4
Fence
Enter
Exit
GARAGE GOING TO BE USED FOR STORAGE
GARAGE GOING TO BE USED FOR REPAIR
office
ADA PARKING #1
Grass area
each garage is 9 feet 11 inches
Parallel PKWY

Photographs, Provided by Applicant:

SMILE

SMILE
ONLY CASH

Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

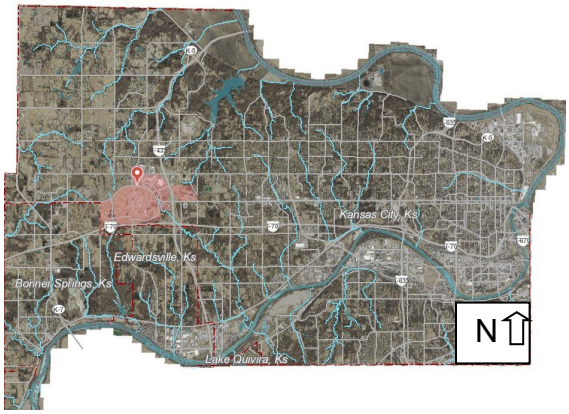
Date: October 29, 2020

Re: **Change of Zone Petition #3236 and #MP-2020-7**

GENERAL INFORMATION

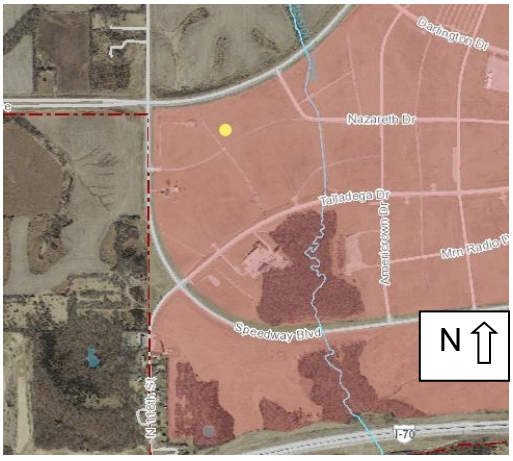
Applicant:
Greg Scovitch with Hillwood Enterprises, LP

Status of Applicant:
Representative
Brian Lavery with Continental Consulting Engineers
11006 Parallel Parkway
Kansas City, KS 66109



Requested Actions:
Change of Zone from
A-G Agriculture District to MP-2 Planned General Industrial District.

A Master Plan Amendment from Entertainment (Prairie Delaware Piper Master Plan) to Business Park (Prairie Delaware Piper Master Plan).



Date of Application:
August 31, 2020

Purpose: To rezone one (1) industrial lot to build a 1,583,813 square foot warehouse and distribution center.

Property Location: 10901 State Avenue, Kansas City, KS 66109

Commission District: Commissioner At Large: Tom Burroughs
District Commissioner: James (Jim) Walters

Existing Zoning: A-G Agriculture District

Surrounding Zoning:
North: A-G Agriculture and CP-2 Planned General Business Districts
South: A-G Agriculture District
East: A-G Agriculture District
West: City of Bonner Springs, Kansas

Existing Uses: North: Undeveloped, farmland (future site of the American Royal)
South: Grass fields for parking for Kansas Speedway events
East: Grass fields for parking for Kansas Speedway events
West: Undeveloped land (City of Bonner Springs, Kansas)

Total Tract Size: 90.20 Acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Entertainment.

Major Street Plan: The Major Street Plan classifies State Avenue and Speedway Boulevard as Class A Thoroughfares.

Required Parking: For buildings larger than 50,000 square feet, parking is determined by the Director of Planning. Where questions arise concerning increments over 50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the Planning Commission.

Advertisement: The Wyandotte Echo – Change of Zone - September 17, 2020
Letters to Property Owners – September 16, 2020 and October 23, 20920

Public Hearings: October 12, 2020 and October 29, 2020

Public Support: Support was expressed by the Wyandotte County Economic Development Council by Greg Kindle and Edgar Galicia, CABA, at the October 12, 2020 City Planning Commission meeting.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Greg Scovitch with Hillwood Enterprises, LP applied for a change of zone from A-G Agriculture District to MP-2 Planned General Industrial District, preliminary plat one (1) industrial lot and amend the Prairie Delaware Piper Master Plan from Entertainment to Business Park to build one (1) industrial building for warehousing and distribution totaling 1,583,813 square foot on 90.20 acres at 10901 State Avenue with a future building expansion to the west and parking to the south.

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

FACTORS TO BE CONSIDERED

1. ***Neighborhood character***

   The area is dominated by the undeveloped perimeter of the Kansas Speedway racetrack. Other prominent features include the future site of the American Royal to the north, the Kansas Speedway racetrack to the east and the City of Bonner Springs to the west.

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

   The zoning and uses of properties nearby are set out above. The proposed industrial warehouse and distribution center is not compatible with the residential properties in the area. While the parcel is undeveloped around the Kansas Speedway, except for the Hollywood Casino, this area remains rural and undeveloped.

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

   The property is not suitable for the industrial uses that it has been restricted. The removal of the restrictions may affect nearby property. The racetrack has peak times during the evenings and weekends only three (3) times annually. This distribution center will be operating 24 hours a day, 7 days a week, 365 days a year.

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

   The property has been zoned A-G Agriculture since the 1970s. The property is used for overflow parking during race events on weekends.

5. ***The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or***

permanently injure the appropriate use, visual quality or marketability of nearby property.

Distribution uses support the economy, but provide an increasingly smaller share of jobs due to automation. This type of use will induce development that will increase, but could significantly impact visual quality of the existing character of western fringe of The Legends and Village West area.

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

   The proposed development will significantly increase passenger vehicles and over-the-road trucks in ways that could adversely affect the road capacity of both State Avenue and Speedway Boulevard. Public Works is reviewing the Traffic Impact Study and their comments were forwarded ahead of this report.

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

   The proposed use does not conform to the Prairie Delaware Piper Master Plan. A Master Plan Amendment has been filed and is part of this application. The proposed Business Park designation will significantly change the Entertainment character adjacent to one of the region's most cherished entertainment assets. This site is center to the changes occurring all around. This character is further developed with the American Royal and Bonner Crossing.

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

   The proposed use should not cause environmental harm because the detention basins are proposed in the southwest and southeast corners of the site will capture runoff before it is discharged into the storm sewer. Greater truck volumes in the vicinity will increase exhaust emissions and there will be increased energy consumption of a larger warehouse building.

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

   a. ***Water service***

      Available

   b. ***Sanitary sewer service***

      Not available

   c. ***Storm water control***

      To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #225.

e. Fire

Fire service is provided by Fire Station #6 located at 94th Street and State Avenue.

f. Transit

Kansas City ATA does not provide transit service to this property. The closest transit stop is approximately 1.5 miles on Village West Parkway, Route #101.

g. Schools

Public education is provided by Bonner Springs USD 204.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a beneficial economic impact on the community by turning a vacant property into a tax generating use. In the future, however, these distribution jobs will be automated, which has a diminishing return on investment.

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

With revisions, the proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is negligible due to the increase in truck traffic at this future intersection. If this application is denied, the owners will still have property that is able to be developed, or as currently used.

13. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

The development can be used safely without danger to health, flood, erosion or fire if designed, constructed and maintained properly. Excessive noise, parking

lot and building lighting, and headlights may be further mitigated by an increased berm, landscaping and lowering the building into the site. Pedestrian safety is of the upmost importance and there may be a conflict with large over-the-road trucks driving on and increased emissions along State Avenue and Speedway Boulevard, and this will have an effect on public health.

14. ***Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.***

    The Major Street Plan classifies State Avenue and Speedway Boulevard as a Class A Thoroughfares. Internal streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

    While staff cannot predict the future land and building uses, Bonner Crossing has proposed a large mixed-use development to the west, across Speedway Boulevard and if development and growth continues in the Village West area, the undeveloped land around the Kansas Speedway to the south and east will only reinforce the need for better pedestrian circulation and connectivity not only for recreation, but also to transit stops that will be necessary to move employees to their places of employment.

15. ***Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.***

    Buildings and streets will be arranged as to afford adequate light, and open space to facilitate fire protection and long-term sustained real estate values by further developing State Avenue as a transit corridor and for facilitating pedestrian access through the reintroduction of the street grid.

16. ***Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.***

    This building will be highly visible from all sides. Greater efforts are needed to screen the dock doors and trailers from State Avenue, Speedway Boulevard, and Talladega Drive. The site slopes from northwest to southeast towards the Kansas Speedway racetrack, so there are no natural features of the land that can be protected or enhanced.

    To incorporate these natural features into the development, open fields that are illustrated on the landscape plan to be hydroseeded should be changed to a hybrid of wildflowers and other native grasses and vegetation.

17. ***Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

    There are no aforementioned amenities that are being provided for residents except that ten (10) foot sidewalks will be constructed along State Avenue and Speedway Boulevard and a five (5) foot sidewalk along Talladega Drive as well as pedestrian circulation, fitness trail, and new transit stop for employees.

PREVIOUS ACTIONS

None. This site is currently part of the Kansas Speedway.

NEIGHBORHOOD MEETING

The applicant held a virtual neighborhood meeting via Zoom on September 28, 2020. According to the applicant, no one appeared in opposition of the proposed development.

KEY ISSUES

Neighborhood Character
Compliance with the Prairie Delaware Piper Master Plan Business Park Guidelines
Landscaping and Screening
Sight Lines from State Avenue and Speedway Boulevard
Planning Engineering Comments
Traffic
Stormwater Runoff
Pedestrian/Transit Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application #3236 and Master Plan Amendment #MP-2020-7, subject to:

1. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;**
2. **Per Business Licensing Department: Occupying business will need to file and maintain a current business occupation tax application with this office;**
3. **A ten (10) foot sidewalk shall be constructed along State Avenue and Speedway Boulevard. A five (5) foot sidewalk shall be constructed the length of Talladega Drive;**

4. **The Kansas City ATA transit stop shall be constructed prior to the completion of the warehouse building/distribution center and a request for a Temporary Certificate of Occupancy (TCO);**
5. **The decibel level shall not exceed the performance standards for MP-2 Planned General Business District;**
6. **If vehicles are being repaired (i.e. oil changes, tire rotations, engine/transmission repair, etc.), a Special Use Permit is required for that specific use per Sec. 27-593(b)(20);**
7. **Downspouts shall be integrated to the extent possible into building articulations and be painted to match the building. Downspouts shall be internalized on the east side of the building (office);**
8. **The 350,000-gallon water tank has been removed and shall not be included in this project;**
9. **The applicant states that the fence will not be visible due to the berm, however, chain link does detract from the overall appearance, powder coated or vinyl. Staff recommends that wrought iron fencing is constructed;**
10. **The applicant will raise the berm to screen views and this will be confirmed at DRC before grading permit is approved;**
11. **The internal sidewalk/trail system shall be constructed during the initial phase of development, prior to TCO request and inspection;**
12. **Native grass seed shall be added to areas around the extended detention basins and continuously maintained;**
13. **Plant and maintain native grasses and wildflowers in the future expansion footprints of building, trailer storage and employee parking lots;**
14. **The site for the proposed distribution center requires 393 trees exclusive of the street tree and parking lot island tree requirements.**

    One (1) tree is required for every thirty (30) linear feet of frontage along a major street. This requirement extends to State Avenue, Speedway Boulevard and Talladega Drive.

    Twenty (20) consecutive parking spaces (or groups of forty (40) for double loaded aisles) shall have a curbed and landscaped parking lot island. The ends of each row of parking shall have curbed and landscape islands as well. One (1) tree shall be planted in each island.

    Office ratios shall meet the Commercial Design Guidelines standards;
15. **All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;**
16. **All landscaping shall be irrigated;**
17. **Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.**
    a. **All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent**

land uses. All screening materials must be well maintained at all times;

18. **BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;**
19. **All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;**
20. **Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;**
21. **Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;**
22. **All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. A Temporary Certificate of Occupancy to occupy the building will not be issued by Planning staff until this is accomplished; and,**
23. **Shall comply with the sign ordinance.**
24. **Shall comply with Planning Engineering comments.**

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **APPROVAL** of Petition **#3236 and #MP-2020-6** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 12, 2020 City Planning Commission Minutes
Aerial Map/Zoning Map
GeoSpatial Services Department Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Photometric Plan
Building Elevations
Site Photographs taken by Planning Staff on September 16, 2020
Planning Engineering Comments

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing Rezoning	October 12, 2020 Approval	October 29, 2020
Public Hearing Preliminary Plat	October 12, 2020 Approved	TBD
Public Hearing Master Plan Amendment	October 12, 2020 Approval	October 29, 2020

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition #3236 to as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3236 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **#MP-2020-7,** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#MP-2020-7,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 12, 2020 City Planning Commission Minutes:

Hearing starts at 1:07:05:

CHANGE OF ZONE APPLICATION #3236 – GREG SCOVITCH WITH HILLWOOD ENTERPRISES, LP – SYNOPSIS: Change of Zone from A-G Agriculture District to MP-2 Planned General Industrial District for Urban Outfitters distribution center at 10901 State Avenue.

URBAN OUTFITTERS FC – SYNOPSIS: Preliminary Plat for one (1) industrial lot at 10901 State Avenue.

MASTER PLAN AMENDMENT APPLICATION #MP-2020-7 – GREG SCOVITCH WITH HILLWOOD ENTERPRISES, LP – SYNOPSIS: Master Plan Amendment from Entertainment (Prairie Delaware Piper Master Plan) to Business Park (Prairie Delaware Piper Master Plan) at 10901 State Avenue.

Detailed Outline of Requested Action: The applicant, Greg Scovitch with Hillwood Enterprises, LP applied for a change of zone from A-G Agriculture District to MP-2 Planned General Industrial District, preliminary plat one (1) industrial lot and amend the

Prairie Delaware Piper Master Plan from Entertainment to Business Park to build one (1) industrial building for warehousing and distribution totaling 1,583,813 square foot on 90.20 acres at 10901 State Avenue with a future building expansion to the west and parking to the south.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 12, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Curt Peterson, Polsinelli, attorney representing the applicant
- Greg Scovitch, Hillwood Enterprises, LP, applicant
- Phil Gibbs, Jr., Continental Consulting Engineers
- Brian Lavery, Continental Consulting Engineers
- Greg Kindle, President of Wyandotte County Economic Development Council, 727 Minnesota Avenue, Kansas City, Kansas
- David Ziel, Chief Development Officer, Urban Outfitters

Present in Opposition/Questions:

- Edgar Galicia, CABA, 1621 Central Avenue, Kansas City, Kansas 66102

Staff Recommendation starts at 1:41:15: Planning Director Hand stated the staff has not received any letters in support or opposition to this proposal. They are requesting a Master Plan Amendment, Change of Zone and Preliminary Plat, which requests a significant change of use. He stated that the staff worked closely with the applicant on multiple conditions. He further stated that this is an open field and the staff developed some of their conditions in order to screen the industrial use from public view. The proposal is a massive building that will be seen from State Avenue, but the loading docks and other service areas will be screened by landscaping. He would like to respond to the seven (7) conditions that Mr. Peterson requested revisions (listed below):

(1) Stipulation #3

Developer Proposed Modification: A ten (10) foot sidewalk shall be constructed along State Avenue and Speedway Boulevard. ~~A five (5) foot sidewalk shall be constructed the length of Talladega Drive.~~

Director Hand Response: Both State Avenue and Speedway Boulevard are in the Sidewalks and Trails Master Plan as regional trails. Talladega Boulevard is a private street but as this property is a significant change of use, staff believes that it will need to transform also. The staff continues to recommend a 5' driveway on Talladega Drive.

Chairman Carson: If this is a private road, is the public going to use it or is a sidewalk to nowhere being built? **Director Hand** stated that argument could be made on any parcel on a Greenfield site. Talladega is a private drive built to public standards. The only reason that it is private is that it is maintained by the Speedway. It is used as a public drive during events at the Kansas Speedway and was built to public standards. He noted the request Change of Zone from an agricultural zoning and an entertainment use/parking for the Speedway to a 24-hour industrial/distribution operation. **Chairman Carson** asked if there are sidewalks around the Hollywood Casino? **Director Hand** stated no.

Commissioner Mohler stated that the applicants with smaller developments/businesses are hammered with regard to striping, landscaping, screening, etc. and he has an issue when there are larger developments/proposals and a lot of the details are "glossed over" that everyone else is required to do. He further stated that he has an issue with not making everyone follow the same basic standards.

Commissioner Ernst asked if there is another private drive where this condition has been required. **Director Hand** stated that he cannot think of one, but this is not a typical drive. This is the beginning, as the staff understands, of developing the outer parcels. When the agreements were done with the Speedway the UG did not know that there would be a distribution center of this size open 24/7 at this location. With the American Royal, etc. going in this will not be a road to nowhere. These types of developments spur other developments.

Commissioner Miller stated that there was a subdivision in Piper that was considered several years ago and the sidewalks were left in because there was discussion of a school going in at a future time. He does not feel that this is the first time it has been done. Why build the sidewalks after the fact when it can be done now.

Director Hand stated that he just received information from staff that the car dealerships on North 110th Street has private drives with sidewalks.

(2) Stipulation #9

Developer Proposed Clarification: The fence will not be screened with a berm from the private street (Talladega) or a portion of Speedway Boulevard south of Talladega.

Director Hand stated that a portion of this condition was not included in the Summary of Conditions, that is not included in the full report. The staff is asking that the proposed

chain-link fence be an architectural fence with wrought iron, which is the same fence application as the Speedway whether it is visible from the street or not.

(3) Stipulation #10

Developer Proposed Deletion: ~~The applicant will raise the berm to screen views and this will be confirmed at DRC before grading permit is approved.~~

Director Hand stated that this is standard language. When the project goes to DRC, these berms will be reviewed. This is the normal procedure.

(4) Stipulation #13

Developer Proposed Modification: Seed for turf in the future expansion footprints of building, trailer storage and employee parking lots.

Director Hand stated that #13 is related to #12. There is a Factor to be Considered about maintaining the topography and natural character of the site and the staff recommended Wildflowers, which is understood to require maintenance and time to establish. The staff looked at the existing field and site context and made that recommendation. He further stated that the new zoning code that is being developed does provide greater options regarding native plantings.

(5) Stipulation #17

Developer Proposed Modification:

- The perimeter parking (employee parking) will not include perimeter shrubs, but will include treescape as shown in the landscape plan.
- There are no traditional trash enclosures, only multiple fully enclosed trash compactors. These are not visible from outside the property due to the perimeter berm and substantial ~30-foot grade change. No additional screening will be provided.

Director Hand stated the staff understands that they will have a trash compactor not dumpster, and is requesting a wall be built around the trash compactors as per code. He further stated that with regard to the landscaping in the Commercial Design Guidelines the staff would be amenable to working with the applicant on the landscape plan. The staff took a similar position regarding the Commercial Design Guidelines on this site as they did with the American Royal development across the street. The applicant did change the employee parking lot to meet the Commercial Design Guidelines. Director Hand stated that staff wants to look at the landscaping plan and would not have an issue making a small adjustment. He stated that any deviation from the Commercial Design Guidelines requires the City Planning Commission's approval.

(6) Stipulation #18

Developer Proposed Modification: Additional screening beyond the perimeter landscaping depicted on the submitted landscape plan shall not be required to screen the transformers shown on the plans along the southern portion of the building.

Director Hand stated that this is the standard condition for BPU and the staff.

(7) Stipulation #20

Developer Proposed Modification: Additional screening beyond the perimeter landscaping depicted on the submitted landscape plan shall not be required to screen the generators shown on the plans along the southern portion of the building.

Director Hand stated that this is another standard BPU condition for all generators. In this case, staff wants to ensure that all the mechanical equipment will be screened whether or the ground and roof. Director Hand stated that if the applicant is opposed to this code requirement, they would need to seek a variance from the Board of Zoning Appeals.

Commissioner Jones stated that she would like to note that when the staff or Commission state that consideration will be given (to changing a condition of approval) there should be a reason given for doing so. The Commission does not want to give the appearance that small and big businesses are being treated differently, but the circumstances surrounding a condition may be different.

Director Hand stated that this is a significant change from the adopted area Master Plan, and with all the comments tonight and during staff review, the staff recommends approval of these applications with the conditions in the staff report.

Mr. Peterson stated that they believe that the correct fencing at this location is the black vinyl coated fence. He stated that it is not a cost issue, but a long-term quality issue. It is a truck-traffic environment and the black vinyl coated fence will be better for the long-term maintenance.

Motion and Vote starts at 2:07:15:

On motion by Mrs. Jones, seconded by Mr. Reasons, the Planning Commission voted as follows to recommend **APPROVAL** of Master Plan Amendment #MP-2020-7**:**

Carson	**Chairman**
Armstrong	**Aye**
Cho	**Aye**
Connelly	**Aye**
Ernst	**Aye**
Huey	**Not Present**

Jones Aye
Miller Aye
Mohler Aye
Pauley Not Present
Reasons Aye
Motion to RECOMMEND APPROVAL Passed: 8 to 0

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application #3236**:**

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

1. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;**
2. **Per Business Licensing Department: Occupying business will need to file and maintain a current business occupation tax application with this office;**
3. **A ten (10) foot sidewalk shall be constructed along State Avenue and Speedway Boulevard. A five (5) foot sidewalk shall be constructed the length of Talladega Drive;**
4. **The Kansas City ATA transit stop shall be constructed prior to the completion of the warehouse building/distribution center and a request for a Temporary Certificate of Occupancy (TCO);**
5. **The decibel level shall not exceed the performance standards for MP-2 Planned General Business District;**
6. **If vehicles are being repaired (i.e. oil changes, tire rotations, engine/transmission repair, etc.), a Special Use Permit is required for that specific use per Sec. 27-593(b)(20);**
7. **Downspouts shall be integrated to the extent possible into building articulations and be painted to match the building. Downspouts shall be internalized on the east side of the building (office);**
8. **The 350,000-gallon water tank has been removed and shall not be included in this project;**
9. **The applicant states that the fence will not be visible due to the berm, however, chain link does detract from the overall appearance, powder**

coated or vinyl. Staff recommends that wrought iron fencing is constructed;

10. **The applicant will raise the berm to screen views and this will be confirmed at DRC before grading permit is approved;**
11. **The internal sidewalk/trail system shall be constructed during the initial phase of development, prior to TCO request and inspection;**
12. **Native grass seed shall be added to areas around the extended detention basins and continuously maintained;**
13. **Plant and maintain native grasses and wildflowers in the future expansion footprints of building, trailer storage and employee parking lots;**
14. **The site for the proposed distribution center requires 393 trees exclusive of the street tree and parking lot island tree requirements.**

    One (1) tree is required for every thirty (30) linear feet of frontage along a major street. This requirement extends to State Avenue, Speedway Boulevard and Talladega Drive.

    Twenty (20) consecutive parking spaces (or groups of forty (40) for double loaded aisles) shall have a curbed and landscaped parking lot island. The ends of each row of parking shall have curbed and landscape islands as well. One (1) tree shall be planted in each island.

    Office ratios shall meet the Commercial Design Guidelines standards;
15. **All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;**
16. **All landscaping shall be irrigated;**
17. **Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.**
    a. **All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;**
18. **BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;**
19. **All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;**
20. **Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall**

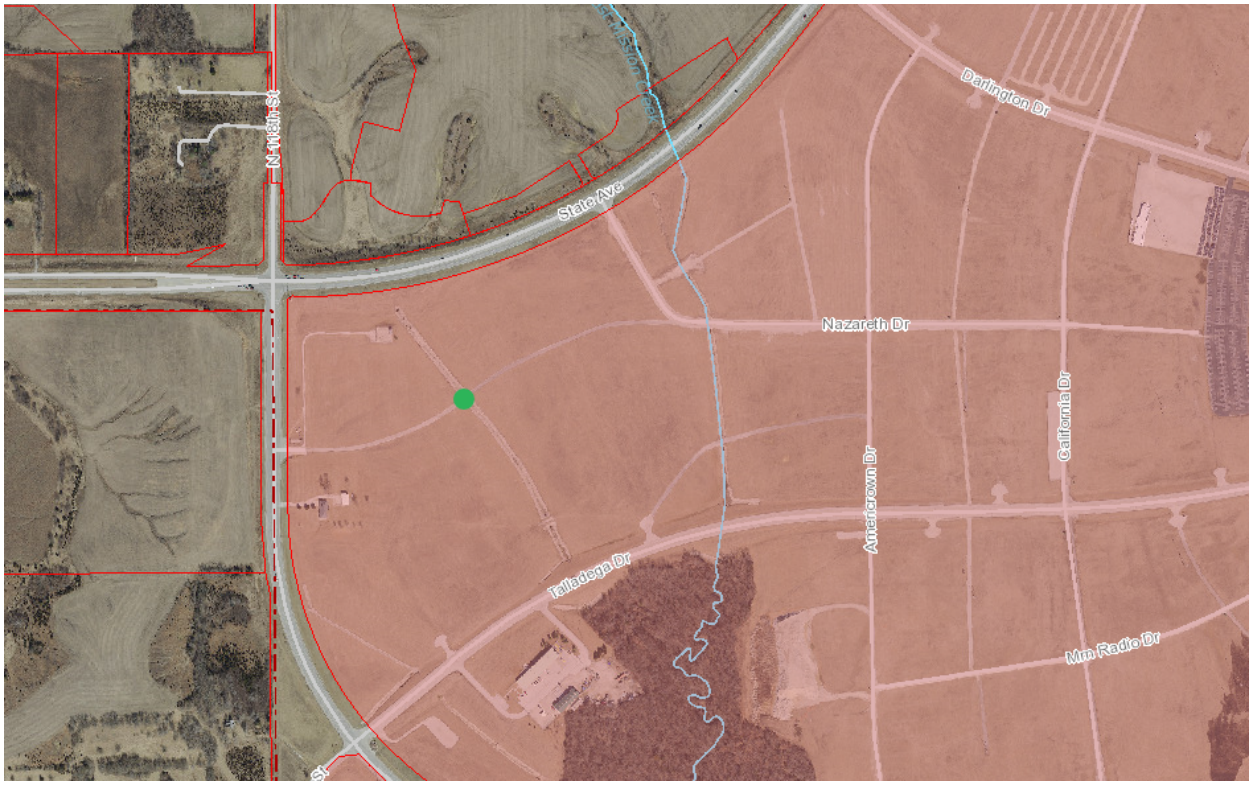
either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;

21. **Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;**
22. **All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. A Temporary Certificate of Occupancy to occupy the building will not be issued by Planning staff until this is accomplished; and,**
23. **Shall comply with the sign ordinance.**
24. **Shall comply with Planning Engineering comments.**

On motion by Mrs. Jones, seconded by Mr. Reasons, the Planning Commission voted as follows to **APPROVE** Urban Outfitters FC Preliminary Plat**:**

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

Motion to APPROVE Passed: 8 to 0
Subject to the above stipulations.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Talladega Dr
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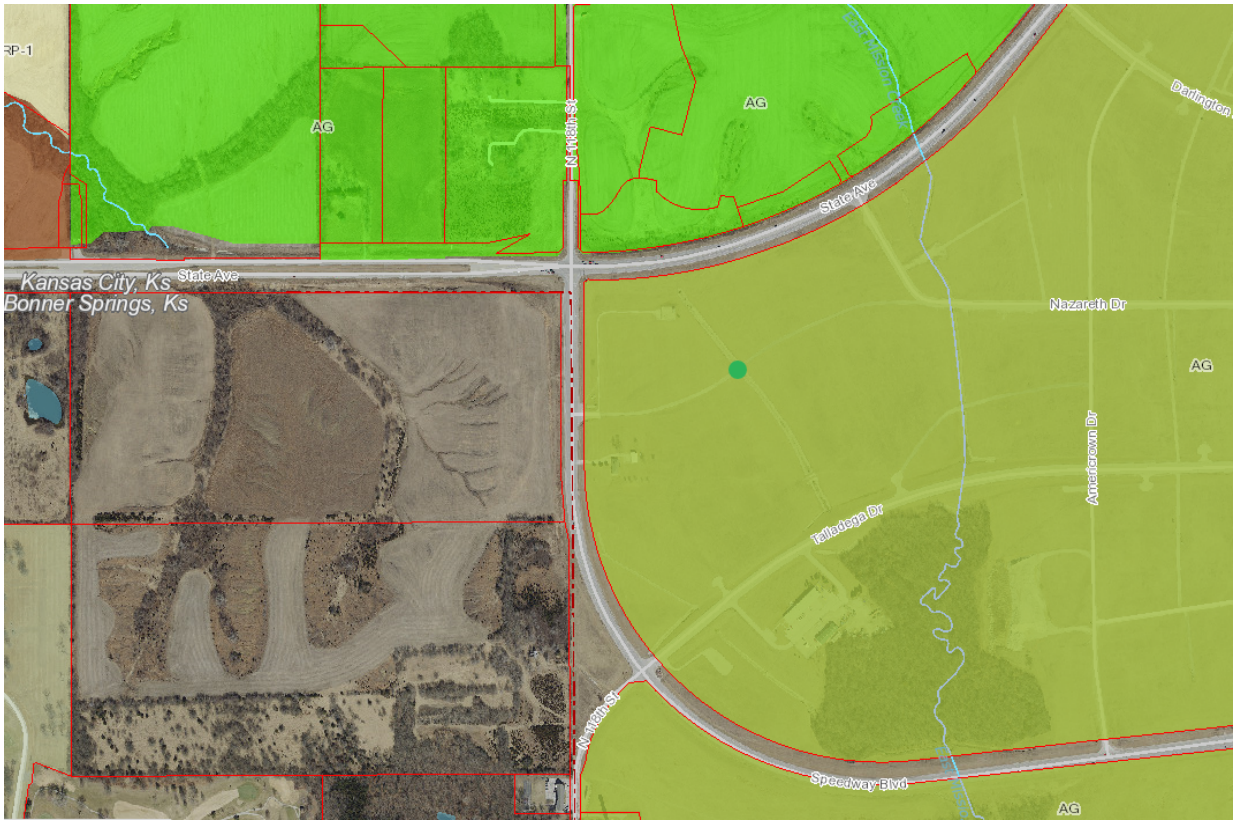
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AG
N 118th St
State Ave
Kansas City, Ks
Bonner Springs, Ks
Darlington
Nazareth Dr
Amesbrown Dr
Talladega Dr
Speedway Blvd

GeoSpatial Services
A Division of the Knowledge Office

710 North 7th Street Suite 200
Kansas City, Kansas 66101

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Gunnar Hand, Urban Planning and Land Use
Janet Parker, Urban Planning and Land Use
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: September 14, 2020
RE: **URBAN OUTFITTERS FC**

We have researched the official county records for the above plat as submitted to Urban Planning and Land Use by:
Continental Consulting Engineers, Inc.

And we have determined the following:

Takes part of CIC-TAS Parcel:
258600

Owner-of-Record:
Kansas International Speedway Corp.

Jurat Signature:
Hillwood – Gregory Scovitch

We find that the plat is: **Presently unacceptable for posting.**

Please note the following comment.

1) Preliminary
The plat is preliminary.

SINCE 1976
Continental
CONSULTING ENGINEERS, INC.

9000 State Line Road
Leawood, Kansas 66206

11006 Parallel Parkway, Suite 1
Kansas City, Kansas 66109

Tel: (913) 642-6642
Fax: (913) 642-6941

September 28, 2020

Mr. Tony Sabljak
Development Review Coordinator
Department of Urban Planning and Land Use
Neighborhood Resource Center
Unified Government of Wyandotte County / Kansas City, Kansas
4953 State Avenue
Kansas City, Kansas 66102

RE: Preliminary Development Plan and Plat, Master Plan Amendment, COZ Application
Urban Outfitters Kansas Development Center

Mr. Sabljak,

Attached please find the following responses for the review comments for the Urban Outfitters Kansas Fulfillment Center proposed on the south side of State Avenue, east of Speedway Boulevard. Unified Government comments in italics, responses in red.

FACTORS TO BE CONSIDERED:

1. Neighborhood character *The area is dominated by the undeveloped perimeter of the Kansas Speedway racetrack. Other prominent features include the future site of the American Royal to the north, the Kansas Speedway racetrack to the east and the City of Bonner Springs to the west.*
Applicant Response: The U.G.'s Prairie Delaware Piper Master Plan published in 2004, anticipated this area could become an employment area. On page 30 of the plan, it specifically mentions this area and proposed type of use, "**Employment Areas** – Locations adjacent to the interstate highway system have been identified as existing or potential employment areas. The Kansas Speedway and Village West development are one center and should continue to develop. Another is along K-7 and Donahoo Road. This potential center is reserved based on the desire to improve K-7 to a limited access highway, planned improvements to Donahoo Road and the planned interchange of Donahoo Road with I435. In addition to speedway-related industrial development, the location near the junction of two major interstates makes it attractive for wholesaling, warehousing and distribution facilities. These employment uses also support retail and commercial establishments that will be located nearby."

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. *The zoning and uses of properties nearby are set out above. The proposed industrial warehouse and distribution center is not compatible with the residential properties in the area. While the parcel is undeveloped around the Kansas Speedway, except for the Hollywood Casino, this area remains rural and undeveloped.*

Applicant Response: The U.G.'s Prairie Delaware Piper Master Plan published in 2004, anticipated this area could become an employment area. On page 30 of the plan, it specifically mentions this area and proposed type of use, "**Employment Areas** – Locations adjacent to the interstate highway system have been identified as existing or potential employment areas. The Kansas Speedway and Village West development are one center and should continue to develop. Another is along K-7 and Donahoo Road. This potential center is reserved based on the desire to improve K-7 to a limited access highway, planned improvements to Donahoo Road and the planned interchange of Donahoo Road with I435. In addition to speedway-related industrial development, the location near the junction of two major interstates makes it attractive for wholesaling, warehousing and distribution facilities. These employment uses also support retail and commercial establishments that will be located nearby." The American Royal project is approved for development to the North of this project with both Commerical and Agricultural zoning and Special uses. The Bonner Crossing development is approved for development to the West in Bonner Springs, which is a commercial and mixed use development that will be supported by this development. The nearest residential area is a row of homes along 118th Street and are approximately 1/3 mile from the proposed facility.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property? *The property is not suitable for the industrial uses that it has been restricted. The removal of the restrictions may affect nearby property. The racetrack has peak times during the evenings and weekends only three (3) times annually. This distribution center will be operating 24 hours a day, 7 days a week, 365 days a year.*

Applicant Response: The U.G.'s Prairie Delaware Piper Master Plan published in 2004, anticipated this area could become an employment area. On page 30 of the plan, it specifically mentions this area and proposed type of use, "**Employment Areas** – Locations adjacent to the interstate highway system have been identified as existing or potential employment areas. The Kansas Speedway and Village West development are one center and should continue to develop. Another is along K-7 and Donahoo Road. This potential center is reserved based on the desire to improve K-7 to a limited access highway, planned improvements to Donahoo Road and the planned interchange of Donahoo Road with I435. In addition to speedway-related industrial development, the location near the junction of two major interstates makes it attractive for wholesaling, warehousing and distribution facilities. These employment uses also support retail and commercial establishments that will be located nearby." The American Royal project is approved for development to the North of this project with both Commerical and Agricultural zoning and Special uses. The Bonner Crossing development is approved for development to the West in Bonner Springs, which is a commercial and mixed use development that will be supported by this development.

4. The length of time the property has remained vacant as zoned. *The property has been zoned A-G Agriculture since the 1970s. The property is used for overflow parking during race events on weekends.*

Applicant Response: The U.G.'s Prairie Delaware Piper Master Plan published in 2004, anticipated this area could become an employment area. On page 30 of the plan, it specifically mentions this area and proposed type of use, "**Employment Areas** – Locations adjacent to the interstate highway system have been identified as existing or potential employment areas. The Kansas Speedway and Village West development are one center and should continue to develop. Another is along K-7 and Donahoo Road. This potential center is reserved based on the desire to improve K-7 to a limited access highway, planned improvements to Donahoo Road and the planned interchange of Donahoo Road with I435. In addition to speedway-related industrial development, the location near the junction of two major

interstates makes it attractive for wholesaling, warehousing and distribution facilities. These employment uses also support retail and commercial establishments that will be located nearby."

5. The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property. *Distribution uses support the economy, but provide an increasingly smaller share of jobs due to automation. This type of use will induce development that will increase, but could significantly impact visual quality of the existing character of western fringe of The Legends and Village West area.*

Applicant Response: This project will be a substantial job creator and the owner has committed to making a significant effort to hire Wyandotte County residents to fill the jobs. Automation creates more efficiency in the facility, which also leads to more training of employees for the necessary jobs. The training leads to raising human capital, greater opportunities and higher wages for the employees. This facility is a thoughtfully designed project that is very much consistent with the scale and character of businesses in the Village West/Kansas Speedway area.

6. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems. *The proposed development will significantly increase passenger vehicles and over-the-road trucks in ways that could adversely affect the road capacity of both State Avenue and Speedway Boulevard. Public Works is reviewing the Traffic Impact Study and their comments were forwarded ahead of this report.*

Applicant Response: The project's orientation and layout have been thoughtfully designed to orient the truck entrance of the facility nearest to the interstate 70 access point anticipated to be the primary truck route. The professionally prepared traffic impact analysis outlines the project's overall traffic and recommends improvements to address any impacts. This project also plans for an onsite Transit Stop location for the convenience of employees and to encourage mass transit use. Ongoing discussions with the U.G.'s Justus Welker and KCATA will continue as the project progresses.

7. The degree of conformance of the proposed use to the Master Plan. *The proposed use does not conform to the Prairie Delaware Piper Master Plan. A Master Plan Amendment has been filed and is part of this application. The proposed Business Park designation will significantly change the Entertainment character adjacent to one of the region's most cherished entertainment assets. This site is center to the changes occurring all around. This character is further developed with the American Royal and Bonner Crossing.*

Applicant Response: The project seeks a master plan amendment to the Business Park designation. The current Speedway area is shown as Entertainment on the Future Land Use Map 11; however, the property immediately across State Avenue to the North shows both Business Park and Planned Commerical. Thus, the Business Park use is anticipated for this area in the U.G.'s Prairie Delaware Piper Master Plan published in 2004. The overall area was projected to become an employment area. On page 30 of the plan, it specifically mentions this area and proposed type of use, "**Employment Areas** – Locations adjacent to the interstate highway system have been identified as existing or potential employment areas. The Kansas Speedway and Village West development are one center and should continue to develop. Another is along K-7 and Donahoo Road. This potential center is reserved based on the desire to improve K-7 to a limited access highway, planned improvements to Donahoo Road and the planned interchange of Donahoo Road with I435. In addition to speedway-related industrial

development, the location near the junction of two major interstates makes it attractive for wholesaling, warehousing and distribution facilities. These employment uses also support retail and commercial establishments that will be located nearby." The American Royal project is approved for development to the North of this project with both Commerical and Agricultural zoning and Special uses. The Bonner Crossing development is approved for development to the West in Bonner Springs, which is a commercial and mixed use development that will be supported by this development.

8. The extent to which the proposed use could cause environmental harm or enhance the environment. *The proposed use should not cause environmental harm because the detention basins are proposed in the southwest and southeast corners of the site will capture runoff before it is discharged into the storm sewer. Greater truck volumes in the vicinity will increase exhaust emissions and there will be increased energy consumption of a larger warehouse building.*
Applicant Response: Understood

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

a. Water service *Available* Applicant Response: Communication with BPU Water has begun to ensure adequate domestic and fire capacity is available for the facility.

b. Sanitary sewer service *Not available* Applicant Response: The U.G. has a sanitary pumping station on the property that will be the service location for the facility. Communication with U.G. Water Pollution Control representatives related to the details of the service connection and reconfiguration of the access drive to the existing U.G. facility upon development of this project.

c. Storm water control *To be designed to meet City Code*. Applicant Response: Extended wet detention facilities are proposed as part of the project to provide both stormwater and water quality controls for this project, per U.G. codes.

d. Police Police *service is provided by West Patrol, District #225* Applicant Response: Understood

e. Fire *Fire service is provided by Fire Station #6 located at 94th Street and State Avenue*. Applicant Response: A new Fire Station on Hutton Road is also just over 2 road miles away from the site. Ongoing discussions with the Fire Department will continue as the project design progresses.

f. Transit *Kansas City ATA does not provide transit service to this property. The closest transit stop is approximately 1.5 miles on Village West Parkway, Route #101* Applicant Response: Discussions with the U.G.'s Justus Welker as well as KCATA have been ongoing. An onsite Transit Stop has been negotiated whereby the bus will have a place to end this likely express route and return the route back to the transit center located at the former Indian Springs Mall location.

g. Schools *Public education is provided by Bonner Springs USD 204*. Applicant Response: Understood

h. Streets *To be designed to meet Public Works standards*. Applicant Response: Understood

10. The economic impact of the proposed use on the community. *The proposed use will have a beneficial economic impact on the community by turning a vacant property into a tax generating use, however in the future these jobs will be automated leaving large warehouse buildings empty in its entirety or the scale of the operation is significantly reduced.*
Applicant Response: This project will be a substantial job creator and the owner has committed to making a significant effort to hire Wyandotte County residents to fill the jobs. Automation creates more efficiency in the facility, which also leads to more training of employees for the necessary jobs. The training leads to raising human capital, greater opportunities and higher wages for the employees. This project application shows room allocated for future expansion on the West side of the facility.

11. The capability of the proposed use to meet applicable ordinance requirements. *With revisions, the proposed use is capable of meeting applicable ordinance requirements.*
Applicant Response: Acknowledged

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is negligible due to the increase in truck traffic at this future intersection. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they originally intended.*
Applicant Response: The project's orientation and layout have been thoughtfully designed to orient the truck entrance of the facility nearest to the interstate 70 access point anticipated to be the primary truck route. The professionally prepared traffic impact analysis outlines the project's overall traffic and recommends improvements to address any impacts. This project also plans for an onsite Transit Stop location for the convenience of employees and to encourage mass transit use. Ongoing discussions with the U.G.'s Justus Welker and KCATA will continue as the project progresses. This project will be a substantial job creator and the owner has committed to making a significant effort to hire Wyandotte County residents to fill the jobs. Automation creates more efficiency in the facility, which also leads to more training of employees for the necessary jobs. The training leads to raising human capital, greater opportunities and higher wages for the employees. This project application shows room allocated for future expansion on the West side of the facility.

13. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity. *The development can be used safely without danger to health, flood, erosion or fire if designed, constructed and maintained properly. Excessive noise, parking lot and building lighting, and headlights may be further mitigated by an increased berm, landscaping and lowering the building into the site. Pedestrian safety is of the upmost importance and there may be a conflict with large over-the-road trucks driving on and increased emissions along State Avenue and Speedway Boulevard and the effect this will have on public health.*
Applicant Response: This project will meet the zoning ordinance for noise and light trespass at the facility. All site lighting have full cut off fixtures with a zero footcandle lighting level at the property line, see the lighting details and photometric plans. The nearest residence is approximately 1/3 mile from the proposed building and topographically beyond the ridge where the existing WaterOne water surge tank is located. The applicant strongly agrees that pedestrian safety and any conflicts with truck traffic routes should be minimized. For this very reason, the applicant does not want to promote any pedestrian traffic along Talladega Drive, a private street and primary truck entrance/exit for the facility.

14. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses. *The Major Street Plan classifies State Avenue and Speedway Boulevard as a Class A Thoroughfares. Internal streets will be designed so as*

to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses. While staff cannot predict the future land and building uses, but Bonner Crossing has proposed a large mixed-use development to the west, across Speedway Boulevard and if development and growth continues in the Village West area, the undeveloped land around the Kansas Speedway to the south and east will only reinforce the need for pedestrian circulation and connectivity not only for recreation, but also transit stops that will be necessary to transport employees to their places of employment.

Applicant Response: The applicant agrees that pedestrian connectivity is important, but believes it is imperative to keep pedestrians away from truck traffic on Talladega Drive, a private roadway. We believe that the submitted design which constructs a 10 foot trail/walk in the right-of-way of Speedway Boulevard and State Avenue along the public perimeter of this project is the safest place to promote area pedestrian use. Proposed sidewalk from State Avenue extends to the sidewalk along the front of the building and connects to the onsite transit and ride share drop-off areas. The applicant has also included with this resubmission a loop (approximately ½ mile in length) of sidewalk around the perimeter of the employee parking lot for the use of employees for exercise during work breaks.

15. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values. *Buildings and streets will be arranged as to afford adequate light, and open space to facilitate fire protection and long-term sustained real estate values by further development State Avenue as a transit corridor and for facilitating pedestrian access through the reintroduction of the street grid.*

Applicant Response: The facility layout with inclusion of onsite transit and ride share drop-off areas were strategically planned along with an area for future expansion and proper traffic and pedestrian movements in mind.

16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced. *This building will be highly visible from all sides. Greater efforts are needed to screen the dock doors and trailers from State Avenue, Speedway Boulevard, and Talladega Drive. The site slopes from northwest to southeast towards the Kansas Speedway racetrack, so there are no natural features of the land that can be protected or enhanced. To incorporate these natural features into the development, open fields that are illustrated on the landscape plan is be hydroseeded should be changed to wildflowers and other native grasses and vegetation.*

Applicant Response: A six foot high berm along the perimeter of Speedway Boulevard and State Avenue are incorporated into the design to cutoff visual sightlines of the facility from the adjacent roadways. Reference the sight line exhibit in the plan submission which illustrates that substantially all dock doors and trailers are screened from view of the public roadways via the earth berms and landscaping. In response to the request to plant native grasses and wildflowers in the open fields, the applicant wanted to clarify that the identified open fields are actually a)an off-property area intended to be restored for Kansas Speedway grass parking in the northeast part of the project and b)the location of the employee parking lot expansion needed when the building expansion occurs in the southeast part of the site.

17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities. *There are no aforementioned amenities that are being provided for residents except that ten (10) foot sidewalks will be constructed along State Avenue and Speedway Boulevard and a five (5) foot sidewalk along Talladega Drive as well as pedestrian circulation, fitness trail, and new transit stop on State Avenue.*

Applicant Response: The applicant agrees that pedestrian connectivity is important, but believe it is imperative to keep pedestrians away from truck traffic on Talladega Drive, a private street and primary truck entrance/exit for the facility. We believe that the submitted design which constructs a 10 foot trail/walk in the right-of-way of Speedway Boulevard and State Avenue along the public perimeter of this project is the safest place to promote area pedestrian use. Due to safety concerns, the applicant does not agree to provide a five (5) foot sidewalk along Talladega Drive, a private street and primary truck entrance/exit for the facility. A proposed sidewalk from the State Avenue trail extends to the sidewalk along the front of the building and connects to the onsite transit and ride share drop-off areas. The applicant has also included with this resubmission a loop (approximately ½ mile in length) of sidewalk around the perimeter of the employee parking lot for the use of employees for exercise during work breaks.

Erosion Control Review No. 1 Comments:

1) *As discussed with UG staff on 09.14.2020, please revise the plans to indicate construction entrance on Talladega Drive. Remove the construction entrance proposed on State Avenue.* The State Avenue construction entrance has been removed from the plans.
2) *Proposed grading work outside the project boundary shall require construction easement(s).* Understood.
3) *All items used in the erosion control plan that have a Standard UG Detail, shall be referred to by the standard UG Detail Number in the written erosion control plan and the construction sequence. (See UG checklists, standards and criteria)* Understood.
4) *Final erosion control plan shall include all construction details and calculations as necessary in accordance with the UG standards and criteria, at an appropriate scale. Call out UG standard detail numbers (for example, UG 1400-A, 1400-C, 1400-E, and 1400-K) and provide details where the UG does not have any, e.g., APWA curb inlet protection.* Understood.
5) *With final development plans, provide notes on the erosion control plans and stormwater quality BMP plans regarding cleaning sediment from the basins after use as ESC features and prior to final restoration as post construction stormwater quality BMPs.* Understood.
6) *Applicant will need to identify and acquire all necessary permits including local, state and federal jurisdictions for all work including land disturbance.* Understood.
7) *Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. These will need to include construction notes, separate drawings and references covering the phases of construction with leaders and notes that describe when EC BMPs are placed on site and removed. Only preliminary engineering drawings are required at this time.* Understood.

General Engineering Review No. 1 Comments:

1) *Civil plans shall be sealed, signed and dated by a Professional Engineer registered in the State of Kansas.* Understood.
   Based on the meeting with UG staff on 09.14.2020, provide a cover letter regarding the relocation of the drive entrance to pump station 64. A letter regarding the relocation of the drive entrance is included with this submittal. In addition, a private gated drive will be provided to the pump station with signs that indicate 'no trespassing'.
2) *Please coordinate with Byron Toy, (913-573-5757), UG Planning and Zoning regarding sidewalk and parking spaces requirements.* The plans have been submitted to Tony Sabljak, DRC Coordinator, for distribution to Planning and we have received comments, see further sections below.
3) *Please coordinate with Harvey Fields (913-573-5947) regarding additional Fire Department requirements. e.g. fire lanes, hydrant locations, etc. In this regard, provide a truck turning template for the site. This shall be CAD prepared e.g. Auto Turn and for the largest truck maneuvering into/out of the site.* The plans have been submitted to Tony Sabljak, DRC Coordinator, for distribution to Fire, no comments have been received.
4) *Submit proposed Water lines to BPU Water for review.* The plans have been submitted to Tony Sabljak, DRC Coordinator, for distribution to BPU Water, no comments have been received.
5) *Engineered sloped shall not be steeper than 3:1 Also, verify retaining walls are not proposed with the development.* Understood.
6) *See Erosion Control review comments.* See sections above.
7) *See Storm Drainage review comments.* See sections below.
8) *See Sanitary Sewer review Comments.* See sections below.
9) *See Stormwater Quality review comments.* See sections below.
10) *See Public Street review comments.* See sections below.
11) *The preliminary plat shall incorporate County Surveyor comments. Typically, the County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat.* The correspondence from the County Surveyor, Brent Thompson indicated that there were no comments on the plat.
12) *Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.* Understood.

Sanitary Sewer Review No. 1 Comments

1) *With revised plans, please incorporate the changes on the sanitary service line per the meeting on 09.14.2020 with Kris Finger - UG Water Pollution Control i.e. private vs public sanitary sewer service line, location of valves, riser, T-connection etc.* Understood, these details will be provided at Final Development Plan. A note has been added to these plans to indicate the connection. In addition, a private gated drive will be provided to the pump station with signs that indicate 'no trespassing'.
2) *Sanitary sewer clean-outs and /or manholes on the private sanitary service lines shall be in accordance with the applicable uniform plumbing code.* Understood.
3) *Final Development Plans / Plat will have to be approved before going to planning commission with approval to obtain permits. These will need to include final engineering, calculations, and*

complete drawings with construction notes and details. Final Development Plans / Plat must meet the requirements of KDHE and UG standards. Only preliminary drawings are required at this time. Understood.

Storm Drainage Review No. 1 Comments

1) *With final plans illustrate settlement forebay areas for the proposed detention / infiltration ponds in accordance with UG standards and criteria and / or the MARC BMP Manual.* Understood.
2) *With final development plans, provide hydrology data table for the 10 and 100-year storm events. Provide all data as necessary for review including but not limited to pipe size, pipe material, flows, capacity, velocity, slope, rim elevation, HGL, EGL, etc.* Understood.
3) *With final development plans, provide plan and profile drawings of the storm infrastructure which shall include all utility crossings, appropriate clearances, HGL, EGL, etc. Verify that the 100-year HGLs and EGLs will not exceed the rim elevations of the structures in accordance with UG standards and criteria.* Understood.
4) *With final development plans, identify UG standard detail numbers on the plans by call out or reference and provide details for any that are not covered by UG technical provisions. Verify proposed improvements meet UG standards and criteria.* Understood.
5) *For future reference, if this project includes public storm sewer improvements; the public storm sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public storm sewer improvement plans shall include erosion control. This set of plans is not required at this time but will be required for final development plans.* Understood.
6) *All public storm sewers will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater). Illustrate proposed easements on the plat/plans, if applicable.* Understood.
7) *All public storm sewer will need to be accessible by vehicle for maintenance purposes. The layout, topography / slopes and ground cover shall be considered and identified on the plans where the storm sewer is proposed.* Understood, this will be addressed with Final Plans.
8) *Applicant will need to identify and acquire all necessary permits including local, state and federal jurisdictions for all work that may be under the applicable jurisdictions.* Understood.
9) *Final Development Plans / Plat will have to be approved before going to planning commission with approval to obtain permits. This will include complete drawings of the pipe systems, and drainage areas with 5-year and 100-year tables, outlet structures and rip rap, plan and profile views with HGLs and EGLs (per UG standards, energy grade lines shall not exceed ground surface), final calculations, and all details necessary for review. Final Development Plans must meet the requirements of UG standards. Only preliminary drawings are required at this time.* Understood.

Stormwater Quality Review No. 1 Comments

1) *The stormwater facilities shall be accessible by vehicle for maintenance and inspection purposes. The layout, topography/slopes and ground cover shall be considered and identified on the plans where the storm facilities are proposed.* Understood, this will be addressed with Final Plans.
2) *With final development plans, provide an Operation and Maintenance Manual and inspection checklists for the post-construction stormwater quality BMPs in accordance with the MARC BMP Manual. This document should be formatted to be provided to the owner and include the site address, owner's contact information, description of BMPs on site, relevant plan sheets, operation*

and maintenance information, inspection calendar, inspection log, sample inspection form, etc. In this regard, the O & M shall include inspections frequency, sediment removal, corrective maintenance measures, etc. Include a statement that the UG may request inspection reports. Understood.

3) *With final development plans, provide construction level detailed drawings of the proposed BMPs i.e. extended wet detention basins (including dimensions, contours, inlet and outlet elevations and details, etc.).* Understood.
4) *Final Development Plans will have to be approved before going to planning commission with approval to obtain permits. These will need to include final engineering, calculations, and complete drawings with construction notes and details. Final Development Plans must meet the requirements of the MARC BMP manual, UG standards, criteria, and checklists. Only preliminary plans are required at this time.* Understood.

Street Review Comments No. 1

1) *Comprehensive Traffic Engineering comments shall be forthcoming from UG Public Works. However, based on a preliminary review of the proposed site layout with UG Public Works, please address the following comments from the County Engineer: -*

a) *This stretch of State Avenue has been designed and laid out as an access controlled Arterial Roadway with full access planned every ½ mile. The TIS and proposed plan shows a full access with a Signal at Nazareth Drive which splits the ½ mile segment and proposes a signal at the ¼ mile mark. As originally discussed, consideration was given to allow full access at this location. However, after further review and analysis of the traffic impact to State Ave., it appears in the best interest for the long-term benefit of this corridor to stick with the original ½ mile configuration for full access. This is the same approach that has been taken with proposed surrounding developments on the NE and SW corners of 118th and State Ave.*
b) *Options to consider with elimination of full access at Nazareth Drive:*

i. *Revise the plans to make Talladega Drive the main entrance for all traffic and provide right-in/right-out off State Avenue. Buses could be accommodated by entering the site from Speedway Blvd. and exiting onto State Ave. after drop off. Further discussion with staff may be required.*
ii. *Provide an internal street to connect the to the Speedway from the project site to Darlington/proposed 115th Street where a traffic signal is planned in the future. Also, this may provide additional benefit to the Speedway if there are plans to develop more land. Further discussion with staff may be required.*

c) *If the main entrance is moved to Talladega Drive. it would eliminate much of the proposed improvements necessary on State Ave, however, it may add additional necessary improvements on Speedway Blvd.*
We are requesting that a full access signalized intersection at State Avenue/Nazareth be constructed and used until the point where adjacent development or traffic on State Avenue warrants the traffic signal at Darlington/115th Street. At that time, the full access at State/Nazareth will be converted to a ¾ access intersection (right in, right out, left in, NO left out) based on the revised traffic study and input from the UG and this project will be responsible for removing the traffic signal at State Ave/Nazareth and constructing access over to the Darlington/State Avenue traffic signal for signalized full access.

2) *For future reference, if this project includes public street improvements; the public street improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public street improvement plans shall include erosion control. This set of plans is not required at this time but will be required for final development plans.* Understood.
3) *Final development plans will have to be approved before going to planning commission with approval to obtain permits. This will include complete drawings of the street layout, signage, pavement markings computations and details, Intersection Curb Return radii, Intersection sight distance etc. Only preliminary drawings are required at this time.* Understood.

Planning and Urban Design Comments:

General Planning:

1. Per Business Licensing Department: Occupying business will need to file and maintain a current business occupation tax application with this office. Understood.
2. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. Understood.
3. Where are the pad sites that were supposed to be on State Avenue as previously discussed with Doug Bach, County Administrator, Gunnar Hand, Director of Planning and Urban Design and Rob Richardson, Director of Development Coordination and Customer Service Success? Upon further development of the plan, those initial pad sites have been removed
4. A ten (10) foot sidewalk shall be constructed along State Avenue and Speedway Boulevard and a five (5) foot sidewalk along Talladega Drive to comply with the Sidewalk and Trails Master Plan. State Avenue and Speedway Boulevard are part of the Regional Trail. The 10 foot sidewalk is currently shown on the plans along the property lines on Speedway Boulevard and State Avenue.
The sidewalk along Talladega Drive shall span the entire length of the property line and shall connect to the proposed sidewalk west of the employee parking to the front entrance of the building from the south, in addition to State Avenue from the north and Speedway Boulevard from the west. An internal sidewalk/trail system ½ mile in length has been added that loops the perimeter of the office side/employee parking side of the development. As a safety measure we would not want to encourage pedestrians to travel along Talladega on a sidewalk that intersects the inbound and outbound truck route.
5. What is the proposed over-the-road route for trucks to and from the facility? The trucks will exit and enter through the guardhouse at the SW corner of the site. The majority of truck traffic will enter and exit onto Talladega and progress to I-70 at 110th Street.
6. The bus stop depicted on the site plan is located northeast of the main employee entrance. The transit stop shall be located on State Avenue. Per discussion with the KCATA, Justus Welker, Urban Outfitters and UG Staff, the transit stop will remain as currently shown. The purpose of this transit stop is to provide transit access for an express route from Indian Springs along I-70 to the site at times correlating the employee shifts. All parties agree that this express type stop is best served closest to the building for employee access and access for the bus driver during stops to have access to restroom facilities.

7. How many employees will be working during the largest shift? Off peak time of year 800 employees/shift
a. How many shifts? Current plan is 2 shifts per day
b. Is there overlapping? Not at this time, but there is flexibility in shifting to address traffic and transit factors
c. 24 hours, 7 days a week? Currently planned for 22 hours, 7 days per week.
8. What is the average decibel level for this day/night operation? The decibel level for this operation will be within the limits allowed by the MP-2 zoning.
9. What is the purpose of the 2,400 square foot out-building west of the trailer parking, northeast of the guard shack? This is a proposed maintenance garage for trucks that operate on the property.
10. Please clarify the rationale for two (2) ingress/egress drive aisles on Talladega Drive. Talladega is a private drive as are the 2 ingress/egress drives into the parking lot. Two drives will allow for the parking lot to load and unload during shift changes. The outer road provides a route for the buses as discussed with KCATA. The outer road also provides a route for a tractor-trailer to loop around if the turn at the guardhouse is missed. Finally, the outer road provides additional access for the Kansas Speedway during events.
11. There shall be an internal walking trail for employees that loops around the perimeter of the development. An internal sidewalk/trail system has been added that loops the perimeter of the office side/employee parking side of the development that is ½ mile in length. As a safety measure we would not want to encourage pedestrians to travel along Talladega on a sidewalk that intersects the inbound and outbound truck route.

Building Architecture:

1. A comprehensive Design Criteria Manual may be submitted to set the standard for design (architectural features, fenestration, building materials and color, etc.) landscaping, screening, on-site amenities, lighting, signages for all future tenants and/or development within the business park. Understood.
2. Downspouts shall be internalized. Scuppers shall be recessed into the corners of the building as not to be in plain view of the public. Internal roof drains and penetrations that bring water into the building envelope will create a risk to the robotic material handling equipment and to the inventory. We would propose that the downspouts be integrated to the extent possible into building articulations and be painted to match the building. The vertical variation in exterior color will be continued where the downspouts are to blend with the building façade. Internal roof drains will be provided on the office (east) side of the building.
3. To break of the façade of the building, do you intend to add artwork or murals to the building? No murals or artwork are proposed for the building, however the building is painted with a variation in color from bottom to top intended to minimize the verticality of the structure. In addition the north, west, and south walls of the building have exterior stair towers with panels that break up the wall. *How will you screen the existing pump?* The UG sanitary sewer pump station is existing and will be screened by the berm. The proposed fire pump has been removed from the plans.
4. Relocate the 350,000 gallon water tank elsewhere on the property as it will be prominently visible from State Avenue or add artwork to it. This could be part of the pump station screening by making it look like an old farm silo. After further analysis, the tank is no longer needed and has been removed from the plan, the fire pump facility will remain as shown.

Landscaping and Screening:

1. The berm does not effectively screen the truck docks and trailer parking from public view. Increasing the height of the berm will not only reduce the visual impact of the distribution center, but also reduce the cost of construction of additional fencing or installing and maintaining excessive landscaping.

What position and height are the sight lines taken from? A passenger in an SUV or truck will be able to look east from Speedway Boulevard or south from State Avenue down into the development and see trailers parked in their docks or in the parking lot.

The landscape plan must be revised to increase the berm height and new sight line cross sections be resubmitted to illustrate that accordingly. The sight lines have been re-drawn with an eye height along the adjacent roadways of 5'-6". As illustrated by the sight lines, the trucks and dock doors are all screened along these views by the berm, only the upper portion of the building is visible.

2. The chain-link fence that is proposed around the perimeter of the site will detract from the high-class business park that is proposed and relatively rural nature of the area. When the Kansas Speedway built permanent parking along State Avenue, closer to Sporting Park, they constructed a wrought-iron fence with masonry columns every thirty-two (32) feet on center. Fencing for non-privacy and screening purposes, wrought-iron shall be installed. The chain link fence is not visible along any public right of ways, it sits down at the perimeter of the truck dock area and out of view from State Avenue and Speedway Boulevard on the north and west. There is no proposed fence along State Avenue like the Kansas Speedway parking near Sporting Park.

3. The Prairie Delaware Piper Master Plan Light Industry/Business Park designation requires landscape buffers, trails, and outdoor sitting areas. Additionally, 25% of the site must be maintained as open space. An internal sidewalk/trail system has been added that loops the perimeter of the office side/employee parking side of the development. A connection to the trail system on State Avenue has been added via a sidewalk from the front door to the State Avenue trail. A 10' trail has been added along the property lines on Speedway Boulevard and State Avenue. Over 9,000 square feet of shaded outdoor dining area has been added to the NE and SE corners of the building to provide the opportunity for employees to spend time outdoors. Over 32 acres of the 90.4 acre site (35%) will be grassed or pond open area. This does not include right of way, parking lot islands or future building or parking expansion area.

To increase connectivity and promote walkability for employees, an internal sidewalk/pathway shall wrap around the perimeter of the site. An internal sidewalk/trail system has been added that loops the perimeter of the office side/employee parking side of the development.

4. Replace hydroseeded areas in the northeast and southeast areas of the site with wildflowers and native grasses. The area at the northeast of the site indicated in hydroseed is on Kansas Speedway property and is used and maintained by the Speedway. The intent would be to restore this to its current state as maintained by the Speedway. The area to the southeast shown as hydroseed is future parking. We can add native grass seed of one variety for the areas around the extended detention basins. The intent of the one variety would be to promote survivability and to decrease the appearance of a 'weedy' look.

5. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping.

The site for the proposed distribution center requires 393 trees exclusive of the street tree and parking lot island tree requirements.

One (1) tree is required for every thirty (30) linear feet of frontage along a major street. This requirement extends to State Avenue, Speedway Boulevard and Talladega Drive.

Twenty (20) consecutive parking spaces (or groups of forty (40) for double loaded aisles) shall have a curbed and landscaped parking lot island. The ends of each row of parking shall have curbed and landscape islands as well. One (1) tree shall be planted in each island.

Per MP-2 zoning, 393 trees are required (1/10,000 sf of site). As a compromise, considering that the east portion of the site is parking for office use, 64 additional trees have been added at a rate of 1 tree per 20 stalls. These trees are beyond the requirement for MP-2 but have been included to supplement the office parking area. Since a berm is being provided along Speedway Boulevard and State Avenue, trees have been added to the top of the 6' tall berm instead of at street level as the berm is unique to the area.

6. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6') feet when planted. All shrubs shall be five (5) gallons when planted. Understood.

7. All landscaping shall be irrigated. Understood.

8. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure. All service entries are currently screened by the berms at the street. The perimeter parking is not adjacent to public street right of way or residential zoning so it is not currently screened although trees have been added to the parking area beyond the code requirements.

a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times. The trash compactors and dumpster areas are screened from the public street by the perimeter berm on the site.

9. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening.

Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. The transformer pads are only on the south side of the building, not adjacent to public right of way. As the final plan develops, methods of screening will be provided so the transformers are not visible from the public street. These methods will be coordinated with BPU as to provide required access and clearances.

10. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen. Understood, these are currently screened.

11. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building. Understood, these are currently screened.

12. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public

streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. All lighting is full cut off with zero footcandles at the lot line, see the lighting details and photometric plans.

13. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. A Temporary Certificate of Occupancy to occupy the building will not be issued by Planning staff until this is accomplished. All lighting is full cut off with zero footcandles at the lot line, see the lighting details and photometric plans.

Sincerely,
CONTINENTAL CONSULTING ENGINEERS, INC.

Brian C. Lavery, P.E.

Cc: G. Scovitch, Hillwood; J. Calliagas, URBN

SINCE 1976
Continental
CONSULTING ENGINEERS, INC.

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September 29, 2020

Ms. Janet Parker, CSC, APC
Department of Urban Planning and Land Use
Unified Government of Wyandotte County / Kansas City, Kansas
701 N. 7th Street, Suite 423
Kansas City, Kansas 66101

RE: Neighborhood Meeting Minutes – Urban Outfitters KFC
Application COZ 3236, MP-2020-7

Date of Meeting: Monday, September 28, 2020

Time of Meeting: 6:00 PM, CST

Location: Online Via Zoom Meeting

Applicant Representatives (The Applicant):

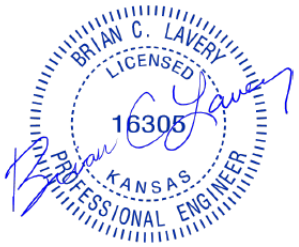
1. Greg Scovitch, Hillwood
2. Jordan Bookstaff, Hillwood
3. David Ziel, URBN
4. Jennifer Calliagas, URBN
5. Phil Gibbs Jr., Continental
6. Brian Lavery, Continental
7. Sean Wagner, New Studio Architecture
8. Cam Barr, Blue Rock
9. Dennis Vance, Blue Rock

Others in Attendance:
1. Pat Warren, Kansas Speedway
2. Steve Allison

Questions and Responses:
1. A question was asked about the timing of the project. The Applicant responded that the planning commission meeting for the preliminary development plan was scheduled for October 12, 2020 and that the grading would start on October 19, 2020 after the Kansas Speedway race, grading would be done before winter and construction would begin. The project would then be handed over to URBN in November/December of 2021. At that time URBN would install the material handling equipment over the course of 12+/- months and be open for operation in November of 2022.
2. A question was asked about the use of robotics in the facility. The Applicant responded that the facility would have mechanical shuttle systems to handle product, similar to one that URBN recently completed outside London, UK. The jobs would be technical in nature and this facility would handle 80% of the direct to consumer or store operations for URBN in the United States.
3. A question was asked about the entrances to the project. The Applicant responded by indicating 65% of the associates would enter/exit at State Ave/Nazareth intersection. The trucks would mainly come from I-70/110th Street and enter at the SW of the site on Talladega through the guardhouse.

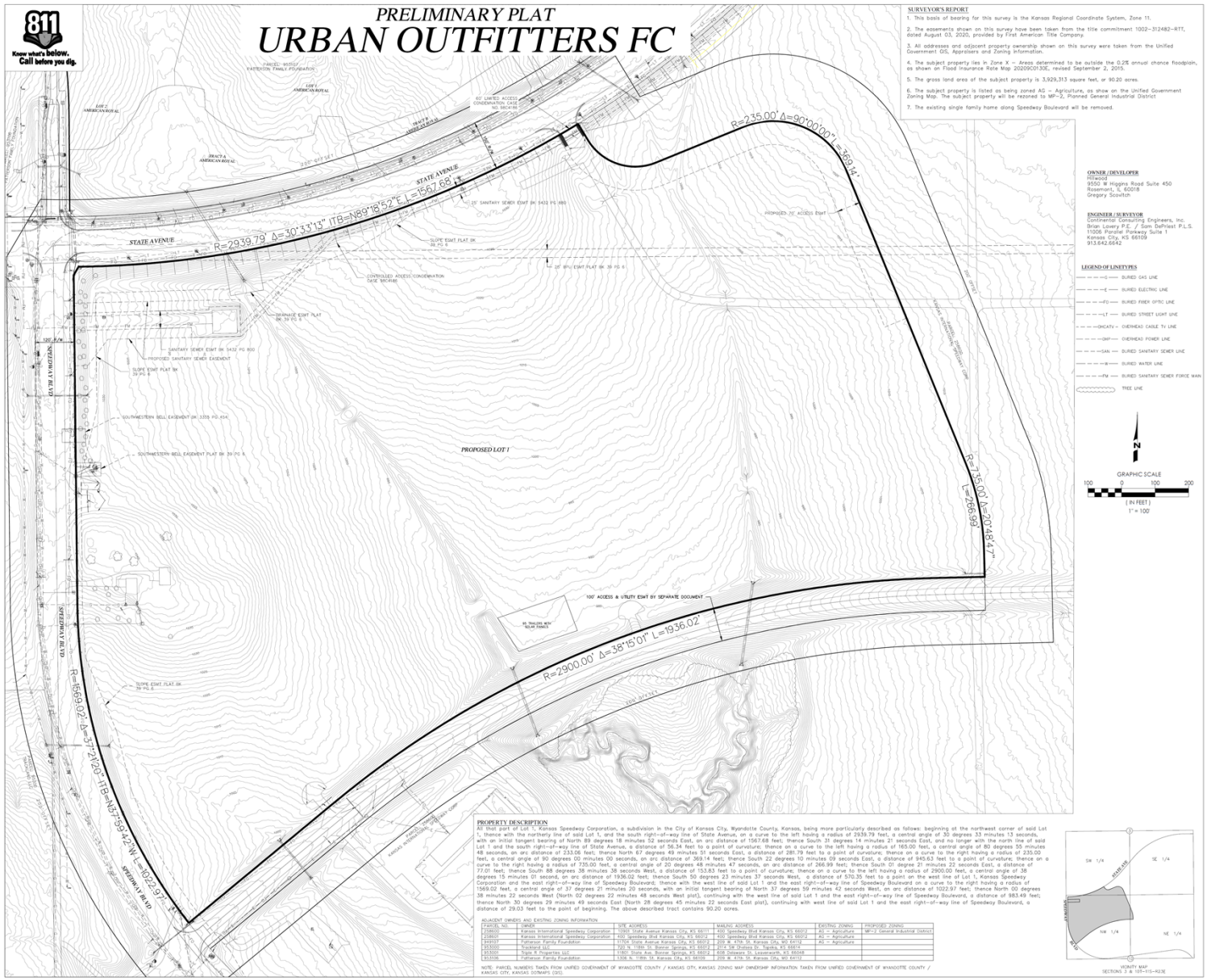
4. A question was asked whether or not the UG would require a traffic signal. The Applicant responded by indicating that a traffic signal at State Ave/Nazareth is being requested and noted that the signal at State Ave/Darlington (115th St) may be used in the future. The signal on State would be green 95% of the time for the Urban Outfitters facility and only really used at shift change, 2x daily. The Applicant is working closely with the UG and the KCATA to find transit solutions to the site and that The Applicant is supporting customized public transit to the site to minimize traffic.

Meeting Adjourned at 6:45pm



09/29/2020

PRELIMINARY PLAT
URBAN OUTFITTERS FC



Know what's below. Call before you dig. 811

SURVEYOR'S REPORT

1. This basis of bearing for this survey is the Kansas Regional Coordinate System, Zone 11.
2. The easements shown on this survey have been taken from the title commitment 1002–312482–RTT, dated August 03, 2020, provided by First American Title Company.
3. All addresses and adjacent property ownership shown on this survey were taken from the Unified Government GIS, Appraisers and Zoning Information.
4. The subject property lies In Zone X – Areas determined to be outside the 0.2% annual chance floodplain, as shown on Flood Insurance Rate Map 20209C013OE, revised September 2, 2015.
5. The gross land area of the subject property is 3,929,313 square feet, or 90.20 acres.
6. The subject property is listed as being zoned AG – Agriculture, as show on the Unified Government Zoning Map. The subject property will be rezoned to MP–2, Planned General Industrial District
7. The existing single family home along Speedway Boulevard will be removed.

OWNER / DEVELOPER
Hillwood
9550 W Higgins Road Suite 450
Rosemont, IL 60018
Gregory Scovitch

ENGINEER / SURVEYOR
Continental Consulting Engineers, Inc.
Brian Lavery P.E. / Sam DePriest P.L.S.
11006 Parallel Parkway Suite 1
Kansas City, KS 66109
913.642.6642

LEGEND OF LINETYPES
- —G— BURIED GAS LINE
- —E— BURIED ELECTRIC LINE
- —FO— BURIED FIBER OPTIC LINE
- —LT— BURIED STREET LIGHT WIRE
- —CATV— OVERHEAD CABLE TV LINE
- —OHP— OVERHEAD POWER LINE
- —SAN— BURIED SANITARY SEWER LINE
- —W— BURIED WATER LINE
- —FM— BURIED SANITARY SEWER FORCE MAIN
- TREE LINE

PROPERTY DESCRIPTION

All that part of Lot 1, Kansas Speedway Corporation, a subdivision in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows: beginning at the northwest corner of said Lot 1, thence with the northerly line of said Lot 1, and the south right–of–way line of State Avenue, on a curve to the left having a radius of 2939.79 feet, a central angle of 30 degrees 33 minutes 13 seconds, with an initial tangent bearing of North 89 degrees 18 minutes 52 seconds East, an arc distance of 1567.68 feet; thence South 31 degrees 14 minutes 21 seconds East, and no longer with the north line of said Lot 1 and the south right–of–way line of State Avenue, a distance of 56.34 feet to a point of curvature; thence on a curve to the left having a radius of 165.00 feet, a central angle of 80 degrees 55 minutes 48 seconds, an arc distance of 233.06 feet; thence North 67 degrees 49 minutes 51 seconds East, a distance of 281.79 feet to a point of curvature; thence on a curve to the right having a radius of 235.00 feet, a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 369.14 feet; thence South 22 degrees 10 minutes 09 seconds East, a distance of 945.63 feet to a point of curvature; thence on a curve to the right having a radius of 735.00 feet, a central angle of 20 degrees 48 minutes 47 seconds, an arc distance of 266.99 feet; thence South 01 degree 21 minutes 22 seconds East, a distance of 77.01 feet; thence South 88 degrees 38 minutes 38 seconds West, a distance of 153.83 feet to a point of curvature; thence on a curve to the left having a radius of 2900.00 feet, a central angle of 38 degrees 15 minutes 01 second, an arc distance of 1936.02 feet; thence South 50 degrees 23 minutes 37 seconds West, a distance of 570.35 feet to a point on the west line of Lot 1, Kansas Speedway Corporation and the east right–of–way line of Speedway Boulevard; thence with the west line of said Lot 1 and the east right–of–way line of Speedway Boulevard on a curve to the right having a radius of 5699.02 feet, a central angle of 3 degrees 21 minutes 20 seconds, with an initial tangent bearing of North 57 degrees 59 minutes 42 seconds West, an arc distance of 1022.97 feet; thence North 00 degrees 38 minutes 22 seconds West (North 02 degrees 22 minutes 48 seconds West plat), continuing with the west line of said Lot 1 and the east right–of–way line of Speedway Boulevard, a distance of 983.49 feet; thence North 30 degrees 29 minutes 49 seconds East (North 28 degrees 45 minutes 22 seconds East plat), continuing with west line of said Lot 1 and the east right–of–way line of Speedway Boulevard, a distance of 29.03 feet to the point of beginning. The above described tract contains 90.20 acres.

ADJACENT OWNERS AND EXISTING ZONING INFORMATION

PARCEL NO.	OWNER	SITE ADDRESS	MAILING ADDRESS	EXISTING ZONING	PROPOSED ZONING
238000	Kansas International Speedway Corporation	10065 State Avenue Kansas City, KS 66111	400 Speedway Blvd Kansas City, KS 66012	AG – Agriculture	MP–2 General Industrial District
238001	Kansas International Speedway Corporation	400 Speedway Blvd Kansas City, KS 66012	400 Speedway Blvd Kansas City, KS 66012	AG – Agriculture	
249972	Patterson Family Foundation	11704 State Avenue Kansas City, KS 66012	209 W. 47th St. Kansas City, MO 64112	AG – Agriculture	
953000	Trackland LLC	720 N. 118th St. Bonner Springs, KS 66012	2414 SW Chelsea Dr. Topeka, KS 66614		
953001	Triple R Properties LLC	11901 State Ave. Bonner Springs, KS 66012	608 Delaware St. Leavenworth, KS 66048		
953166	Patterson Family Foundation	11306 N. 119th St. Kansas City, KS 66109	209 W. 47th St. Kansas City, MO 64112		

NOTE: PARCEL NUMBERS TAKEN FROM UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS ZONING MAP OWNERSHIP INFORMATION TAKEN FROM UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS DOTMAPS (GIS).

VICINITY MAP
SECTIONS 3 & 10T–11S–R23E

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NOT FOR CONSTRUCTION

NewStudio architecture
2303 Wycliff Street, Saint Paul, MN 55114
p: 651.207.5537 f: 651.207.9247

HILLWOOD A PEROT COMPANY

URBN

KANSAS FULFILLMENT CENTER
NORTH 118TH ST & STATE AVE
KANSAS CITY, KANSAS 66111

STRUCTURAL ENGINEER
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ANH Structures, LLC
Consulting Structural Engineers

BALA ENGINEERS

Continental Consulting Engineers, Inc.

HOWE ENGINEERS

NSA PROJECT NUMBER: 2019-351

ISSUE / DATE :
PRELIM DEV PLAN 08.28.2020

REVISION:

SHEET TITLE :
SITE SURVEY

SHEET NO.:
C002

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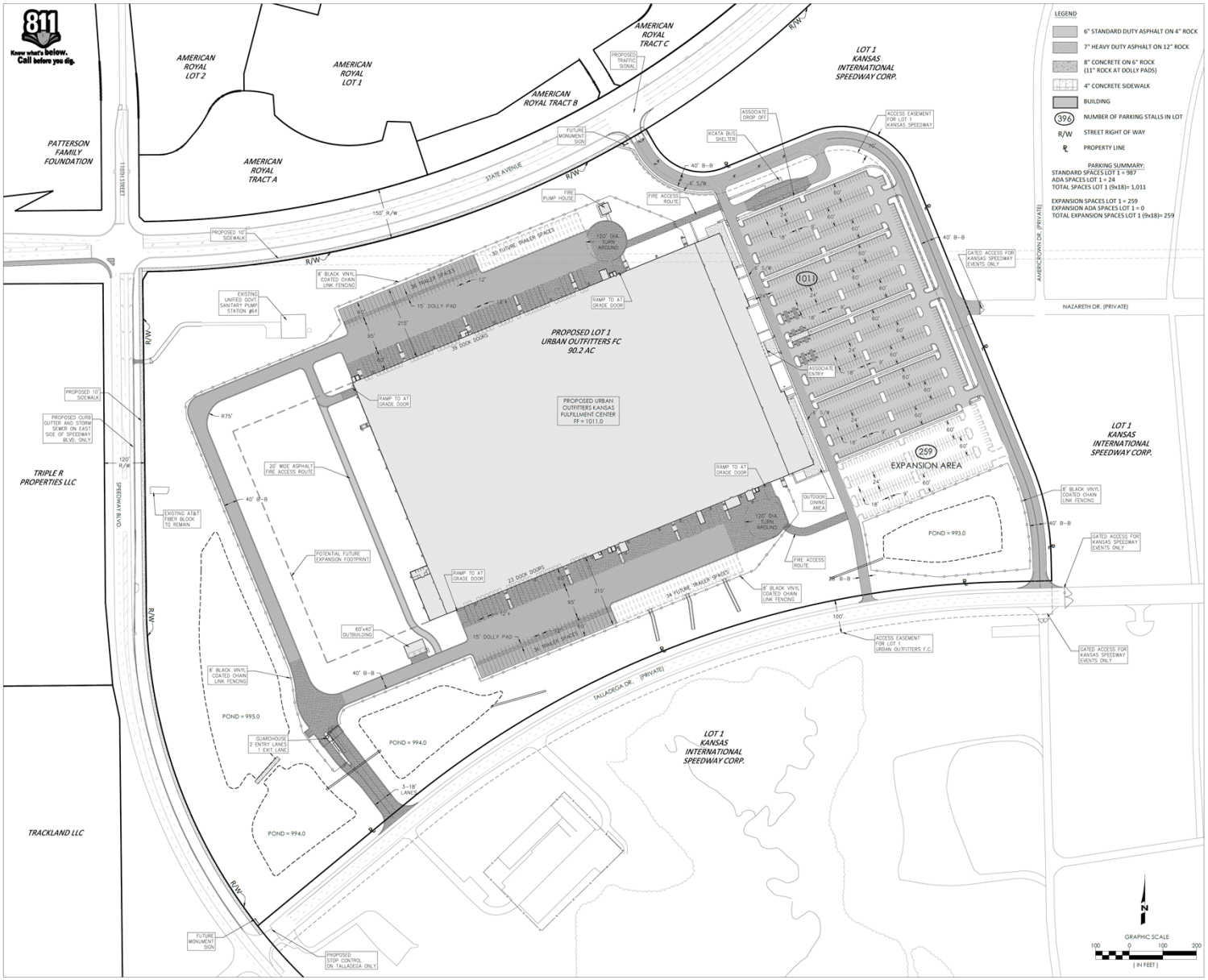

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09/28/2020

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A PEROT COMPANY

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Consulting Structural Engineers

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Continental

HOWE ENGINEERS

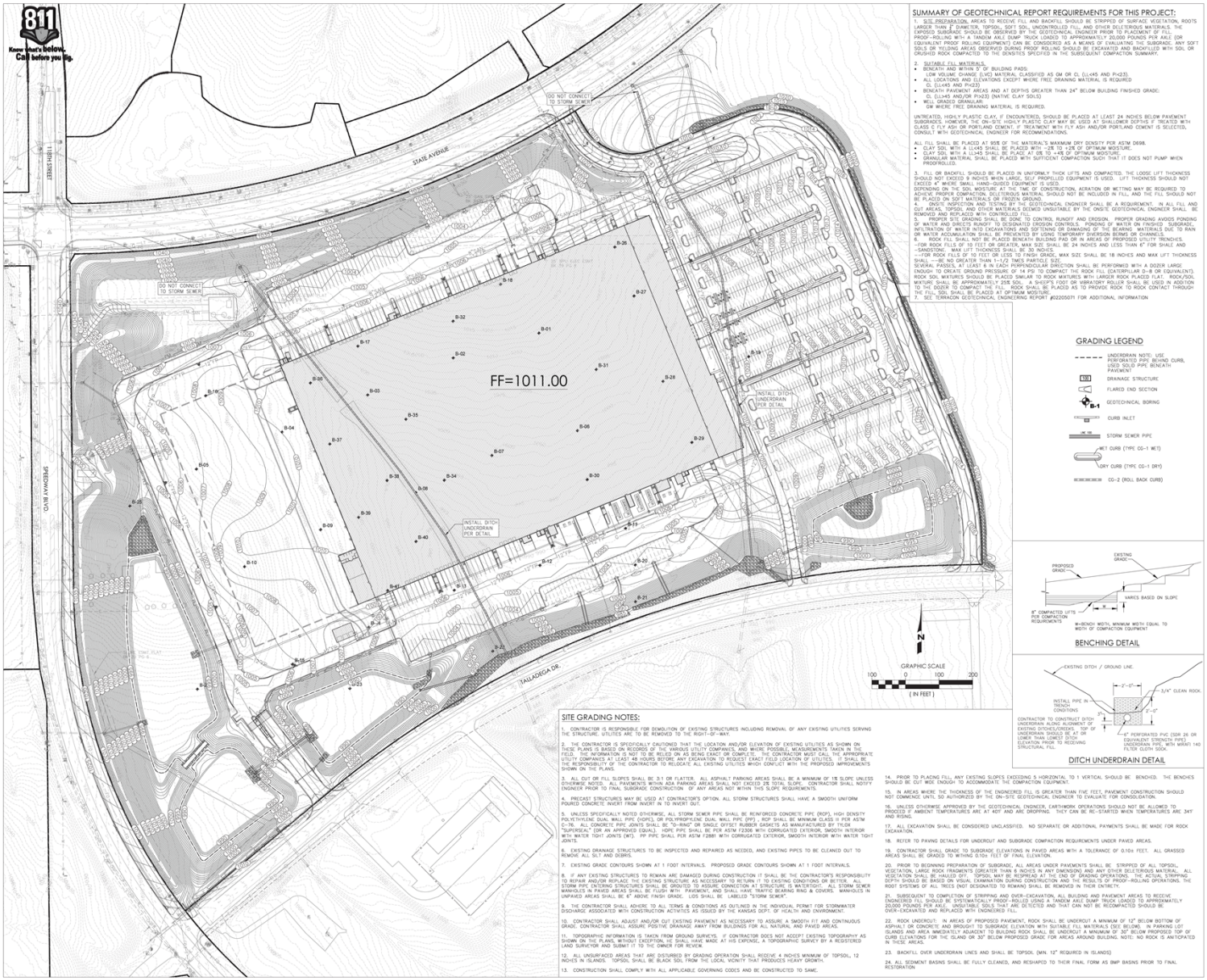
NSA PROJECT NUMBER: 2019-351

ISSUE / DATE :
PRELIM DEV PLAN 09.28.2020

REVISION:

SHEET TITLE :
PRELIMINARY SITE PLAN

SHEET NO.:
C200



SUMMARY OF GEOTECHNICAL REPORT REQUIREMENTS FOR THIS PROJECT:

1. SITE PREPARATION. AREAS TO RECEIVE FILL AND BACKFILL SHOULD BE STRIPPED OF SURFACE VEGETATION, ROOTS LARGER THAN 2" DIAMETER, TOPSOIL, SOFT SOIL, UNCONTROLLED FILL, AND OTHER DELETERIOUS MATERIALS. THE EXPOSED SUBGRADE SHOULD BE OBSERVED BY THE GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT OF FILL. PROOF-ROLLING WITH A TANDEM AXLE DUMP TRUCK LOADED TO APPROXIMATELY 20,000 POUNDS PER AXLE (OR EQUIVALENT PROOF ROLLING EQUIPMENT) CAN BE CONSIDERED AS A MEANS OF EVALUATING THE SUBGRADE. ANY SOFT SOILS OR YIELDING AREAS OBSERVED DURING PROOF ROLLING SHOULD BE EXCAVATED AND BACKFILLED WITH SOIL OR CRUSHED ROCK COMPACTED TO THE DENSITIES SPECIFIED IN THE SUBSEQUENT COMPACTION SUMMARY.

2. SUITABLE FILL MATERIALS.
- BENEATH AND WITHIN 5' OF BUILDING PADS:
  - LOW VOLUME CHANGE (LVC) MATERIAL CLASSIFIED AS GM OR CL (LL<45 AND PI<23).
- ALL LOCATIONS AND ELEVATIONS EXCEPT WHERE FREE DRAINING MATERIAL IS REQUIRED
  - CL (LL<45 AND PI<23)
- BENEATH PAVEMENT AREAS AND AT DEPTHS GREATER THAN 24" BELOW BUILDING FINISHED GRADE:
  - CL (LL<45 AND/OR PI<23) (NATIVE CLAY SOILS)
- WELL GRADED GRANULAR:
  - GW WHERE FREE DRAINING MATERIAL IS REQUIRED.

UNTREATED, HIGHLY PLASTIC CLAY, IF ENCOUNTERED, SHOULD BE PLACED AT LEAST 24 INCHES BELOW PAVEMENT SUBGRADES; HOWEVER, THE ON-SITE HIGHLY PLASTIC CLAY MAY BE USED AT SHALLOWER DEPTHS IF TREATED WITH CLASS C FLY ASH OR PORTLAND CEMENT. IF TREATMENT WITH FLY ASH AND/OR PORTLAND CEMENT IS SELECTED, CONSULT WITH GEOTECHNICAL ENGINEER FOR RECOMMENDATIONS.

ALL FILL SHALL BE PLACED AT 95% OF THE MATERIAL'S MAXIMUM DRY DENSITY PER ASTM D698.
- CLAY SOIL WITH A LL<45 SHALL BE PLACED WITH –2% TO +2% OF OPTIMUM MOISTURE.
- CLAY SOIL WITH A LL>45 SHALL BE PLACE AT 0% TO +4% OF OPTIMUM MOISTURE.
- GRANULAR MATERIAL SHALL BE PLACED WITH SUFFICIENT COMPACTION SUCH THAT IT DOES NOT PUMP WHEN PROOFROLLED.

3. FILL OR BACKFILL SHOULD BE PLACED IN UNIFORM-Y THICK LIFTS AND COMPACTED. THE LOOSE LIFT THICKNESS SHOULD NOT EXCEED 9 INCHES WHEN LARGE, SELF PROPELLED EQUIPMENT IS USED. LIFT THICKNESS SHOULD NOT EXCEED 4" WHERE SMALL HAND-GUIDED EQUIPMENT IS USED.
DEPENDING ON THE SOIL MOISTURE AT THE TIME OF CONSTRUCTION, AERATION OR WETTING MAY BE REQUIRED TO ACHIEVE THE SPECIFIED COMPACTION. ORGANIC MATERIALS SHOULD NOT BE INCLUDED IN FILL, AND THE FILL SHOULD NOT BE PLACED ON SOFT MATERIALS OR FROZEN GROUND.
4. ONSITE INSPECTION AND TESTING BY THE GEOTECHNICAL ENGINEER SHALL BE A REQUIREMENT. IN ALL FILL AND CUT AREAS, TOPSOIL AND OTHER MATERIALS DEEMED UNSUITABLE BY THE ONSITE GEOTECHNICAL ENGINEER SHALL BE REMOVED AND REPLACED WITH CONTROLLED FILL.
5. PROPER SITE GRADING SHALL BE DONE TO CONTROL RUNOFF AND EROSION. PROPER GRADING AVOIDS PONDING OF WATER AND DIRECTS RUNOFF TO DESIGNATED EROSION CONTROLS. PONDING OF WATER ON FINISHED SUBGRADE, INFILTRATION OF WATER INTO EXCAVATIONS AND SOFTENING OR DAMAGING OF THE BEARING MATERIALS DUE TO RAIN OR WATER ACCUMULATION SHALL BE PREVENTED BY USING TEMPORARY DIVERSION BERMS OR CHANNELS.
6. ROCK EXCAVATION IS ANTICIPATED AND SHOULD BE EXPECTED IN AREAS OF PROPOSED UTILITY TRENCHES.
—FOR ROCK FILLS OF 10 FEET OR GREATER, MAX SIZE SHALL BE 24 INCHES AND LESS THAN 6" FOR SHALE AND —SANDSTONE. MAX LIFT THICKNESS SHALL BE 30 INCHES.
—FOR ROCK FILLS OF 10 FEET OR LESS TO FINISH GRADE, MAX SIZE SHALL BE 18 INCHES AND MAX LIFT THICKNESS SHALL —BE NO GREATER THAN 1-1/2 TIMES PARTICLE SIZE.
SEVERAL PASSES, AT LEAST 6 IN EACH PERPENDICULAR DIRECTION SHALL BE PERFORMED WITH A DOZER LARGE ENOUGH TO CREATE GROUND PRESSURE OF 14 PSI TO COMPACT THE ROCK FILL (CATERPILLAR D–8 OR EQUIVALENT). ROCK SOIL MIXTURES SHOULD BE PLACED SIMILAR TO ROCK MIXTURES WITH LARGER ROCK PLACED FLAT. ROCK/SOIL MIXTURE SHALL BE APPROXIMATELY 25% SOIL. A SHEEP'S FOOT OR VIBRATORY ROLLER SHALL BE USED IN ADDITION TO THE DOZER TO COMPACT THE FILL. ROCK SHALL BE PLACED AS TO PROVIDE ROCK TO ROCK CONTACT THROUGH THE FILL. SOIL SHALL BE PLACED AT OPTIMUM MOISTURE.
7. SEE TERRACON GEOTECHNICAL ENGINEERING REPORT #22220571 FOR ADDITIONAL INFORMATION

GRADING LEGEND

- UNDERDRAIN NOTE: USE PERFORATED PIPE BEHIND CURB, USED SOLID PIPE BENEATH PAVEMENT
- DRAINAGE STRUCTURE
- FLARED END SECTION
- B-1 GEOTECHNICAL BORING
- CURB INLET
- STORM SEWER PIPE
- WET CURB (TYPE CG-1 WET)
- DRY CURB (TYPE CG-1 DRY)
- CG-2 (ROLL BACK CURB)

BENCHING DETAIL

DITCH UNDERDRAIN DETAIL

SITE GRADING NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR DEMOLITION OF EXISTING STRUCTURES INCLUDING REMOVAL OF ANY EXISTING UTILITIES SERVING THE STRUCTURE. UTILITIES ARE TO BE REMOVED TO THE RIGHT-OF-WAY.

2. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

3. ALL CUT OR FILL SLOPES SHALL BE 3:1 OR FLATTER. ALL ASPHALT PARKING AREAS SHALL BE A MINIMUM OF 1% SLOPE UNLESS OTHERWISE NOTED. ALL PAVEMENTS WITHIN ADA PARKING AREAS SHALL NOT EXCEED 2% TOTAL SLOPE. CONTRACTOR SHALL NOTIFY ENGINEER PRIOR TO FINAL SUBGRADE CONSTRUCTION OF ANY AREAS NOT WITHIN THIS SLOPE REQUIREMENTS.

4. PRECAST STRUCTURES MAY BE USED AT CONTRACTOR'S OPTION. ALL STORM STRUCTURES SHALL HAVE A SMOOTH UNIFORM POURED CONCRETE INVERT FROM INVERT IN TO INVERT OUT.

5. UNLESS SPECIFICALLY NOTED OTHERWISE, ALL STORM SEWER PIPE SHALL BE REINFORCED CONCRETE PIPE (RCP), HIGH DENSITY POLYETHYLENE DUAL WALL PIPE (HDPE), OR POLYPROPYLENE DUAL WALL PIPE (PP). RCP SHALL BE MINIMUM CLASS III PER ASTM C-76. ALL CONCRETE PIPE JOINTS SHALL BE "O-RING" OR SINGLE OFFSET RUBBER GASKETS AS MANUFACTURED BY TYLOX "SUPERSEAL" (OR AN APPROVED EQUAL). HDPE PIPE SHALL BE PER ASTM F2306 WITH CORRUGATED EXTERIOR, SMOOTH INTERIOR WITH WATER TIGHT JOINTS (WT). PP PIPE SHALL PER ASTM F2881 WITH CORRUGATED EXTERIOR, SMOOTH INTERIOR WITH WATER TIGHT JOINTS.

6. EXISTING DRAINAGE STRUCTURES TO BE INSPECTED AND REPAIRED AS NEEDED, AND EXISTING PIPES TO BE CLEANED OUT TO REMOVE ALL SILT AND DEBRIS.

7. EXISTING GRADE CONTOURS SHOWN AT 1 FOOT INTERVALS. PROPOSED GRADE CONTOURS SHOWN AT 1 FOOT INTERVALS.

8. IF ANY EXISTING STRUCTURES TO REMAIN ARE DAMAGED DURING CONSTRUCTION IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR AND/OR REPLACE THE EXISTING STRUCTURE AS NECESSARY TO RETURN IT TO EXISTING CONDITIONS OR BETTER. ALL STORM PIPE ENTERING STRUCTURES SHALL BE GROUTED TO ASSURE CONNECTION AT STRUCTURE IS WATERTIGHT. ALL STORM SEWER MANHOLES IN PAVED AREAS SHALL BE FLUSH WITH PAVEMENT, AND SHALL HAVE TRAFFIC BEARING RING & COVERS. MANHOLES IN UNPAVED AREAS SHALL BE 6" ABOVE FINISH GRADE. LIDS SHALL BE LABELED "STORM SEWER".

9. THE CONTRACTOR SHALL ADHERE TO ALL TERMS & CONDITIONS AS OUTLINED IN THE INDIVIDUAL PERMIT FOR STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES AS ISSUED BY THE KANSAS DEPT. OF HEALTH AND ENVIRONMENT.

10. CONTRACTOR SHALL ADJUST AND/OR CUT EXISTING PAVEMENT AS NECESSARY TO ASSURE A SMOOTH FIT AND CONTINUOUS GRADE. CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS FOR ALL NATURAL AND PAVED AREAS.

11. TOPOGRAPHIC INFORMATION IS TAKEN FROM GROUND SURVEYS. IF CONTRACTOR DOES NOT ACCEPT EXISTING TOPOGRAPHY AS SHOWN ON THE PLANS, WITHOUT EXCEPTION, HE SHALL HAVE MADE AT HIS EXPENSE, A TOPOGRAPHIC SURVEY BY A REGISTERED LAND SURVEYOR AND SUBMIT IT TO THE OWNER FOR REVIEW.

12. ALL UNSURFACED AREAS THAT ARE DISTURBED BY GRADING OPERATION SHALL RECEIVE 4 INCHES MINIMUM OF TOPSOIL, 12 INCHES IN ISLANDS. TOPSOIL SHALL BE BLACK SOIL FROM THE LOCAL VICINITY THAT PRODUCES HEAVY GROWTH.

13. CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE GOVERNING CODES AND BE CONSTRUCTED TO SAME.

14. PRIOR TO PLACING FILL, ANY EXISTING SLOPES EXCEEDING 5 HORIZONTAL TO 1 VERTICAL SHOULD BE BENCHED. THE BENCHES SHOULD BE CUT WIDE ENOUGH TO ACCOMMODATE THE COMPACTION EQUIPMENT.

15. IN AREAS WHERE THE THICKNESS OF THE ENGINEERED FILL IS GREATER THAN FIVE FEET, PAVEMENT CONSTRUCTION SHOULD NOT COMMENCE UNTIL SO AUTHORIZED BY THE ON-SITE GEOTECHNICAL ENGINEER TO EVALUATE THE CONSOLIDATION.

16. UNLESS OTHERWISE APPROVED BY THE GEOTECHNICAL ENGINEER, EARTHWORK OPERATIONS SHOULD NOT BE ALLOWED TO PROCEED IF AMBIENT TEMPERATURES ARE AT 40° AND ARE DROPPING. THEY CAN BE RE-STARTED WHEN TEMPERATURES ARE 34° AND RISING.

17. ALL EXCAVATION SHALL BE CONSIDERED UNCLASSIFIED. NO SEPARATE OR ADDITIONAL PAYMENTS SHALL BE MADE FOR ROCK EXCAVATION.

18. REFER TO PAVING DETAILS FOR UNDERCUT AND SUBGRADE COMPACTION REQUIREMENTS UNDER PAVED AREAS.

19. CONTRACTOR SHALL GRADE TO SUBGRADE ELEVATIONS IN PAVED AREAS WITH A TOLERANCE OF 0.10± FEET. ALL GRASSED AREAS SHALL BE GRADED TO WITHING 0.10± FEET OF FINAL ELEVATION.

20. PRIOR TO BEGINNING PREPARATION OF SUBGRADE, ALL AREAS UNDER PAVEMENTS SHALL BE STRIPPED OF ALL TOPSOIL, VEGETATION, LARGE ROCK FRAGMENTS (GREATER THAN 6 INCHES IN ANY DIMENSION) AND ANY OTHER DELETERIOUS MATERIAL. ALL VEGETATION SHALL BE HAULED OFF. TOPSOIL MAY BE RESPREAD AT THE END OF GRADING OPERATIONS. THE ACTUAL STRIPPING DEPTH SHOULD BE BASED ON VISUAL EXAMINATION DURING CONSTRUCTION AND THE RESULTS OF PROOF-ROLLING OPERATIONS. THE ROOT SYSTEMS OF ALL TREES NOT DESIGNATED TO REMAIN SHALL BE REMOVED IN THEIR ENTIRETY.

21. SUBSEQUENT TO COMPLETION OF STRIPPING AND OVER-EXCAVATION, ALL BUILDING AND PAVEMENT AREAS TO RECEIVE ENGINEERED FILL SHOULD BE SYSTEMATICALLY PROOF-ROLLED USING A TANDEM AXLE DUMP TRUCK LOADED TO APPROXIMATELY 20,000 POUNDS PER AXLE, OR EQUIVALENT TOOLS, THAT ARE DETECTED AND THAT CAN NOT BE RECOMPACTED SHOULD BE OVER-EXCAVATED AND REPLACED WITH ENGINEERED FILL.

22. ROCK UNDERCUT: IN AREAS OF PROPOSED PAVEMENT, ROCK SHALL BE UNDERCUT A MINIMUM OF 12" BELOW BOTTOM OF ASPHALT OR CONCRETE AND BROUGHT TO SUBGRADE ELEVATION WITH SUITABLE FILL MATERIALS (SEE BELOW). IN PARKING LOT ISLANDS AND AREA IMMEDIATELY ADJACENT TO BUILDING ROCK SHALL BE UNDERCUT A MINIMUM OF 30" BELOW PROPOSED TOP OF CURB ELEVATIONS FOR THE ISLAND OR 30" BELOW PROPOSED GRADE FOR AREAS AROUND BUILDING. NOTE: NO ROCK IS ANTICPATED IN THESE AREAS.

23. BACKFILL OVER UNDERDRAIN LINES AND SHALL BE TOPSOIL (MIN. 12" REQUIRED IN ISLANDS)

24. ALL SEDIMENT BASINS SHALL BE FULLY CLEANED, AND RESHAPED TO THEIR FINAL FORM AS BMP BASINS PRIOR TO FINAL RESTORATION

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SHEET TITLE :
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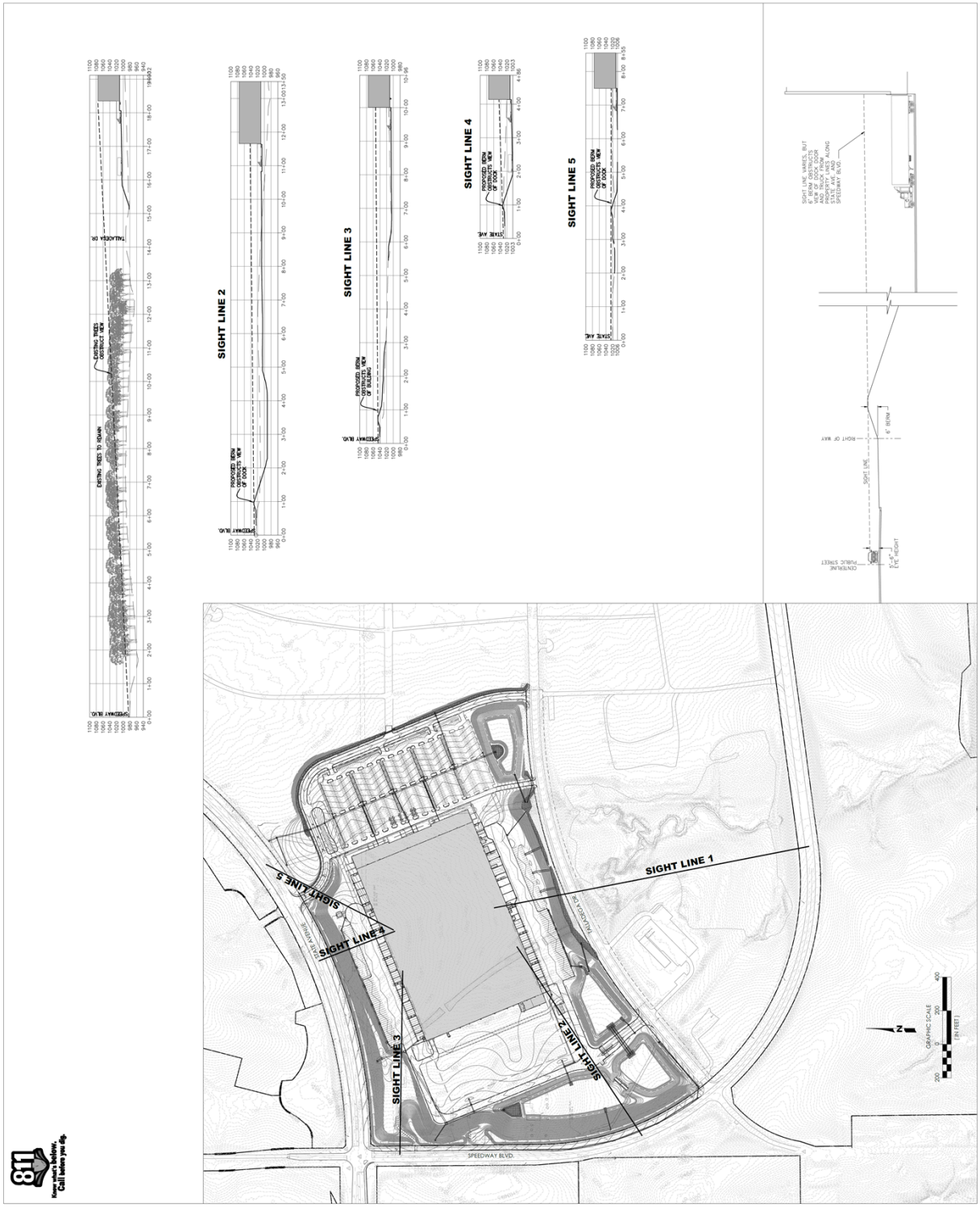
SHEET NO.:
C300



SIGHT LINE 1
SIGHT LINE 2
SIGHT LINE 3
SIGHT LINE 4
SIGHT LINE 5
SPEEDWAY BLVD.
PALADECA DR.
STATE AVENUE
GRAPHIC SCALE
(IN FEET)
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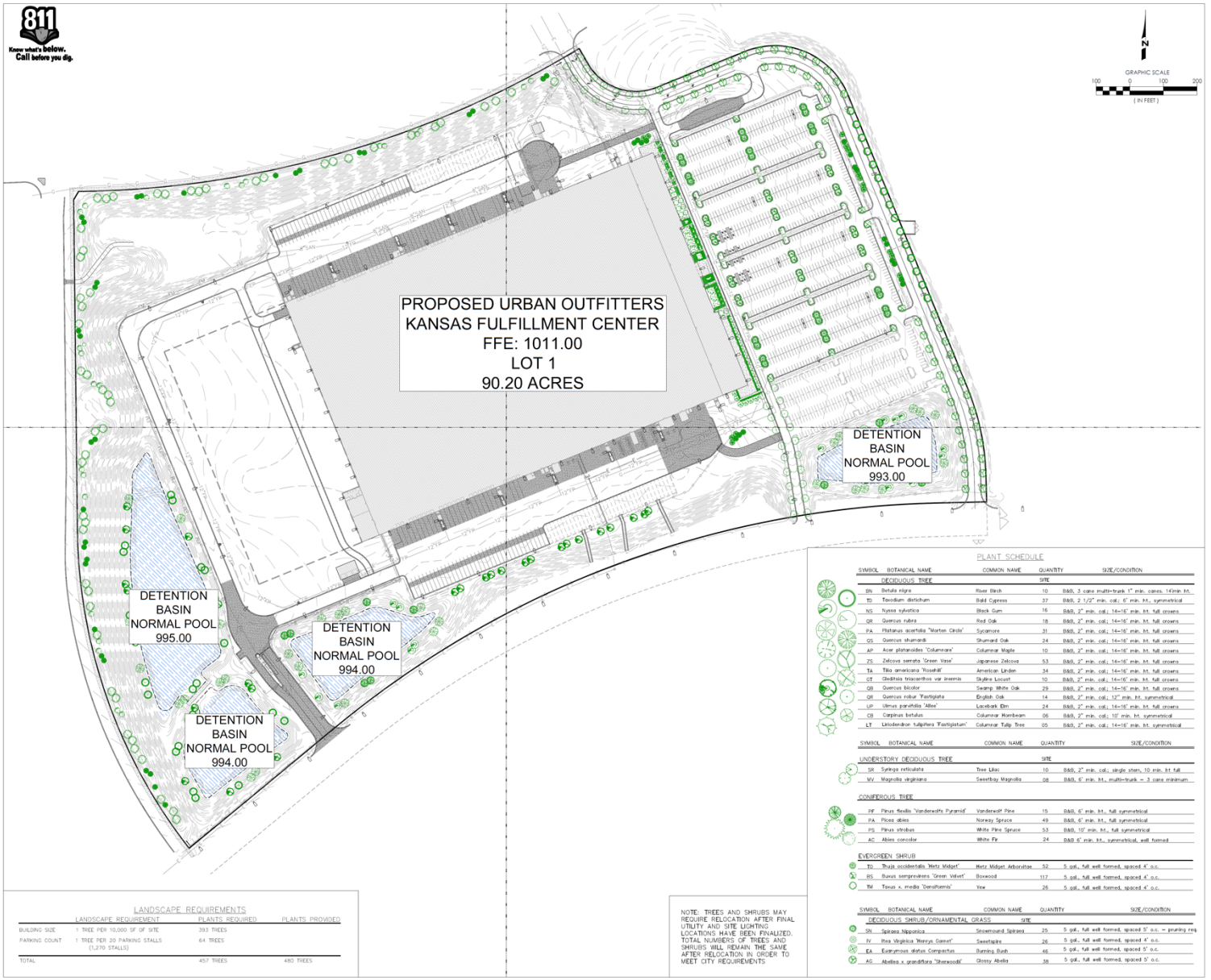
SHEET TITLE:
PRELIMINARY SIGHT LINE STUDY
SHEET NO.:
C310



LANDSCAPE REQUIREMENTS

	LANDSCAPE REQUIREMENT	PLANTS REQUIRED	PLANTS PROVIDED
BUILDING SIZE	1 TREE PER 10,000 SF OF SITE	393 TREES	
PARKING COUNT	1 TREE PER 20 PARKING STALLS (1,270 STALLS)	64 TREES	
TOTAL		457 TREES	480 TREES

NOTE: TREES AND SHRUBS MAY REQUIRE RELOCATION AFTER FINAL UTILITY AND SITE LIGHTING LOCATIONS HAVE BEEN FINALIZED. TOTAL NUMBERS OF TREES AND SHRUBS WILL REMAIN THE SAME AFTER RELOCATION IN ORDER TO MEET CITY REQUIREMENTS

PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE/CONDITION
DECIDUOUS TREE			SITE	
BN	Betula nigra	River Birch	10	B&B, 3 cane multi-trunk 1" min. canes, 14'min ht.
TD	Taxodium distichum	Bald Cypress	37	B&B, 2 1/2" min. cal.; 6' min. ht., symmetrical
NS	Nyssa sylvatica	Black Gum	16	B&B, 2" min. cal.; 14-16' min. ht. full crowns
QR	Quercus rubra	Red Oak	18	B&B, 2" min. cal.; 14-16' min. ht. full crowns
PA	Platanus acerfolia 'Morton Circle'	Sycamore	31	B&B, 2" min. cal.; 14-16' min. ht. full crowns
QS	Quercus shumardii	Shumard Oak	24	B&B, 2" min. cal.; 14-16' min. ht. full crowns
AP	Acer platanoides 'Columnare'	Columnar Maple	10	B&B, 2" min. cal.; 14-16' min. ht. full crowns
ZS	Zelcova serrata 'Green Vase'	Japanese Zelcova	53	B&B, 2" min. cal.; 14-16' min. ht. full crowns
TA	Tilia americana 'Rosehill'	American Linden	34	B&B, 2" min. cal.; 14-16' min. ht. full crowns
GT	Gleditsia triacanthos var inermis	Skyline Locust	10	B&B, 2" min. cal.; 14-16' min. ht. full crowns
QB	Quercus bicolor	Swamp White Oak	29	B&B, 2" min. cal.; 14-16' min. ht. full crowns
QR	Quercus robur 'Fastigiata	English Oak	14	B&B, 2" min. cal.; 12" min. ht. symmetrical
UP	Ulmus parvifolia 'Allee'	Lacebark Elm	24	B&B, 2" min. cal.; 14-16' min. ht. full crowns
CB	Carpinus betulus	Columnar Hornbeam	06	B&B, 2" min. cal.; 10' min. ht. symmetrical
LT	Liriodendron tulipifera 'Fastigiatum'	Columnar Tulip Tree	05	B&B, 2" min. cal.; 14-16' min. ht. symmetrical
SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE/CONDITION
UNDERSTORY DECIDUOUS TREE			SITE	
SR	Syringa reticulata	Tree Lilac	10	B&B, 2" min. cal.; single stem, 10 min. ht full
MV	Magnolia virginiana	Sweetbay Magnolia	08	B&B, 6' min. ht., multi-trunk = 3 cane minimum
CONIFEROUS TREE				
PF	Pinus flexilis 'Vanderwolf's Pyramid'	Vanderwolf Pine	15	B&B, 6' min. ht., full symmetrical
PA	Picea abies	Norway Spruce	49	B&B, 6' min. ht., full symmetrical
PS	Pinus strobus	White Pine Spruce	53	B&B, 10' min. ht., full symmetrical
AC	Abies concolor	White Fir	24	B&B 6' min. ht., symmetrical, well formed
EVERGREEN SHRUB				
TO	Thuja occidentalis 'Metz Midget'	Metz Midget Arborvitae	52	5 gal., full well formed, spaced 4' o.c.
BS	Buxus sempervirens 'Green Velvet'	Boxwood	117	5 gal., full well formed, spaced 4' o.c.
TM	Taxus x. media 'Densiformis'	Yew	26	5 gal., full well formed, spaced 4' o.c.
SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE/CONDITION
DECIDUOUS SHRUB/ORNAMENTAL GRASS			SITE	
SN	Spiraea Nipponica	Snowmound Spiraea	25	5 gal., full well formed, spaced 5' o.c. – pruning req
IV	Itea Virginica 'Henrys Garnet'	Sweetspire	26	5 gal., full well formed, spaced 4' o.c.
EA	Euonymous alatus Compactus	Burning Bush	46	5 gal., full well formed, spaced 5' o.c.
AG	Abelilea x grandiflora 'Sherwoodii'	Glossy Abelia	38	5 gal., full well formed, spaced 5' o.c.

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OVERALL LANDSCAPING PLAN

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L105

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4 WEST OVERALL ELEVATION
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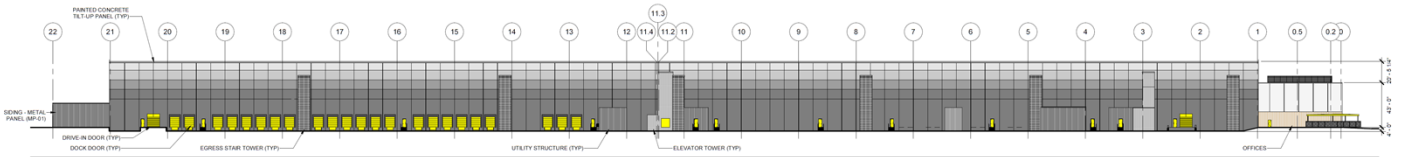

3 SOUTH OVERALL ELEVATION
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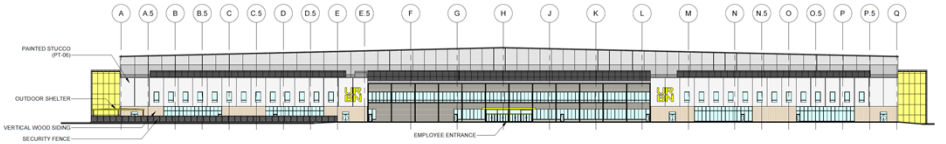

2 EAST OVERALL ELEVATION
AD300 SCALE: 1" = 40'-0"

1 NORTH OVERALL ELEVATION
AD300 SCALE: 1" = 40'-0"

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OVERALL EXTERIOR ELEVATIONS

SHEET NO.:
AD300

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SHEET TITLE:
PERSPECTIVE
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SHEET TITLE :
PERSPECTIVE OFFICE MAIN ENTRY VIEW

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AD501

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PERSPECTIVE WAREHOUSE VIEW

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AD502

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Figure 1. Site photograph of 10901 State Avenue looking west from State Avenue (provided by Planning Staff).

Figure 2. Site photograph of 10901 State Avenue looking south from North 118th Street (provided by Planning Staff).

Figure 3. Site photograph of 10901 State Avenue looking east from Speedway Boulevard (provided by Planning Staff).

Figure 4. Site photograph of 10901 State Avenue looking northeast from Talladega Drive (provided by Planning Staff).

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MEMORANDUM

TO: Tony Sabljak / Byron Toy
DRC Coordinator / Principal Planner

FROM: Martin Ntonjira P.E, CDT
Engineering Supervisor

DATE: September 15, 2020

SUBJECT: Urban Outfitters – COZ 3236- Preliminary Development Plan Review, Preliminary PLAT, MP-2020-7
10901 State Avenue
General Engineering Review No. 1 (of the civil plans not sealed, Storm Drainage Study sealed 08/28/2020, Preliminary Sanitary Sewer Memorandum sealed 08/28/2020, & Traffic Impact Analysis sealed 08/27/2020, received 08/31/2020)

Prior to engineering approval on the above-named project, the preliminary construction drawings must be revised to address the following comments from the Engineering Division of the Urban Planning and Land Use Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) Civil plans shall be sealed, signed and dated by a Professional Engineer registered in the State of Kansas.
2) Based on the meeting with UG staff on 09.14.2020, provide a cover letter regarding the relocation of the drive entrance to pump station 64.
3) Please coordinate with Byron Toy, (913-573-5757), UG Planning and Zoning regarding sidewalk and parking spaces requirements.
4) Please coordinate with Harvey Fields (913-573-5947) regarding additional Fire Department requirements. e.g. fire lanes, hydrant locations, etc. In this regard, provide a truck turning template for the site. This shall be CAD prepared e.g. Auto Turn and for the largest truck maneuvering into/out of the site.
5) Submit proposed Water lines to BPU Water for review.

6) Engineered sloped shall not be steeper than 3:1 Also, verify retaining walls are not proposed with the development.

7) See Erosion Control review comments.

8) See Storm Drainage review comments.

9) See Sanitary Sewer review Comments.

10) See Stormwater Quality review comments.

11) See Public Street review comments.

12) The preliminary plat shall incorporate County Surveyor comments. Typically, the County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat.

13) Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

Reviewer: Martin Ntonjira

Digitally signed by Martin Ntonjira
DN: cn=Martin Ntonjira, o=Unified Government of Wyandotte County and Kansas City Kansas, ou=Urban Planning and Land Use, email=mntonjira@wycokck.org, c=US
Date: 2020.09.15 09:13:45 -05'00'

Martin Ntonjira, Engineering Supervisor

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MEMORANDUM

TO: Kim Portillo / Byron Toy
DRC Coordinator / Principal Planner

FROM: Martin Ntonjira P.E, CDT / Troy Shaw P.E
Engineering Supervisor / County Engineer

DATE: September 15, 2020

SUBJECT: Urban Outfitters – COZ 3236- Preliminary Development Plan Review, Preliminary PLAT, MP-2020-7
10901 State Avenue
Street Review No. 1 (of the civil plans not sealed & Traffic Impact Analysis sealed 08/27/2020, received 08/31/2020)

Prior to the issuance of a building permit for the above-named project, the preliminary construction drawings must be revised to address the following comments from the Engineering Division of the Urban Planning and Land Use Department. These comments refer to street design standards and requirements of the Unified Government that were not met in this submittal. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed a cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) Comprehensive Traffic Engineering comments shall be forthcoming from UG Public Works. However, based on a preliminary review of the proposed site layout with UG Public Works, please address the following comments from the County Engineer: -

    a) This stretch of State Avenue has been designed and laid out as an access controlled Arterial Roadway with full access planned every ½ mile. The TIS and proposed plan shows a full access with a Signal at Nazareth Drive which splits the ½ mile segment and proposes a signal at the ¼ mile mark. As originally discussed, consideration was given to allow full access at this location. However, after further review and analysis of the traffic impact to State Ave., it appears in the best interest for the long-term benefit of this corridor to stick with the original ½ mile configuration for full access. This is the same approach that has been taken with proposed surrounding developments on the NE and SW corners of 118th and State Ave.

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MEMORANDUM

TO: Tony Sabljak / Byron Toy
DRC Coordinator / Principal Planner

FROM: Martin Ntonjira P.E, CDT
Engineering Supervisor

DATE: September 15, 2020

SUBJECT: Urban Outfitters – COZ 3236- Preliminary Development Plan Review, Preliminary PLAT, MP-2020-7
10901 State Avenue
Erosion Control Review No. 1 (of the civil plans not sealed, Storm Drainage Study sealed 08/28/2020 & Preliminary Sanitary Sewer Memorandum sealed 08/28/2020, received 08/31/2020)

Prior to engineering approval on the above-named project, the preliminary construction drawings must be revised to address the following comments from the Engineering Division of the Urban Planning and Land Use Department. These comments refer to Erosion Control design standards and requirements of the Unified Government that were not met in this submittal. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) As discussed with UG staff on 09.14.2020, please revise the plans to indicate construction entrance on Talladega Drive. Remove the construction entrance proposed on State Avenue.
2) Proposed grading work outside the project boundary shall require construction easement(s).
3) All items used in the erosion control plan that have a Standard UG Detail, shall be referred to by the standard UG Detail Number in the written erosion control plan and the construction sequence. (See UG checklists, standards and criteria)
4) Final erosion control plan shall include all construction details and calculations as necessary in accordance with the UG standards and criteria, at an appropriate scale. Call out UG standard detail numbers (for example, UG 1400-A, 1400-C, 1400-E, and 1400-K) and provide details where the UG does not have any, e.g., APWA curb inlet protection.
5) With final development plans, provide notes on the erosion control plans and stormwater quality BMP plans regarding cleaning sediment from the basins after use as ESC features and prior to final restoration as post construction stormwater quality BMPs.

6) Applicant will need to identify and acquire all necessary permits including local, state and federal jurisdictions for all work including land disturbance.

7) Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. These will need to include construction notes, separate drawings and references covering the phases of construction with leaders and notes that describe when EC BMPs are placed on site and removed. Only preliminary engineering drawings are required at this time.

Note: For future reference, this project contains land disturbance of 1.0 acre or more (i.e., approx. 94 Acres), which will require a Land Disturbance permit through the Public Works Department (and KDHE). Contact Mr. John Pack (913-573-5421) or Jack Xiong (913-573-5789) in Public Works to obtain all applicable Public Works permits, prior to obtaining a grading permit through the Building Inspections Department.

Reviewer: Martin Ntonjira

Digitally signed by Martin Ntonjira
DN: cn=Martin Ntonjira, o=Unified Government of Wyandotte County and Kansas City Kansas, ou=Urban Planning and Land Use, email=mntonjira@wycokck.org, c=US
Date: 2020.09.15 09:12:28 -05'00'

Martin Ntonjira, Engineering Supervisor

Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
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www.wycokck.org/planning

MEMORANDUM

TO: Tony Sabljak / Byron Toy
DRC Coordinator / Principal Planner

FROM: Martin Ntonjira P.E, CDT
Engineering Supervisor

DATE: September 15, 2020

SUBJECT: Urban Outfitters – COZ 3236- Preliminary Development Plan Review, Preliminary PLAT, MP-2020-7
10901 State Avenue
Storm Drainage Study No. 1 (of the civil plans not sealed & Storm Drainage Study sealed 08/28/2020, received 08/31/2020)

Prior to the issuance of a building permit for the above-named project, the preliminary construction drawings and/or report must be revised to address the following comments from the Engineering Division of the Urban Planning and Land Use Department. These comments refer to Storm Drainage design standards and requirements of the Unified Government that were not met in this submittal. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) With final plans illustrate settlement forebay areas for the proposed detention / infiltration ponds in accordance with UG standards and criteria and / or the MARC BMP Manual.
2) With final development plans, provide hydrology data table for the 10 and 100-year storm events. Provide all data as necessary for review including but not limited to pipe size, pipe material, flows, capacity, velocity, slope, rim elevation, HGL, EGL, etc.
3) With final development plans, provide plan and profile drawings of the storm infrastructure which shall include all utility crossings, appropriate clearances, HGL, EGL, etc. Verify that the 100-year HGLs and EGLs will not exceed the rim elevations of the structures in accordance with UG standards and criteria.
4) With final development plans, identify UG standard detail numbers on the plans by call out or reference and provide details for any that are not covered by UG technical provisions. Verify proposed improvements meet UG standards and criteria.
5) For future reference, if this project includes public storm sewer improvements; the public storm sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility

contacts, floodplain note, etc. The public storm sewer improvement plans shall include erosion control. This set of plans is not required at this time but will be required for final development plans.

6) All public storm sewers will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater). Illustrate proposed easements on the plat/plans, if applicable.

7) All public storm sewer will need to be accessible by vehicle for maintenance purposes. The layout, topography / slopes and ground cover shall be considered and identified on the plans where the storm sewer is proposed.

8) Applicant will need to identify and acquire all necessary permits including local, state and federal jurisdictions for all work that may be under the applicable jurisdictions.

9) Final Development Plans / Plat will have to be approved before going to planning commission with approval to obtain permits. This will include complete drawings of the pipe systems, and drainage areas with 5-year and 100-year tables, outlet structures and rip rap, plan and profile views with HGLs and EGLs (per UG standards, energy grade lines shall not exceed ground surface), final calculations, and all details necessary for review. Final Development Plans must meet the requirements of UG standards. Only preliminary drawings are required at this time.

Reviewer: Martin Ntonjira

Digitally signed by Martin Ntonjira
DN: cn=Martin Ntonjira, o=Unified Government of Wyandotte County and Kansas City Kansas, ou=Urban Planning and Land Use, email=mntonjira@wycokck.org, c=US
Date: 2020.09.15 09:20:00 -05'00'

Martin Ntonjira, Engineering Supervisor

Urban Planning and Land Use

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Kansas City, Kansas 66101
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Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

MEMORANDUM

TO: Tony Sabljak / Byron Toy
DRC Coordinator / Principal Planner

FROM: Martin Ntonjira P.E, CDT
Engineering Supervisor

DATE: September 15, 2020

SUBJECT: Urban Outfitters – COZ 3236- Preliminary Development Plan Review, Preliminary PLAT, MP-2020-7
10901 State Avenue
Stormwater Quality Review No. 1 (of the civil plans not sealed & Storm Drainage Study sealed 08/28/2020, received 08/31/2020)

Prior to engineering approval on the above-named project, the preliminary construction drawings must be revised to address the following comments from the Engineering Division of the Urban Planning and Land Use Department. These comments refer to Stormwater Quality design standards and requirements of the Unified Government that were not met in this submittal. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) The stormwater facilities shall be accessible by vehicle for maintenance and inspection purposes. The layout, topography/slopes and ground cover shall be considered and identified on the plans where the storm facilities are proposed.
2) With final development plans, provide an Operation and Maintenance Manual and inspection checklists for the post-construction stormwater quality BMPs in accordance with the MARC BMP Manual. This document should be formatted to be provided to the owner and include the site address, owner's contact information, description of BMPs on site, relevant plan sheets, operation and maintenance information, inspection calendar, inspection log, sample inspection form, etc. In this regard, the O & M shall include inspections frequency, sediment removal, corrective maintenance measures, etc. Include a statement that the UG may request inspection reports.
3) With final development plans, provide construction level detailed drawings of the proposed BMPs i.e. extended wet detention basins (including dimensions, contours, inlet and outlet elevations and details, etc.).

4) Final Development Plans will have to be approved before going to planning commission with approval to obtain permits. These will need to include final engineering, calculations, and complete drawings with construction notes and details. Final Development Plans must meet the requirements of the MARC BMP manual, UG standards, criteria, and checklists. Only preliminary plans are required at this time.

Reviewer: Martin Ntonjira

Digitally signed by Martin Ntonjira
DN: cn=Martin Ntonjira, o=Unified Government of Wyandotte County and Kansas City Kansas, ou=Urban Planning and Land Use, email=mntonjira@wycokck.org, c=US
Date: 2020.09.15 09:22:27 -05'00'

Martin Ntonjira, Engineering Supervisor

Planning and Urban Design

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 29, 2020

Re: **Change of Zone Petition #3234 and Petition #SP-2020-82**

GENERAL INFORMATION

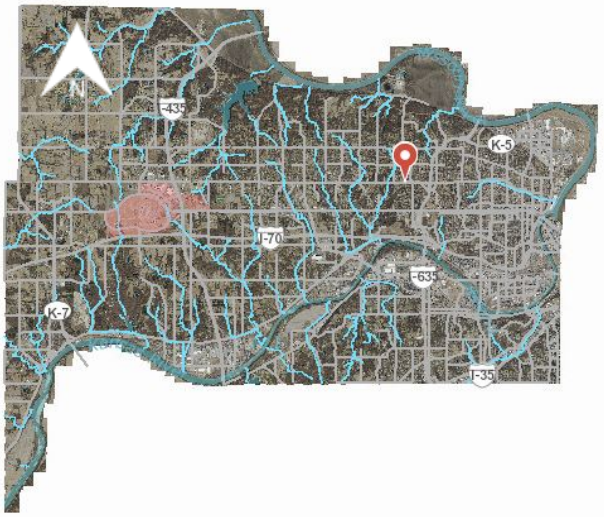
Applicant:
Maria Magana

Status of Applicant:
Representative of
Property Owner
4811 Parallel Pkwy
Kansas City, Kansas 66104

Requested Actions:
Change of Zone from
C-1 Limited Business District
to CP-2 Planned General
Business District and the approval
of a Special Use Permit.

Date of Application:
July 31, 2020

Purpose:
The approval of a change of
zone from C-1 to CP-2 for
limited auto repairs.



Property Location:	4811 Parallel Pkwy Kansas City, Kansas 66104
Commission Districts:	Commissioner At Large: Melissa Bynum District Commissioner: Gayle E. Townsend
Existing Zoning:	C-1 Limited Business District
Adjacent Zoning:	**North:** CP-2 Planned General Business District **South:** R-1 Single Family District **East:** C-1 Limited Business and CP-2 Planned General Business District **West:** C-1 Limited Business District
Adjacent Uses:	**North:** Commercial Businesses **South:** Single Family Homes **East:** Commercial Businesses **West:** A Vacant Lot
Total Tract Size:	0.35 Acre
Master Plan Designation:	The City-Wide Master Plan designates this property as Community Commercial.
Major Street Plan:	The Major Street Plan classifies Parallel Parkway a Class A Thoroughfare.
Parking Requirement:	Section 27-466(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. One (1) parking space per every twenty-five (25) are required to be ADA. For every six (6) ADA parking spots, one (1) is required to be van-accessible.
Advertisement:	The Wyandotte Echo – August 20, 2020 Letters to Property Owners – August 21, 2020 and October 23, 2020
Public Hearings:	October 12, 2020 and October 29, 2020
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Maria Magana, is seeking the approval of Change of Zone #3234 from C-1 Limited Business District to CP-2 General

Business District in conjunction with a Special Use Permit SP-2020-82 for the purpose of performing limited auto repairs at 4811 Parallel Parkway.

There have been multiple Notices of Violation issued on this property in the last four (4) years for things such as weeds, trash, vehicles in violation, and excessive stored items.

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

FACTORS TO BE CONSIDERED

1. ***Neighborhood character.***

   The character of the neighborhood is primarily commercial in nature with businesses lining Parallel Parkway, a Class A Thoroughfare. There are single-family homes behind the property to the south.

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

   The zoning and uses are set out above. The proposed use is compatible with the neighboring commercially zoned properties, but not the single-family homes directly to the south.

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

   This property is suitable for use as a commercial business. The property could be suitable for CP-2 Planned General Business District if managed properly. Removal of the restrictions from C-1 to CP-2 districts may create issues of noise and waste that may detrimentally affect nearby properties.

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

   The property is not vacant. It is currently being utilized as a used tire shop.

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

   The proposed use provides a convenience to the public in the form of auto repair services. If noise and automobile waste is not managed properly, the use of the property may substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Class A Thoroughfare to accommodate it if managed properly, while it functions as a limited auto repair shop.

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

   The City-Wide Master Plan designates this area as Community Commercial. The proposed change of zone conforms to this plan. Special Use Permits are not addressed in the Master Plan

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

   The proposed use could cause environmental harm if automotive waste is not properly managed.

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

   Noise, vibration, dust, and illumination are all issues that are associated with automobile repair shops. These issues may create problems for nearby properties.

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

    The proposed use may pollute the air, land, or water if chemicals and other waste are not disposed of properly.

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

    The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing auto business in a built-out neighborhood.

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

    a. ***Water service***

       Available

    b. ***Sanitary sewer service***

       Available

c. Storm water control

Available

d. Police

Police service is provided by District #444.

e. Fire

Fire service is provided by Station #18.

f. Transit

Public transportation is provided by KCATA on the 116 West Parallel line. The nearest stop is directly in front of 4811 Parallel Pkwy.

g. Schools

Public Education is Provided by Kansas City USD 500.

h. Streets

See item #6 above.

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

The establishment of an automotive would have some economic impact on the community as it is a business. It will offer automotive repair services in the neighborhood and may create some jobs.

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

The proposed use could be capable to meet applicable ordinance requirements if upgrades are made to the property and code violations were rectified.

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

The proposed use will not create issues of overcrowding of land as it will operate within the existing building and its site. It will not cause undue concentrations in population as it will only minimally increase customer traffic from the current business. Parking and storage of cars may become an issue.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it provides the convenience of automobile repair services with some economic benefit. If denied, the landowner could not use the property as an automobile repair shop but could use it for other types of businesses or sell the property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 15, 2020. No one was in attendance.

KEY ISSUES

Nearby Single-Family Homes
Noise
Parking
Multiple Code Violations
Proper disposal of chemicals and other waste

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application #3234 and Special Use Permit Application #SP-2020-82, subject to:

1. **If approved, applicant must submit final plans and elevations to the Development Review Committee (DRC) for all necessary and proposed building upgrades, landscaping and fencing;**
2. **Must complete the rooftop maintenance and otherwise bring the building up to code with permits for any work that requires permits;**
3. **The potholes in the parking lot must be repaired. The entire parking lot must be paved or resurfaced with asphalt or concrete. All parking spaces on the front, east and south sides must be striped;**
4. **ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
5. **Must comply with Commercial Design Guidelines, including:**
    i. **Architectural screened fence posts should match stone of existing building;**
    ii. **Apply wainscoting around lower third of building on all four (4) sides, except the existing stone on the office shall remain;**
    iii. **Exterior walls, excluding the office area, must be covered in stucco, colored to compliment the wainscoting;**
    iv. **Must provide a landscape buffer between building and the sidewalk along Parallel Parkway and bus stop;**
    v. **Provide a materials palette for the proposed design;**
6. **If a trash dumpster is to be used on the property, a trash enclosure is required to be built with materials to match the main building;**
7. **Chemical spills must be cleaned up immediately;**

8. **No outside storage of salvage parts, no outside storage or display of new or used tires, automotive parts, or merchandise, no inoperable vehicles stored on the property;**
9. **All Sales and Service must take place inside a totally enclosed building;**
10. **All signage must be compliant with the sign ordinance. Must obtain sign permits for any sign types that require permitting. Business owner and property owner are collectively responsible to ensure that all signage is compliant with the sign ordinances at all times;**
11. **All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
12. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
13. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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;**
14. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,**
15. **If approved, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **#3234 and #SP-2020-82** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 12, 2020 City Planning Commission Minutes
Zoning Map
Aerial Map
Site Photographs Provided by Staff, Dated August 17, 2020
Conservation District Comments

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing Rezoning	October 12, 2020 Approval	October 29, 2020
Public Hearing Special Use	October 12, 2020 Approval	October 29, 2020

STAFF CONTACT: **Shana Shanteau**
sshanteau@wycokck.org

MOTIONS

Change of Zone:

I move the Unified Government Board of Commissioners **APPROVE** Petition **#3234** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#3234,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit:

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2020-82** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2020-82,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 12, 2020 City Planning Commission Minutes:

Hearing starts at 56:44:

CHANGE OF ZONE APPLICATION #3234 – MARIA MAGANA – SYNOPSIS: Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District for limited auto repairs at 4811 Parallel Parkway.

SPECIAL USE PERMIT APPLICATION #SP-2020-82 – MARIA MAGANA – SYNOPSIS: Special Use Permit for limited auto repairs at 4811 Parallel Parkway.

Detailed Outline of Requested Action: The applicant, Maria Magana, is seeking the approval of Change of Zone #3234 from C-1 Limited Business District to CP-2 General Business District in conjunction with a Special Use Permit SP-2020-82 for the purpose of performing limited auto repairs at 4811 Parallel Parkway. There have been multiple Notices of Violation issued on this property in the last four (4) years for things such as weeds, trash, vehicles in violation, and excessive stored items.

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

1. The City's currently adopted zoning and subdivision regulations;

2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 12, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Maria Magana, applicant, 4811 Parallel Parkway, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:02:33: Planning Director Hand stated that this request is for limited auto repair only, such as oil changes and tire repair, which would not include auto body work or larger engine repair. There have been multiple Notices of Violation on the subject property over the last three (3) years so staff is supportive of this request and its potential clean-up and rehabilitation at the property. If the applicant wants to have a storage container for tires in the future, she would need to apply for a Special Use Permit. The staff has outlined several conditions in the staff report to improve the property as per Code requirements for this use. Director Hand stated that the staff has not received any opposition on this proposal. The staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 1:04:50:

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application #3234**:**

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

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

1. **If approved, applicant must submit final plans and elevations to the Development Review Committee (DRC) for all necessary and proposed building upgrades, landscaping and fencing;**
2. **Must complete the rooftop maintenance and otherwise bring the building up to code with permits for any work that requires permits;**
3. **The potholes in the parking lot must be repaired. The entire parking lot must be paved or resurfaced with asphalt or concrete. All parking spaces on the front, east and south sides must be striped;**
4. **ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
5. **Must comply with Commercial Design Guidelines, including:**
    i. **Architectural screened fence posts should match stone of existing building;**
    ii. **Apply wainscoting around lower third of building on all four (4) sides, except the existing stone on the office shall remain;**
    iii. **Exterior walls, excluding the office area, must be covered in stucco, colored to compliment the wainscoting;**
    iv. **Must provide a landscape buffer between building and the sidewalk along Parallel Parkway and bus stop;**
    v. **Provide a materials palette for the proposed design;**
6. **If a trash dumpster is to be used on the property, a trash enclosure is required to be built with materials to match the main building;**
7. **Chemical spills must be cleaned up immediately;**
8. **No outside storage of salvage parts, no outside storage or display of new or used tires, automotive parts, or merchandise, no inoperable vehicles stored on the property;**
9. **All Sales and Service must take place inside a totally enclosed building;**
10. **All signage must be compliant with the sign ordinance. Must obtain sign permits for any sign types that require permitting. Business owner and property owner are collectively responsible to ensure that all signage is compliant with the sign ordinances at all times;**
11. **All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
12. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
13. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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;

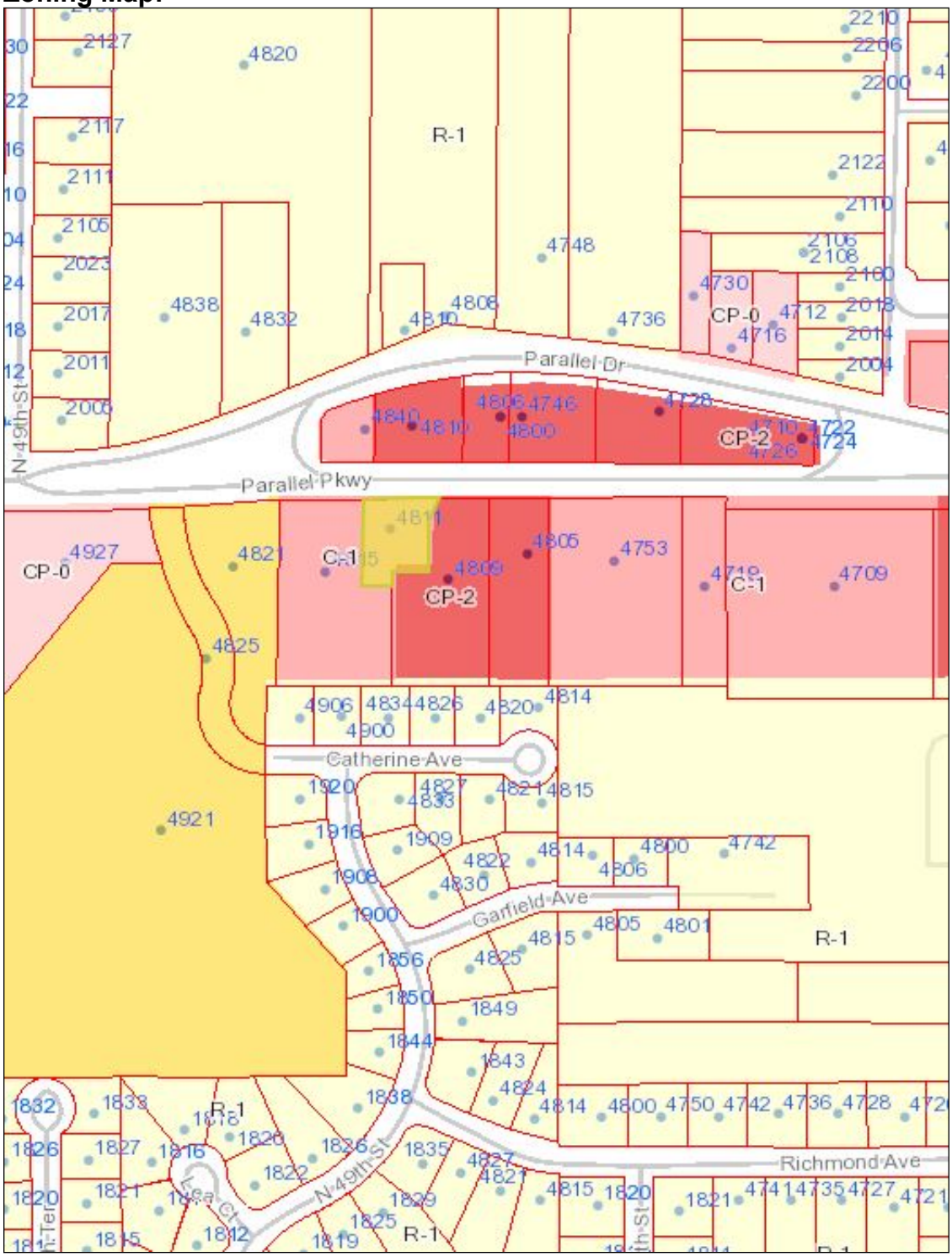
14. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,**
15. **If approved, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2020-82 for two (2) years**:**

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

Motion to RECOMMEND APPROVAL Passed: 8 to 0
Subject to the above stipulations.

Zoning Map:


R-1
CP-0
CP-2
C-1
Parallel Dr
Parallel Pkwy
N 49th St
Catherine Ave
Garfield Ave
Richmond Ave
Lea Ct

Aerial Map:

4832
4810
Parallel Dr
4840
4810
4800
4746
4806
Parallel Pkwy
4811
4805
4815
4809
4906
4900
4834
4826
4820
4814
Catherine Ave

Site Photographs Provided by Staff, Dated August 17, 2020:

YOKOHAMA
08/17/2020
18:11

No hay garantía en llantas usadas
There is no warranty on used tires
We reserve the right to refuse service to anyone
Nos reservamos el derecho de dar servicio a alguien
Cargo por desechar llantas
Tire Disposal Fee
Solo aceptamos efectivo
We accept cash only
No aire GRATIS
No se permiten Armas
Weapons are not allowed
SMILE
YOKOHAMA
08/17/2020
18:12

08/17/2020
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YOKOHAMA
08/17/2020
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YOKOHAMA
08/17/2020
18:14

YOKOHAMA
08/17/2020
18:14

4811
YOKOHAMA
08/17/2020
18:15

No hay garantia en llantas usadas
There is no warranty on used tires
We reserve the right to refuse service to anyone
Nos reservamos el derecho de dar servicio a alguien
Cargo por desechar llantas $5
Tire Disposal fee $5
Solo aceptamos efectivo
We accept cash only
No se permiten Armas
Weapons are not allowe
¡¡NO!!
TRASPASSING
ONLY CASH
08/17/2020
18:15

COIN LAUNDRY
USED TIRES
913 295 2880
08/17/2020
18:15

USED TIRES
913 295 2880
08/17/2020
18:15

08/17/2020
18:16

08/17/2020
18:16

08/17/2020
18:17

G
4811
KCBPU
108554
08/17/2020
18:18

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

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

August 18, 2020

RE: COZ-3234 and SP-2020-82 Maria Magana CP-1 to CP-2 for Auto Repair 4811 Parallel Parkway

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the Change of Zone for: COZ-3234 and SP-2020-82 Maria Magana CP-1 to CP-2 for Auto Repair 4811 Parallel Parkway.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- The main concern with this site is chemical spills. They need to be cleaned up immediately.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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

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

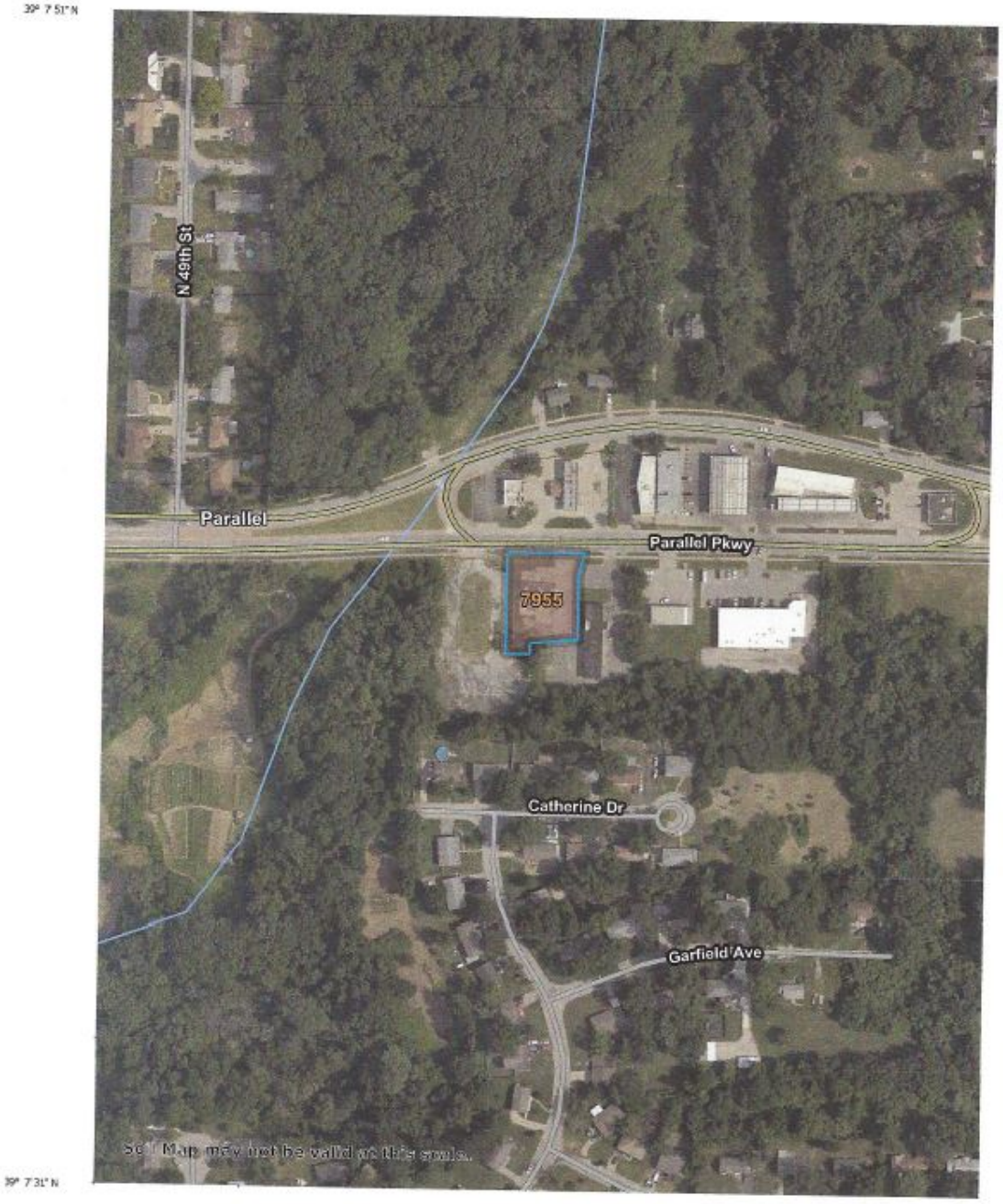
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

Map Unit Name—Wyandotte County, Kansas
(COZ 3234 SP2020-82 4811 Parallel pkwy)



Map Scale: 1:3,000 if printed on A portrait (8.5" x 11") sheet.

N

0 40 80 160 240 Meters

0 100 200 400 600 Feet

Map projection: Web Mercator Corner coordinates: WGS84

USDA Natural Resources Conservation Service

Web Soil Survey
National Cooperative Soil Survey

8/13/2020
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- Knox silt loam, 7 to 12 percent slopes
- Not rated or not available

Soil Rating Lines
- Knox silt loam, 7 to 12 percent slopes
- Not rated or not available

Soil Rating Points
- Knox silt loam, 7 to 12 percent slopes
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

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

Date(s) aerial images were photographed: Jul 17, 2019—Sep 25, 2019

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

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7955	Knox silt loam, 7 to 12 percent slopes	Knox silt loam, 7 to 12 percent slopes	0.5	100.0%
Totals for Area of Interest			**0.5**	**100.0%**

Description

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

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Soil Features

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

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

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

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

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

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

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

Report—Soil Features

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

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

33

October 29, 2020

#COZ 3234 and SP-2020-82

Map Unit Description (Brief, Generated)

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

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

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

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

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

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

Component: Knox (80%)

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna Quercus Macrocarpa-quercus Alba/amorpha Canescens/schizachyrium Scoparium-dalea Candida Bur Oak-white Oak/leadplant/little Bluestem-white Prairie Clover, Deep Loess Protected Backslope Woodland Quercus Rubra-tilia Americana/asimina Triloba-ulmus Rubra/carex Jamesii-sanguinaria Canadensis Northern Red Oak-american Basswood/pawpaw-slippery Elm/james' Sedge-bloodroot ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Armster, eroded (5%)

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

Component: Similar soil (5%)

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

Component: Ladoga (5%)

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

Component: Welda (5%)

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

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

August 21 2020.

Name
Address
City/State/Zip

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use #.COZ 3234 and SP#-2020-82 The purpose of this:
(please use all that applies)

- change of zone. **X**
- special use permit. **X**
- preliminary plan review

is for a chance of Zoning and Special Use Permit for limited auto repairs

at the following address: 4811 Parallel Patkway, Kansas City, KS 66104.

I/We am having a neighborhood meeting on Friday September 15 2020, at 7 p.m. at the following address 4811 Paralell Parkeay, Kansas City. KS 66104__.

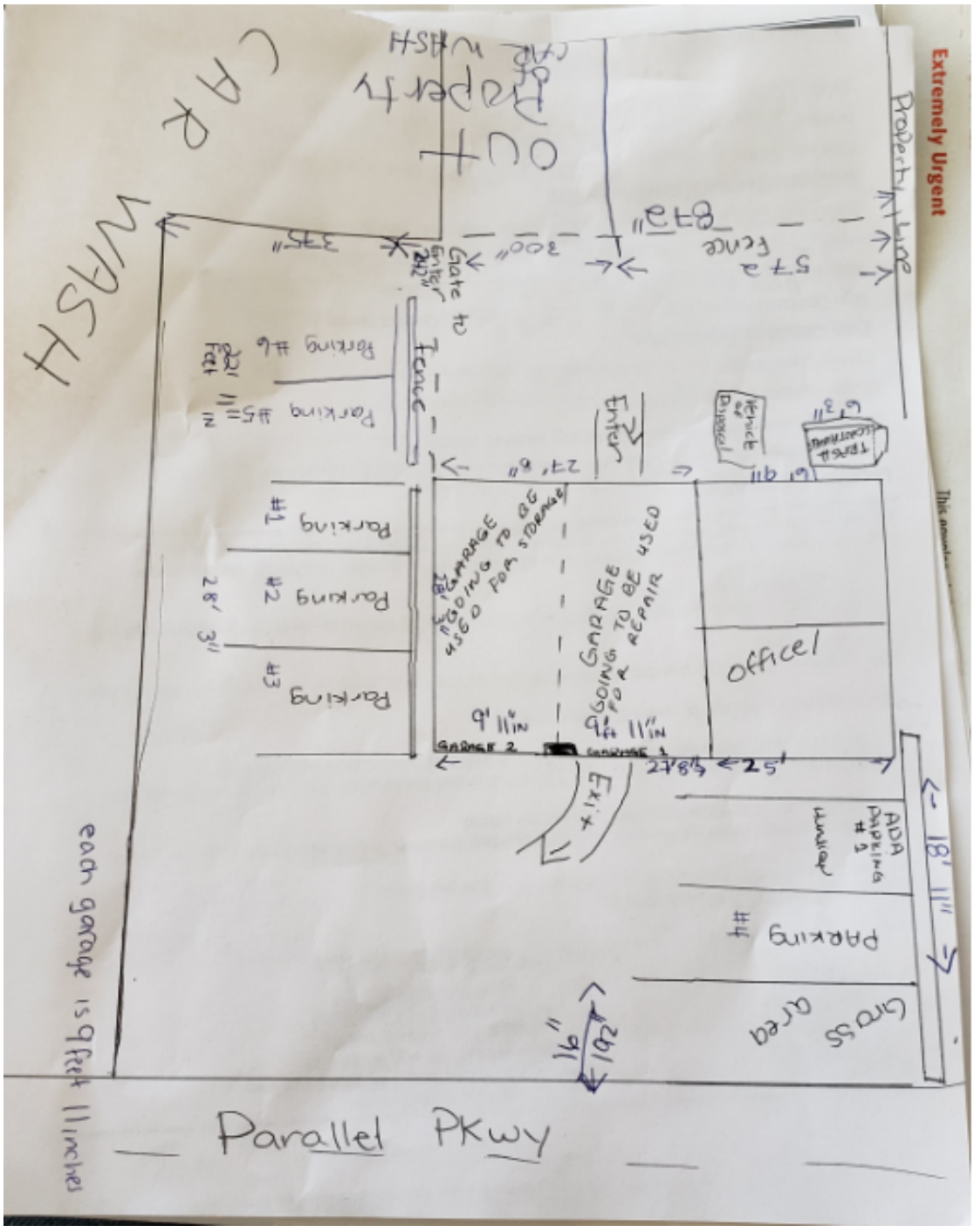
The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the phone number below 816-714-9762 or email me at teresa208530@gmail.com..

Sincerely,

Maria Magana

Site Plan:


Extremely Urgent
CAR WASH
OUT Property
Property Line
Parking #6
Parking #5
Parking #1
Parking #2
Parking #3
Parking #4
Fence
Enter
Exit
GARAGE GOING TO BE USED FOR STORAGE
GARAGE GOING TO BE USED FOR REPAIR
office
ADA PARKING #1
Grass area
each garage is 9 feet 11 inches
Parallel PKWY

Photographs, Provided by Applicant:

SMILE

SMILE
ONLY CASH

Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 29, 2020

Re: **Petition #SP-2020-83**

GENERAL INFORMATION

Applicant:
Marc and Pamela Rowe

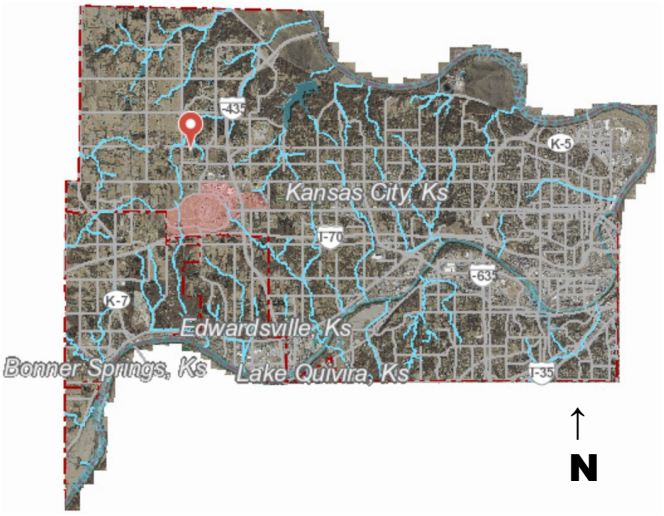
Status of Applicant:
Property Owners
11255 Leavenworth Road
Kansas City, Kansas 66109

Requested Action:
Renewal (expired June 25, 2020) of a Special Use Permit.

Date of Application:
August 4, 2020

Purpose:
Renew a Special Use Permit for the continuation of hosting live entertainment and events in conjunction with a small farm winery.

Property Location:
11255 Leavenworth Road



Commission District:	District Commissioner:	Mike Kane
	Commissioner At Large:	Melissa Bynum
Existing Zoning:	AG Agriculture District	
Adjacent Zoning:	**North:**	AG Agriculture District
	South:	R-1 Single-Family District
	East:	AG Agriculture District
	West:	AG Agriculture District
Adjacent Uses:	**North:**	Undeveloped property
	South:	Single family residences; Undeveloped single-family lots
	East:	Single-family residence
	West:	Single family residence
Total Tract Size:	9.64 Acres	
Master Plan Designation:	The Priarie-Delaware-Piper Master Plan designates the property as Suburban Residential.	
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class B Thoroughfare.	
Required Parking:	Section 27-454(e) requires two (2) parking spaces for each single-family residence, at least one (1) of which must be in a garage or carport.	
Advertisement:	The Wyandotte Echo – September 17, 2020 Letters to Property Owner – September 16, 2020 and October 23, 2020	
Public Hearings:	October 12, 2020 and October 29, 2020	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicants, Marc and Pamela Rowe, are requesting a renewal of a Special Use Permit, which expired in June 25, 2020, to allow hosting special events on the site of a small farm winery. The applicants have previously applied for and received a Special Use Permit for a farm winery in 2009, 2013, and 2015 and a Special Use Permit for special events in conjunction with the farm winery in 2015. The 9.6-acre site includes the applicants' residence, a pond, an outbuilding, and about three (3) acres of vineyards. There are no outstanding Notices of Violations associated with the property.

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

FACTORS TO BE CONSIDERED

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

   This is a largely rural and agricultural, but developing, area. In the five (5) years since the applicants have last applied for a renewal, the land directly to the south of their property has been platted, rezoned, and developed as a single-family neighborhood.

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

   The zoning of the properties to the north (across Leavenworth Road), the east, and the west have remained AG Agriculture since the last renewal in 2015. Similarly, the uses of those respective properties have not changed in the past five (5) years. The land to the south, however, has changed in zoning district and use since 2015. Outdoor, live events at a winery are not incompatible with a local residential neighborhood per se, but issues of traffic, light, and noise could present issues.

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

   The primary uses permitted by this Special Use Permit are a tasting room and retail sales of wine produced on the property. Both uses are suitable for a winery. Such uses do not detrimentally affect nearby properties, so long as the number of patrons does not exceed the on-site parking capacity and traffic to and from the property does not cause safety issues on Leavenworth Road.

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

   The property is not currently vacant. The applicants state that they have lived on the property since 2000, the vineyard was planted in 2005, and the winery building was constructed in 2012.

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

   The City-Wide Master Plan does not address Special Use Permits. The Prairie-Delaware-Piper Master Plan designates the property's land use as Suburban Residential. Suburban Residential is intended to be "primarily located between Leavenworth Road and the more intense commercial, industrial and entertainment uses south of Parallel Parkway. This would create an edge between the mixed use village center and the high intensity activities around the motor speedway." Operating a winery and event space on nearly 10 acres is one way to create a transition between the high intensity uses to the south and mixed uses to the north.

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

   The amount of vehicular traffic will increase, as the winery and event space is a commercial, visitor-based business, but not to the level a Class B Thoroughfare could not accommodate it.

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

   The proposed use is not reasonably necessary for the convenience and welfare of the public. If managed properly, the continuation of live entertainment should not injure the appropriate use and visual quality of adjoining property.

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

   Repetitive live events might pose noise, light, and dust issues for neighbors, especially in the late evening hours. This is of a greater concern now that a housing development is located to the south of the vineyard.

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

   There is a pond on the property. The applicants must comply with all comments from Planning Engineering and the Wyandotte County Conservation District regarding groundwater runoff and water retention.

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

    The applicants are requesting a renewal of the Special Use Permit allowing for special events at an existing winery. Small vineyards do not have a history of damaging or destroying irreplaceable natural resources on the property, and the special event space has already been built and will not be expanded. In fact, there will be no expansion of uses permitted only by a Special Use Permit so there will be no new special uses that could damage or destroy natural resources. Parking lot construction, however, creates a larger impermeable surface area that increases stormwater runoff. The parking lot cannot create more stormwater to run off the property than it would if the land was natural and undeveloped.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If the Special Use Permit renewal is denied, the applicants may still use their property as a winery, single-family residence, or sell the property.

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

There is a potential for overcrowding and undue concentrations of population during events due to the number of people at the events and the number of cars parked on the property. Staff has asked the applicants to provide information regarding peak hours.

PREVIOUS ACTIONS

SP-2007-16 (issued Special Use Permit to operate a small farm winery)
SP-2009-19 (renewed Special Use Permit to operate a small farm winery)
SP-2013-29 (issued Special Use Permit for an event space in conjunction with a small farm winery)
SP-2015-28 (renewed Special Use Permit for an even space in conjunction with a small farm winery)

NEIGHBORHOOD MEETING

The applicants held a neighborhood meeting at 7 PM on Wednesday, September 23, 2020 at Rowe Ridge Vineyard & Winery, 11255 Leavenworth Road. The meeting was adjourned at 7:30pm. Meeting minutes state that no one attended. The applicants do state that they did received calls from 3 neighbors how could not attend. All supported the special use permit. The applicants also reported to have spoken with 4 neighbors who volunteered for grape harvest. All supported the special use permit.

KEY ISSUES

Construction
Dust
Lighting and Glare
Noise
Paved Parking
Stormwater Runoff
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-83, subject to:

1) **15 parking spaces on concrete need to be striped in compliance with Section 27-669;**
2) **ADA-accessible parking and signage must be installed on the concrete parking lot in compliance with Section 27-676(a);**
3) **The applicants must apply for aa building permit for the concrete parking lot and pass final inspection;**
4) **The following permits have been issued by the Building Inspections Division and have not be satisfactorily resolved, according to records. The following permits must be resolved and/or pass final inspection before SP-2020-83 can be granted:**
    a. **Building Permit #11300-00292, issued June 9, 2011, final inspection disapproved June 5, 2015; and**
    b. **Electrical Permit #11380-01281, issued July 26, 2011, final inspection disapproved June 5, 2015; and**
    c. **Stop Work Order #19395-00173, issued July 26, 2019;**

5) **As per the conditions of approval in the SP-2013-29 and SP-2015-28 reports, any expansion of the parking lot requires concrete or asphalt paving in compliance with Section 27-675.**

6) **The applicants must apply for and receive a sign permit for the "Rowe Ridge" stone monument sign in the front yard. e granted.**

7) **The applicants will need to apply for and receive a sign permit the vinyl banner on the deck of the winery building unless it can be proven that the sign is exempt under Section 27-721(b)(1).**

8) **Any additional signage must comply with the sign code and be permitted through the Urban Planning and Land Use Department.**

9) **A concrete driveway apron must be installed per UG standards.**

10) **Applicant must maintain a current business occupation tax application and entertainment license.**

11) **Subject to approval, the Special Use Permit shall be valid for five (5) years.**

12) **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

13) **All conditions must be satisfactorily met before the applicants can resume operations under the Special Use Permit.**

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP-2020-83** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 12, 2020 City Planning Commission Minutes
Aerial Map
Zoning Map
Photos of Property Provided by Staff, Dated September 14, 2020
Photos of Property Provided by the Applicants
Photo of Winery Sign Provided by the Applicants
Additional Information from the Applicants
Parking Plans Provided by the Applicants
Caption of "Rowe Ridge Pictures" from SP-2013-29 and SP-2015-28
Conditions of Approval of SP-2013-29
Renewal Letter from the Applicants, Dated August 6, 2020
Neighborhood Meeting Letter from the Applicants, Dated September 14, 2020
Neighborhood Meeting Minutes from the Applicants, Dated September 23, 2020
Electrical Permit #11380-01281, Disapproved June 5, 2015
Building Permit #11300-00292, Disapproved June 5, 2015
Stop Work Order #19395-00173, Issued July 26, 2019

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing Special Use	October 12, 2020 Approval	October 29, 2020

STAFF CONTACT: **Michael Farley**
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2020-83** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2020-83,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 12, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-83 – MARC AND PAMELA ROWE WITH ROWE RIDGE VINEYARD AND WINERY – SYNOPSIS: Renewal of a Special Use Permit (#SP-2015-28 – expired 6/25/2020) for live entertainment at 11255 Leavenworth Road. **Detailed Outline of Requested Action:** The applicants, Marc and Pamela Rowe, are requesting a renewal of a Special Use Permit, which expired in June 25, 2020, to allow hosting special events on the site of a small farm winery. The applicants have previously applied for and received a Special Use Permit for a farm winery in 2009, 2013, and 2015 and a Special Use Permit for special events in conjunction with the farm winery in 2015. The 9.6-acre site includes the applicants' residence, a pond, an outbuilding, and about three (3) acres of vineyards. There are no outstanding Notices of Violations associated with the property.

Present in Support:

- Pamela Rowe, Rowe Ridge Vineyard and Winery, 11255 Leavenworth Road, Kansas City, Kansas

Present in Opposition:

- No one appeared

Planning Commissioner Connelly asked why the applicants renewed their permit late. Mrs. Rowe stated her renewal application was late due to the COVID-19 and other things going on at their business. She stated that they have not had any live entertainment events this year. Mr. Connelly stated that when the permit expired, they did not have a Special Use Permit to have live entertainment. Mrs. Rowe stated that their business was not open for three (3) months and they did not know what they were going to do. They applicants do not plan to have any live entertainment events this year. That is why they did not renew the permit earlier.

Staff Recommendation: Planning Director Hand stated the Special Use Permit is only for the live entertainment as the winery is not required to have a Special Use Permit under State Law. The Staff recommends approval subject to the conditions in the staff report.

Motion and Vote:

On motion by Mr. Mohler, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2020-83:

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

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

1) **15 parking spaces on concrete need to be striped in compliance with Section 27-669;**
2) **ADA-accessible parking and signage must be installed on the concrete parking lot in compliance with Section 27-676(a);**
3) **The applicants must apply for aa building permit for the concrete parking lot and pass final inspection;**
4) **The following permits have been issued by the Building Inspections Division and have not be satisfactorily resolved, according to records. The following permits must be resolved and/or pass final inspection before SP-2020-83 can be granted:**
    a. **Building Permit #11300-00292, issued June 9, 2011, final inspection disapproved June 5, 2015; and**
    b. **Electrical Permit #11380-01281, issued July 26, 2011, final inspection disapproved June 5, 2015; and**
    c. **Stop Work Order #19395-00173, issued July 26, 2019;**

5) **As per the conditions of approval in the SP-2013-29 and SP-2015-28 reports, any expansion of the parking lot requires concrete or asphalt paving in compliance with Section 27-675.**

6) **The applicants must apply for and receive a sign permit for the "Rowe Ridge" stone monument sign in the front yard. e granted.**

7) **The applicants will need to apply for and receive a sign permit the vinyl banner on the deck of the winery building unless it can be proven that the sign is exempt under Section 27-721(b)(1).**

8) **Any additional signage must comply with the sign code and be permitted through the Urban Planning and Land Use Department.**

9) **A concrete driveway apron must be installed per UG standards.**

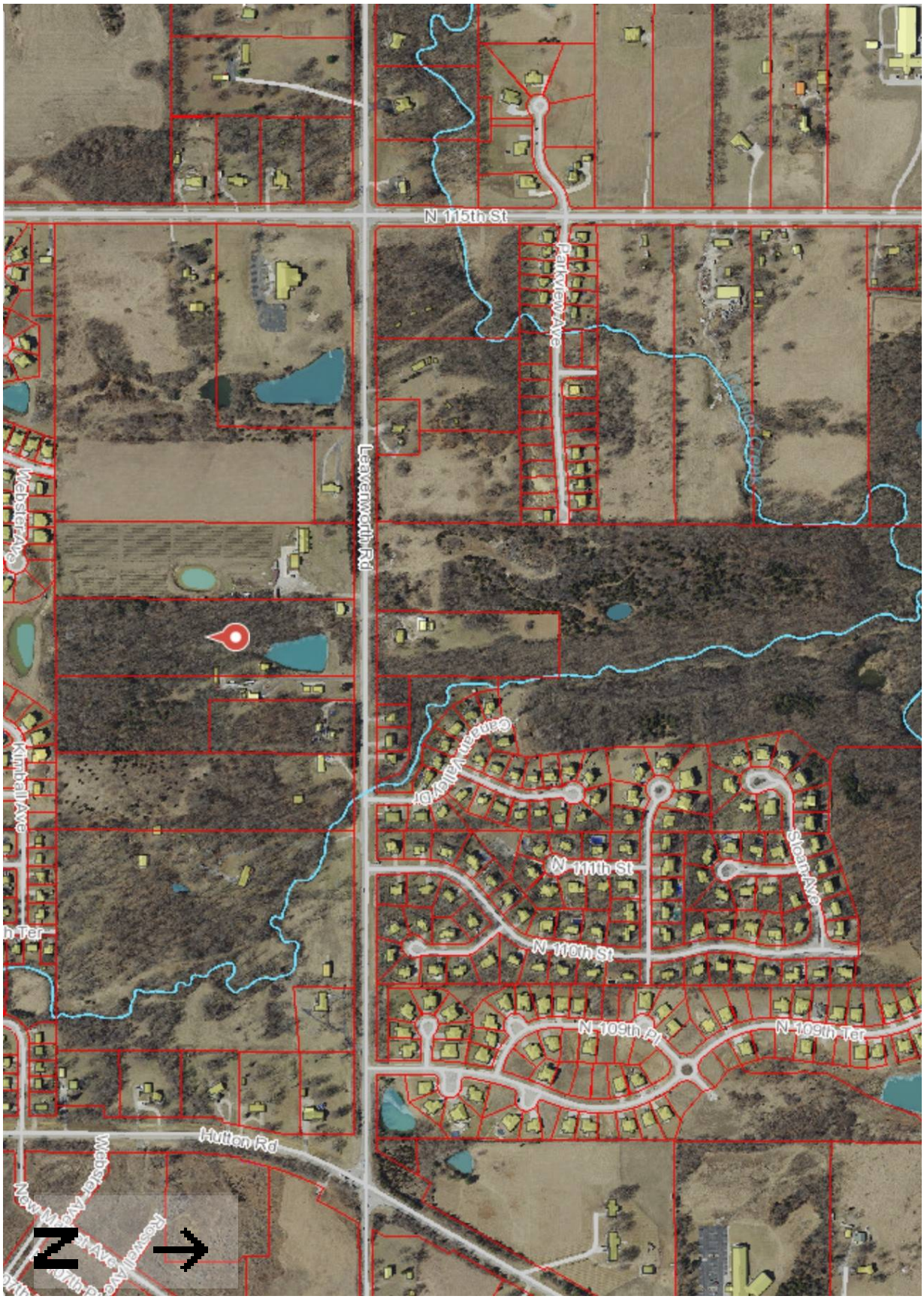
10) **Applicant must maintain a current business occupation tax application and entertainment license.**

11) **Subject to approval, the Special Use Permit shall be valid for five (5) years.**

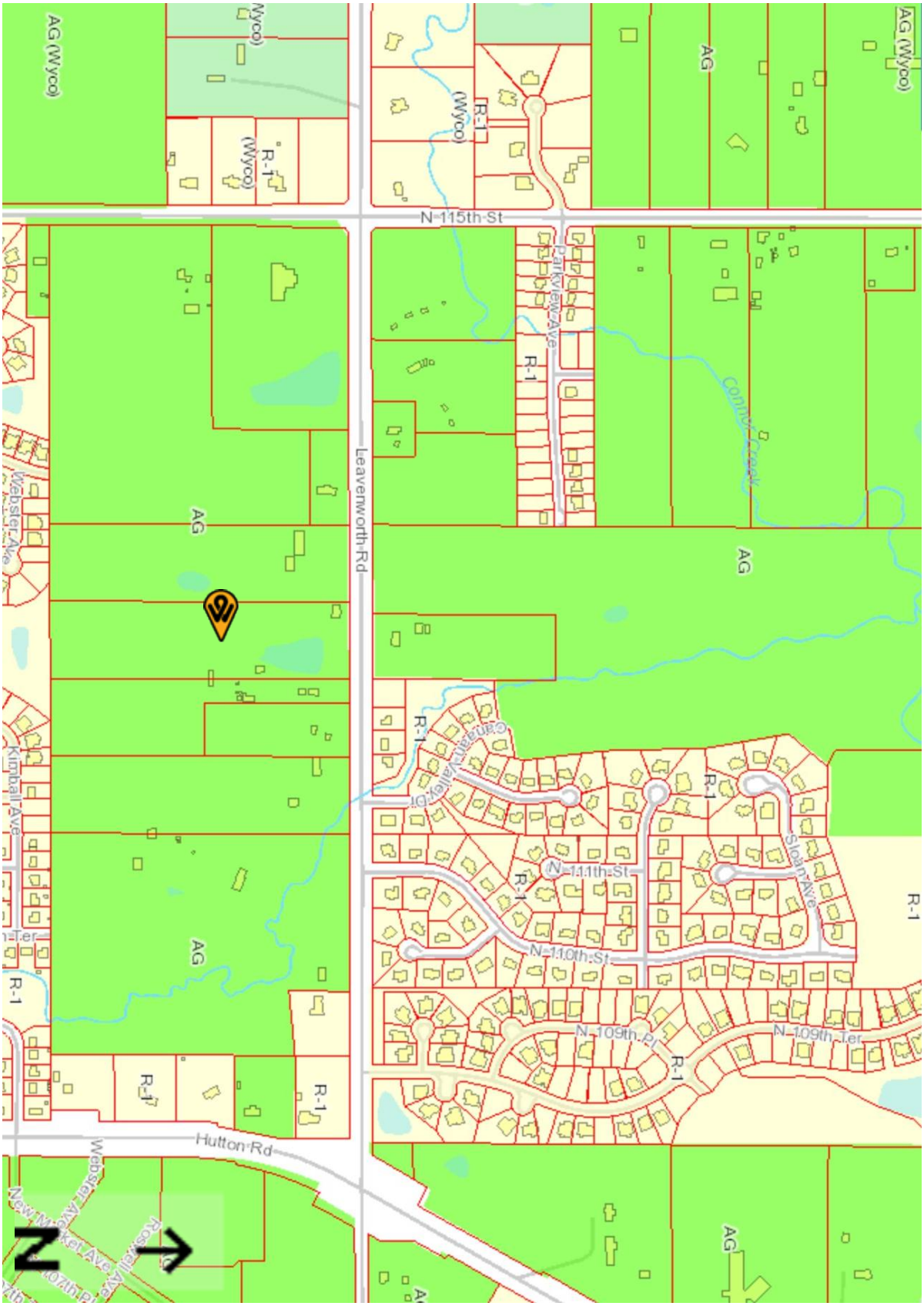
12) **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

13) **All conditions must be satisfactorily met before the applicants can resume operations under the Special Use Permit.**

AERIAL MAP


N 115th St
Parkview Ave
Leavenworth Rd
Webster Ave
Kimball Ave
Canaan Valley Dr
N 111th St
N 110th St
Sloan Ave
N 109th Pl
N 109th Ter
Hutton Rd
Webster Ave
Roswell Ave
N

ZONING MAP



AG (Wyco)
R-1 (Wyco)
AG
N 115th St
Parkview Ave
Leavenworth Rd
Webster Ave
Kimball Ave
Canaan Valley Dr
N 111th St
N 110th St
N 109th Pl
N 109th Ter
Sloan Ave
Hutton Rd
Rosewall Ave
New Market Ave

PHOTOS OF PROPERTY PROVIDED BY STAFF, DATED SEPTEMBER 14, 2020

PHOTOS OF PROPERTY PROVIDED BY THE APPLICANTS

Top Row: Views of the venue.

Bottom Row: Views of the vineyard.

PHOTO OF WINERY SIGN PROVIDED BY THE APPLICANTS

Left: Sign for Rowe Ridge, south of Leavenworth Road and east of the property's driveway.
Note: This sign requires a sign permit, which the applicants must apply for and receive before operations under the Special Use Permit can resume. *Photo provided by the applicants.*

ADDITIONAL INFORMATION FROM THE APPLICANTS

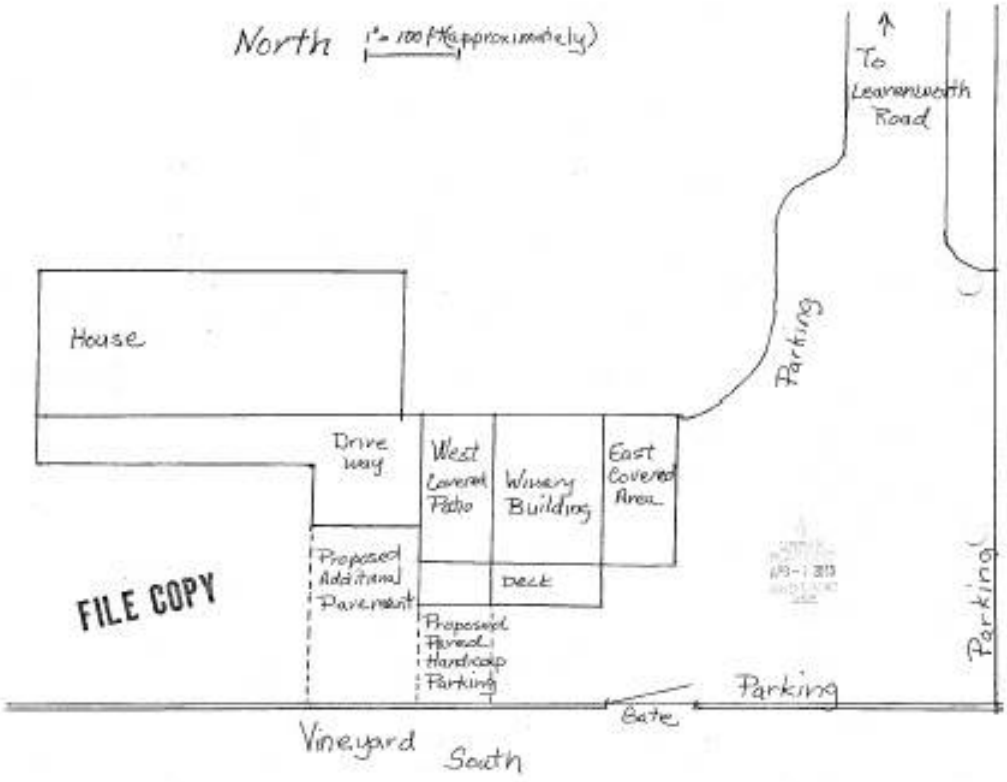
9. Additional Information Please note any additional information that may assist staff in reviewing this request.

Rowe Ridge is a registered agri-tourism in the Sate of Kansas. We are encouraged to promote other local businesses and talent. This includes hosting events that bring visitors out to the vineyard and winery to see and enjoy products produced by Kansas agriculture.

We are also members of "The Land of Kansas" program and encouraged to promote Kansas products and events.

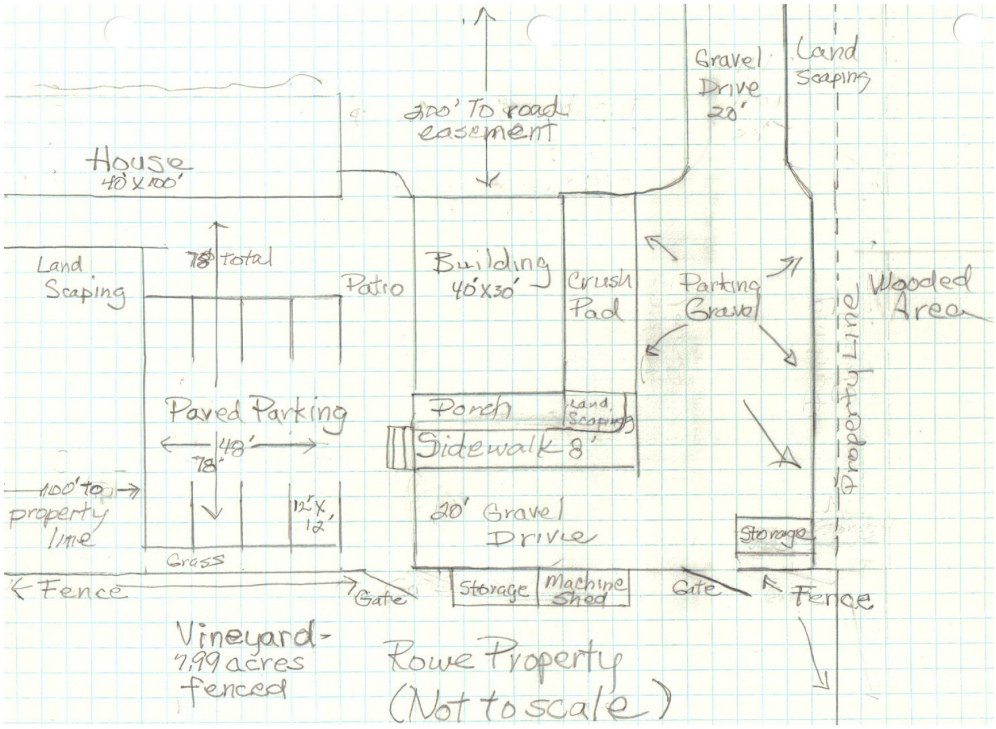
SP-2015-28

Left: Proposed parking plan submitted by the applicants for SP-2015-28. The proposal shows two (2) adjacent paved parking lots, the first labeled "Proposed Additional Pavement" and the second labeled "Proposed Paved Handicap Parking". Fulfillment of the parking lot proposal was a condition of approval of SP-2015-28.



SP-2020-83

Left: Parking plan submitted by the applicants for SP-2020-83. Concrete has been installed in the area labeled "Proposed Additional Pavement" in the SP-2015-28 parking proposal. However, this parking plan only shows eight (8) parking spaces rather than the 15 spaces required as a condition of approval for SP-2015-28. Furthermore, the parking plan does not identify any ADA parking spaces, nor are there parking lines or ADA signage on site.



Rowe Ridge Pictures

1. Facing west, this picture was taken coming up the driveway. Handicap parking will be on pavement by the stairs into the winery building. The pavement will be added this spring.

2. Facing east, this picture was taken looking down the driveway. Parking will be along the tree line. Construction materials will be removed this spring.

3. Facing northeast, this picture was taken at the bottom of the driveway. Parking will be to the right along the tree line and to the left along the tan stone wall.

4. Facing southwest, this picture was taken looking up the driveway toward the vineyard. The winery building is on the right. Parking will be along the tan stone wall to the right. This area will be finished with compacted asphalt millings.

5. Facing west, this picture was taken from the east parking area looking up the driveway.

6. Facing east, this picture was taken from the top of the driveway. This area will be paved and handicapped parking will be by the stairway. A ramp will be installed next to the stairs. This is the west side of the winery building. Live music will be under the covered patio

Item 1 states that "[h]andicap parking will be on pavement by the stairs into the winery building". The current parking plan submitted by the applicants (see "Parking Plans Submitted by the Applicants" in this section) does not demonstrate any ADA-accessible parking.

Item 6 states that "…handicap parking will be by the stairway. A ramp will be installed next to the stairs". Site photos taken by both Staff and the applicants do not show a ramp accessing the winery building (see "Photos of Property Taken by Staff, Dated September 14, 2020" and "Photos of Property Provided by the Applicants" in this section).

#SP-2015-28 June 25, 2015 20

asphalt (asphalt milling) is not permitted for a new parking lot. Real asphalt or concrete must be used for the expansion.

Furthermore, a building permit is required for the construction of a parking lot. Complete engineering documents, plans included shall be submitted to the Building Inspection Department so they may be reviewed and approved by the Development Review Committee prior to any live entertainment or events occurring on the property.

Should this petition be approved, staff stipulates the following:

1. The special use permit is valid for two (2) years.
2. On Saturdays, events are permitted from 12:00 PM to 7:00 PM.
3. If events are held on Sundays, they are permitted from 12:00 PM to 6:00 PM
    a. If there are any complaints, noise or otherwise, Sunday events will be revoked.
4. Trash and debris associated with live entertainment and events shall be picked up after each event.
5. If the event is small, 20 patrons or less and there is inclement weather, performance shall be conducted inside the winery building.
6. A banner sign may be displayed on the property for no more than seven (7) days within one six-month period. If the banner sign is attached to a building, the banner sign may displayed up to 30 days within any six-month period. A sign permit may be applied for in the Urban Planning and Land Use Department.
7. Parking lot shall be paved in accordance with Sec. 27-669, 27-675(a-b).
    a. 15 parking spaces for patrons are required to be striped.
8. The applicant must pave 2,700 square feet with concrete for parking and ADA accessibility, giving him the required 15 spaces he needs for his business.

15

#SP-2013-29 May 30, 2013

RENEWAL LETTER FROM THE APPLICANTS, DATED AUGUST 6, 2020

August 6, 2020

To: Planning & Zoning

From: Rowe Ridge Vineyard & Winery

RE: Special Use Permit 2020

Rowe Ridge Vineyard & Winery has continued to operate in the same manner as previous years.

The Rowe Ridge tasting room is open for wine flights and sales four days a week during the summer hours, and two days a week in the winter. Visitors are welcome to purchase wine, snacks, and wine related retail items in the tasting room. They can sit on the patio or deck and stroll in the vineyard. Events are held at the winery year around include shopping, craft and dog adoption events, as well as private parties. Harvest events happen in the fall with volunteers helping with grape picking.

Rowe Ridge has a full functioning 5 acre vineyard. After harvest, we make wine from the grapes in the processing area downstairs in the winery building. All wine is processed and bottled on site. All wine sales occur on site. Rowe Ridge does not distribute at this time.

Major changes have occurred in the surrounding area in the past 5 years. There are now residential homes behind the vineyard. The neighbors are happy with their view and most bought their lots to have the vineyard in their backyard. Neighbors have been very cooperative with Rowe Ridge and help with maintaining the back fence line.

Rowe Ridge has never had a complaint from a neighbor.

Marc & Pamela Rowe

Rowe Ridge Vineyard & Winery

11255 Leavenworth Road

Kansas City KS 66109

September 14, 2020

To-

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use for a special use permit - #SP-20402-00068. The purpose of this permit is the renewal of the special use permit for live entertainment at Rowe Ridge Vineyard & winery at 11255 Leavenworth Road Kansas City KS 66109.

We are having a neighborhood meeting on September 23rd at 7p.m. at Rowe Ridge Vineyard & Winery at 11255 Leavenworth Road.

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

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

Sincerely,

Marc & Pamela Rowe

11255 Leavenworth Road

Kansas City KS 66109

913-721-9776

NEIGHBORHOOD MEETING MINUTES FROM THE APPLICANTS, DATED SEPTEMBER 23, 2020

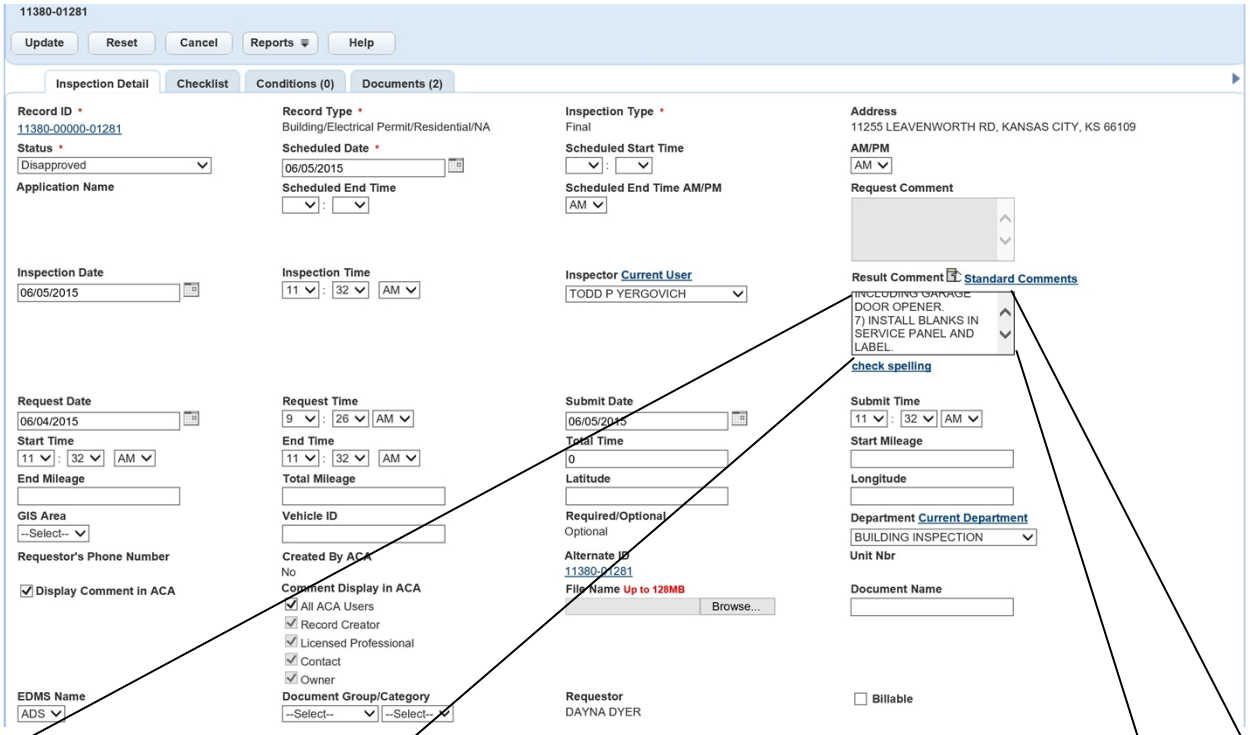
Neighborhood Meeting Minutes SP-2020-83

The neighborhood meeting was scheduled for Wednesday, September 23, 2020 at 7pm. The meeting was adjourned at 7:30pm. No one attended.

We did received calls from 3 neighbors how could not attend. All supported the special use permit. We also spoke with 4 neighbors who volunteered for grape harvest. All supported the special use permit.

We have a great relationship with the neighbors behind the vineyard. Most purchased the lots and built their homes to have a view of the vineyard. They have been happy to maintain the berm and fence in their backyards.

ELECTRICAL PERMIT #11380-01281, DISAPPROVED JUNE 5, 2015

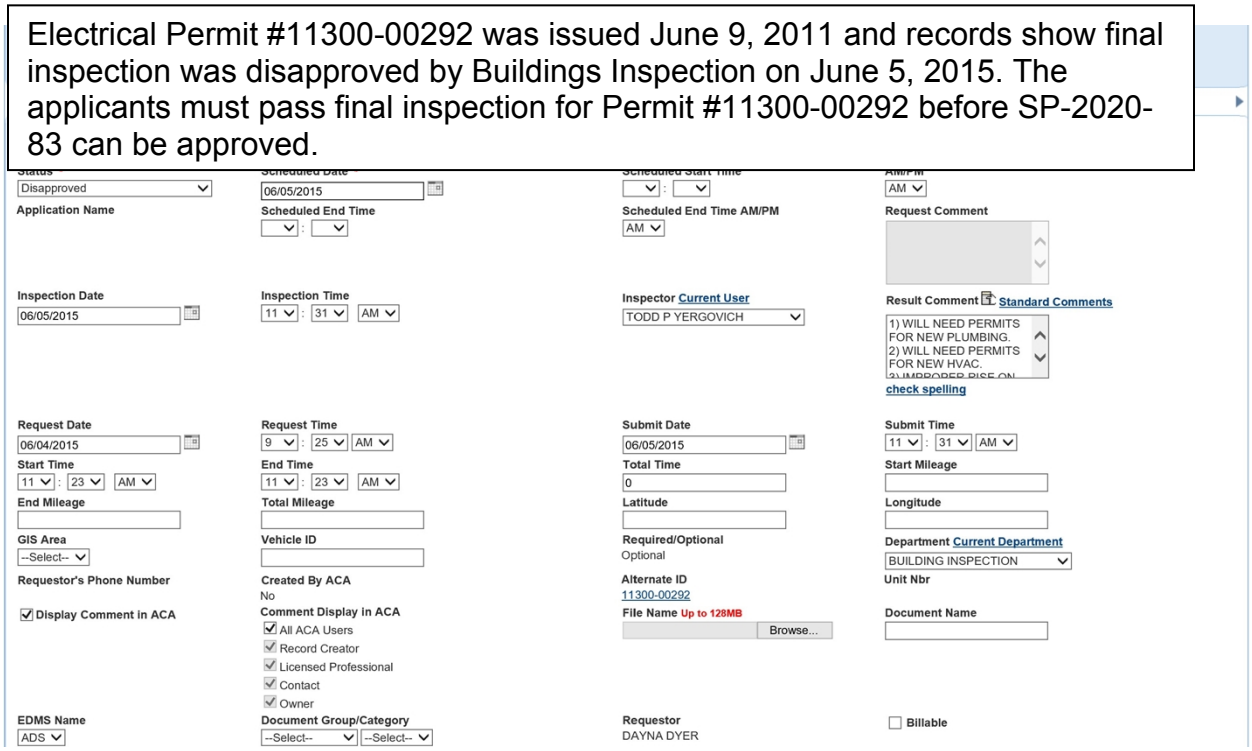


1) WILL NEED PERMITS FOR NEW PLUMBING.
2) WILL NEED PERMITS FOR NEW HVAC.
3) IMPROPER RISE ON SMALL DECK NW SIDE AND NEEDS HAND RAILS AND GAURDS.
4) OPEN WIRE NEEDS TO LAND IN A BOX AT GABLE NORTH SIDE AT PEEK.
5) NEED GUARDS AND RETURNABLE HAND RAIL ON STEPS TO BASEMENT.
6) ADD COVER ON ELEC. BOXES BY GARAGE DOORS AND FURNACE AT CEILING INCLUDING GARAGE DOOR OPENER.
7) INSTALL BLANKS IN SERVICE PANEL AND LABEL.

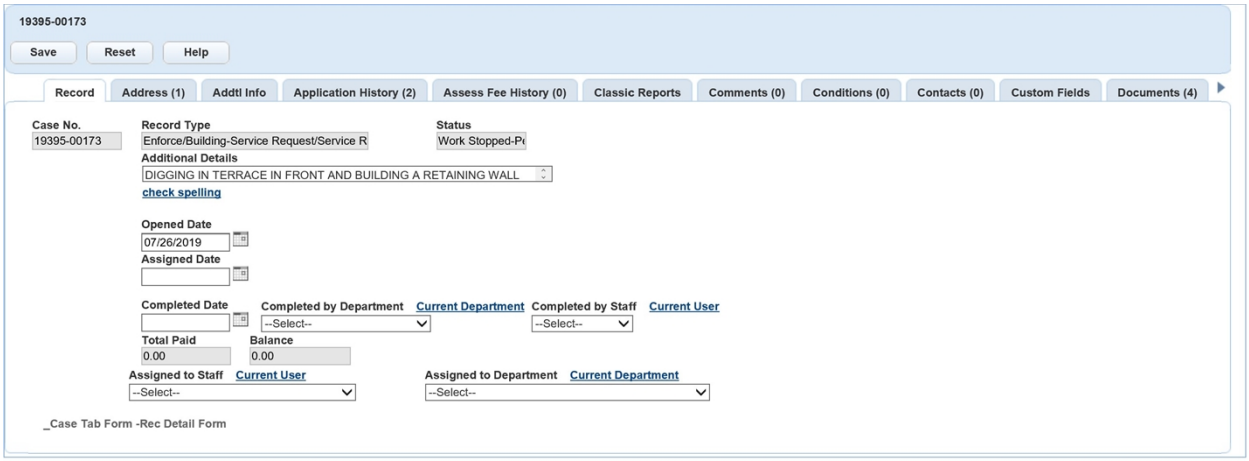
Electrical Permit #11380-01281 was issued November 11, 2011 and records show final inspection was disapproved by Buildings Inspection on June 5, 2015. The applicants must pass final inspection for Permit #11380-01281 before SP-2020-83 can be approved.

BUILDING PERMIT #11300-00292, DISAPPROVED JUNE 5, 2015

Electrical Permit #11300-00292 was issued June 9, 2011 and records show final inspection was disapproved by Buildings Inspection on June 5, 2015. The applicants must pass final inspection for Permit #11300-00292 before SP-2020-83 can be approved.



STOP WORK ORDER #19395-00173, ISSUED JULY 26, 2019



Stop Work Order #19395-00173 was issued to 11255 Leavenworth Road on July 26, 2019 for digging a terrace and building a retaining wall. The applicants must pass final inspection for the named terrace and retaining wall work, or all terrace and retaining wall must be removed, before SP-2020-83 can be approved.

Planning and Urban Design

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

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

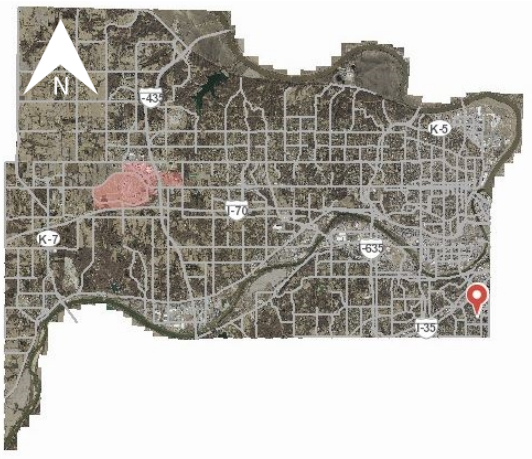
To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 29, 2020

Re: **Petition #SP-2020-84**

GENERAL INFORMATION



Applicant:
Jason Newman

Status of Applicant:
Property Owner:
4112 Booth Street
Kansas City, Kansas 66103

Requested Action:
The renewal of a short-term rental Special Use Permit SP-2019-101, which expires on 10/31/2020.

Date of Application:
August 28, 2020

Purpose:
To continue to operate a short-term rental. This is not the applicant's primary residence.

Property Location:
4112 Booth Street

Commission Districts:	Commissioner At Large: Tom Burroughs District Commissioner: Christian Ramirez
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	**North:** R-1(B) Single Family District **South:** R-1(B) Single Family District **East:** R-1(B) Single Family District **West:** R-1(B) Single Family and RP-5 Apartment Districts
Adjacent Uses:	**North:** Single Family Homes **South:** Single Family Homes **East:** Single Family Homes **West:** Single Family Homes and Apartments
Total Tract Size:	0.11 Acre
Master Plan Designation:	The City-Wide Master Plan designates this area as Low Density Residential. The Rosedale Future Land Use Plan designates this area as Single Family Residential.
Major Street Plan:	The Major Street Plan classifies Ann Avenue as a Local Street.
Parking Requirements:	Section 27-455(e) requires that two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling.
Advertisement:	The Wyandotte Echo – September 17, 2020 Letters to Property Owner – September 16, 2020 and October 23, 2020
Public Hearings:	October 12, 2020 and October 29, 2020
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jason Newman, is seeking the renewal of SP-2019-101, which expires on 10/31/2020. The Special Use Permit allows for the operation of a short-term rental at 4112 Booth Street. This is not the applicant's primary residence. There have been no Notices of Violation issued on this property during the time that the applicant has owned the property.

FACTORS TO BE CONSIDERED

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

   The neighborhood is residential in nature, comprised of single-family homes and apartments adjacent to the historic Hanover Heights Neighborhood with nearby commercial services.

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

   The zoning and uses are set out above. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding. There have been no noise complaints during the time this property has been used as a short-term rental.

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

   This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

   This property is not vacant. It is an existing single-family residence being used as a short-term rental.

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

   Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as Low-Density Residential. The proposed use conforms to the Master Plan if no more than one (1) group stay on the property at one time.

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

   The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Local Street to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

   The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing single-family residence.

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

   Noise is an issue that is related to short-term rentals. There have not been any noise complaints during the time the property has been used as such. Vibration, dust, and illumination are not expected to be issues.

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

   The proposed use will not pollute the air, land, or water as it is an existing, permitted single-family residence.

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

    The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out neighborhood.

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

    The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

    The proposed use will not create issues of overcrowding as it operates within an existing structure and available parking if provided on the site. The maximum number of guests allowed at one time is six (6) and the maximum number of vehicles is three (3). If the applicant abides by the outlined conditions, neither overcrowding nor undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

SP-2019-101 which expires on 10/312020

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 28th. No one came to the meeting. No one has expressed support or opposition. Documentation is attached below.

KEY ISSUES

Noise
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-84, subject to:

1. **Maximum number of guests shall be six (6);**
2. **All parking must be off-street, maximum number of vehicles is three (3);**
3. **Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
5. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance:**
   913-246-5133 www.hostcompliance.com/tips ;
6. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
7. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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 two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **#SP-2020-84** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 12, 2020 City Planning Commission Minutes
Aerial Photo
Zoning Map
Site Photographs Provided by Applicant
Site Photographs Provided by Staff, Dated September 16, 2020
Host Compliance Documentation
Current Occupation Tax Receipt
Guest Manual/List of House Rules
Neighborhood Meeting Documentation
Site Plan
Floor Plan

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	October 12, 2020	October 29, 2020
Special Use	Approval	

STAFF CONTACT: **Shana Shanteau**
sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2020-84** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the **DENY** Petition **#SP-2020-84** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 12, 2020 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2020-84 – JASON NEWMAN WITH EXZANCE PROPERTIES, LLC – SYNOPSIS: Renewal of a Special Use Permit (#SP-2019-101 – expires 10/31/2020) for a Short-Term Rental/AirBNB at 4112 Booth Street. **Detailed Outline of Requested Action:** The applicant, Jason Newman, is seeking the renewal of SP-2019-101, which expires on 10/31/2020. The Special Use Permit allows for the operation of a short-term rental at 4112 Booth Street. This is not the applicant's primary residence. There have been no Notices of Violation issued on this property during the time that the applicant has owned the property.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 12, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The ECHO for the Special Use Permits; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. Planning Commissioner Connelly asked that Special Use Permit #SP-2020-83 for Marc and Pamela Rowe be removed from the Consent Agenda.

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

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

Motion to APPROVE Passed: 8 to 0
Subject to:

#SP-2020-84:

1. **Maximum number of guests shall be six (6);**
2. **All parking must be off-street, maximum number of vehicles is three (3);**
3. **Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
5. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance:**
   913-246-5133 www.hostcompliance.com/tips ;
6. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**

7. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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 two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

Aerial Photo:

Zoning Map:

R-1(B)
4022
4024
4026
4027
4025
403
R-2029
4033
4035
4022
4024
4026
4028
4101
4103
4105
4107
4111
4119
4123
4127
4130
R-1(B)
4135
4137
4141
4143
4145
4150
2414
2410
2517
2513
2511
R-1(B)
4115
4114
4123
4131
4133
4137
4139
4144
2522
RP-15
4142
4140
4146
4100
4102
4110
4112
4116
4118
Booth Pl
R-1(B)
4122
4126
4132
4136
4146
4150
Booth St
W 42nd Ave

Photographs Provided by Applicant:

Site Photographs Provided by Staff, Dated September 16, 2020:

412

Host Compliance Documentation:

Dashboard

Rental Unit Record

4112 Booth St, Kansas City, KS 66103, USA

Active ●
Identified ✓
Compliant X

PRINT
SEND A LETTER

Listing(s) Information

HomeAway - 121.9256421.6262556 | Airbnb - 39779075

Matched Details

Analyst 790Z

Explanation
The streetview and house number match.

Listing Photos | **Matching 3rd Party Sources**

The exterior matches.

Zip Code Match
Owner Name Match
City Name Match

Listing Details

Rental Unit Information

Identified Address
4112 Booth St, Kansas City, KS 66103, USA

Identified Unit Number
None

Identified Latitude, Longitude
39.052576, -94.614391

Parcel Number
133203

Owner Name
DOWD, MARTIN KEVIN

Owner Address
4112 BOOTH ST
null, null null, KANSAS CITY, KS 66103

Timeline of Activity
View the series of events and documentation pertaining to this property

3 Documented Stays
September, 2020

9 Documented Stays
August, 2020

Listing URL	https://www.airbnb.com/rooms/39779075
Listing Status	Active
Host Compliance Listing ID	air39779075
Listing Title	Remodeled Home Close to KU Med w/ Off Strt Parking
Property type	House
Room type	Entire home/apt
Listing Info Last Captured	Sep 16, 2020
Screenshot Last Captured	Sep 14, 2020
Price	$69/night
Cleaning Fee	$60

Information Provided on Listing

Contact Name	Jason
Latitude, Longitude	39.052070, -94.615260
Minimum Stay (# of Nights)	2
Max Sleeping Capacity (# of People)	6
Max Number of People per Bedroom	3.0
Number of Reviews	36
Last Documented Stay	09/2020

Listing Screenshot History View Latest Listing Screenshot

- 4 Documented Stays
  July, 2020
- 4 Documented Stays
  June, 2020
- 5 Documented Stays
  May, 2020
- 4 Documented Stays
  April, 2020
- 4 Documented Stays
  March, 2020
- 2 Documented Stays
  February, 2020
- 1 Documented Stay
  January, 2020
- 5 Documented Stays
  November, 2019
- Listing hma121.9236421.8252595 Identified
  November 23rd, 2019
- Listing air39779075 Identified
  November 10th, 2019
- Listing hma121.9236421.8252595 First Crawled
  November 5th, 2019
- Listing hma121.9236421.8252595 First Activity
  November 5th, 2019
- Listing air39779075 First Crawled
  November 1st, 2019
- Listing air39779075 First Activity
  November 1st, 2019

Occupation Tax Receipt:

BUSINESS LICENSE DIVISION
Neighborhood Resource Center
Unified Government of Wyandotte County/Kansas City, Kansas
4953 State Ave. Kansas City, Kansas 66102
p. (913) 573-8780 | f. (913) 573-8622 | www.wycokck.org/businesslicense

2020
Occupation Tax Receipt

Mailing Address

EXZANCE PROPERTIES
9013 W 70TH TERRACE
MERRIAM, KS 66204

Date Receipt Issued: **2/26/2020**

This certifies that

EXZANCE PROPERTIES
9013 W 70TH TER
MERRIAM, KS 66204

has paid the Unified Government Occupation Tax for the privilege of conducting the business of

RESIDENTIAL CONTRACTOR

in the City of Kansas City, Kansas. The Occupation Tax expires on: **12/31/2020**

The tax paid on **2/26/2020** was **$152.00**

License # **10980-00406**

Phillip E. Henderson
License Administrator

THE ISSUANCE OF AN OCCUPATION TAX RECEIPT DOES NOT CREATE A PRESUMPTION THAT THE BUSINESS HAS COMPLIED WITH THE UNIFIED GOVERNMENT REGULATORY ORDINANCES.

THIS RECEIPT MUST BE CONSPICUOUSLY DISPLAYED IN THE PLACE OF BUSINESS.
NO REFUNDS AVAILABLE.

BLExtRcpt.rpt License #: 10980-00406 Date Printed: 2/26/2020

WELCOME to the Remodeled House Close to KUMed

4112 Booth St, Kansas City, KS 66103

Here is some information about the house. I hope you enjoy your stay, and please message, text or call me if you have any questions or concerns.

Sincerely,

Jason

- NO SMOKING IN THE HOUSE. Please respect me, the house, and future guests by not smoking inside the house.
- Parties are not allowed at this house! Please refer to the listing on AIRBNB or VRBO for all the house rules and the fees associated if house are not followed.
- WiFi: Network Name is 4112 Booth, Password is rockypotato185
- When you leave the home, just pull the door shut and press the "Lock" symbol on the key pad. Please make sure the front door dead bolt is secure after pressing the "lock" symbol…try to open the door after it is locked.
- To enter the home; type in the combination in the electronic key pad on the front door and then press the "Lock" symbol, and wait for the beep. If you forget the combination, check your Airbnb or HomeAway inbox; or message/text me.
- Please do not flush any foreign objects (baby wipes, feminine products, paper towels, etc) down the toilets. The house has been remodeled, but the main plumbing system is old.
- Thermostat: Use the + - buttons to set the temperature to your liking. If you need to switch from heat to cool, cool to heat, or turn the system on/off; press the button in the lower right-hand corner until the display shows what you are wanting. **DO NOT switch the thermostat to "cool" during the winter months, the temp must be above 60 degrees for 4 consecutive days before the a/c can run.
- TV: Press the red power button at the top of the remote to turn on/off the TV. When the TV first turns on, the Roku app home page will appear. Use the arrows on the remote to select the streaming app you want. Select YouTube TV to watch local channels and "cable" TV. To watch other streaming apps that require an account, you will need to enter your user account info (ID/Password).
    - Use the smallest remote to turn the sound bar on/off; or use the buttons on top of the sound bar. The sound bar needs to be on the optical setting to work with the TV.
- For YouTube TV: At the top of the screen you will see three options (Library, Home, Live). **Library** is the DVR screen for recorded shows and to schedule recordings. **Home** is a summary page that will show you top picks, popular shows, shows grouped by category, and allow you to search for shows based on category or genre. **Live** is where you will find the traditional guide that lists all channels and current shows as well as shows that are coming up. Use the remote arrows to navigate between screen options and within each screen. The volume control and mute button are on the side of the remote. The house button will take you back to the Roku home page. The back arrow button (next to the home button) will allow you pull the guide up while you're watching a live channel.

- All bathroom towels are located on the bathroom's towel bars or in the vanity cabinet. Extra toilet paper is in the vanity cabinet or the shelf above the toilet. The toilet paper holder is behind the bathroom door.
- Additional pillows, sheets and blankets for the couch pull out bed are located in the closet of the bedroom in the front of the house. The air mattress is in the closet as well.
- Each bed side lamp or light fixture has an usb charging port on it.
- If you need to do laundry. The detergent and dryer sheets are on the shelf by the washer/dryer in the basement.
- There is an iron and ironing board in the basement laundry room or in a bedroom closet.
- There is a fire extinguisher located under the kitchen sink cabinet and a flash light located next to the refrigerator/basement door.
- If there is inclement weather (tornado warning, etc); please go the basement.
- Extra trash bags are under the kitchen sink & extra paper towels are in the cabinet above the refrigerator. There is a large trash can located in the back yard next to the house, or garage, where full trash bags can be placed. Please do not put loose trash in the large can.
    - If your stay is a week or longer, you can place the large trash can and trash bags on the curb next to the driveway for pick up on Thursday mornings. The trash collection comes around 8am Thursday mornings.
- The code to open the garage door is BOOTHST
- Please wash all your dishes, glasses, pots/pans, etc prior to checking out. It's ok to leave the dishes drying on the drying rack which is located above the kitchen sink in the corner upper cabinet.
- Upon checking out, please leave all beds that were slept in un-made. This way the cleaning service will know which linens need to be washed.
- Please make sure all doors are locked and the lights are turned off prior to checking out.
- If you need to reach me; you can message me on the Airbnb/HomeAway App or call/text me at 913-221-7967 or email me at irhomeskc@gmail.com
- **Departure Checklist:**
    - Leave all beds that were slept in un-made. This way the cleaning crew will know which bed sheets need to be washed.
    - Leave all used towels in the bath tub.
    - Wash all dishes that were used and place them on the drying rack or if the dishes are dry, you can put them away.
    - Make sure all windows are closed and locked and all blinds/curtains are drawn.
    - Make sure all doors are locked (back door and front door) and the lights are turned off prior to checking out.
    - Check out is at 11 am (unless a late departure has been pre-arranged).

RESTAURANTS, BARS, ENTERTAINMENT, THINGS TO SEE

Here's a list of some of my favorites spots. Use google or google/apple maps to learn more about each place or to find their specific location.

- RESTAURANTS & BARS [On 39th Street or close to the house]
  - Q39 – BBQ | Sit Down | Good for Lunch | Great Dinner Spot | On 39th St
  - Joe's KC BBQ – BBQ | Great for Lunch | Usually a long lunch line but can call ahead for take-out | Most People's Favorite BBQ Spot
  - The Jazz – Cajun | Sit Down | Great Atmosphere | Incredible Food | On 39th
  - Genghis Khan – Mongolian Grill | Just Off of 39th St
  - Tanner's – Sports Bar | Good Bar Food | Lots of TVs | On Rainbow/39th St
  - Vietnam Café – Southeast Asain | On Rainbow/39th St
  - D'Bronx – pizza and sandwiches | Great Lunch Spot | Just Off of 39th St
  - Blue Koi – Chinese & Noodle Dishes | On 39th St
  - Room 39 – Breakfast, Lunch & Dinner | On 39th St
  - Fric & Frac – Sandwhiches | Great Local Spot | On 39th St
  - Drunken Worm – Mexican | On 39th St
  - Rudy's – Mexican
  - Taco Republic – Mexican | Small Plates | Fabulous Margaritas
  - El Patron – Mexican | On Southwest Blvd
  - Margaritas – Mexican | On Southwest Blvd
  - Taqueria Mexico – Mexican | Larger Sized Restaurant
  - Ponak's - Mexican
  - Artego Pizza – Pizza | On 39th St
  - Mo Brew – Large Selection of Craft Beers | Cool Spot | On 39th St
  - The High Dive Lounge – Quaint Cool Bar | On 39th St

- RESTAURANTS & BARS [In Westport]
  - Char Bar – BBQ | Great Dinner Spot | Has lots of activities and Outdoor Space
  - Westport Flea Market – Burgers & Such | Great Lunch Spot or Quick Dinner
  - Green Room – Burgers & Such | Great Lunch Spot or Quick Dinner | Very Quaint
  - Beer Kitchen – Burgers & Bar Food
  - Hop Cat – Good Bar Food | Roof Top Deck
  - Papa Keno's Pizzeria - Pizza
  - The Corner Restaurant – Breakfast/Brunch
  - Haha's – Pizza, Gyro, Med Food | Great Quick Lunch Spot
  - Westport Ale House – Good Bar Food | Roof Top Deck | Good Nightlife
  - Harry's Bar & Tables – Laid Back/Speak Easy Type | Nice Deck
  - Julep - Laid Back/Speak Easy Type | Fabulous Bourbon Drinks
  - Kelly's (Westport Inn) – Drinkers Bar | Good Nightlife
  - Harpo's – Drinkers Bar | Good Nightlife
  - Westport Saloon – Drinkers Bar
  - Gambal's Social Club – Tons of Bar Games | Quaint
  - FireFly Lounge – Trendy | Usually a DJ

- RESTAURANTS & BARS [Country Club Plaza]
  - Eddie V's – Steaks & Seafood
  - McCormick & Schmick's – Seafood
  - Jack Stack – BBQ | More of sit down BBQ Place
  - Rye – Traditional American Restaurant
  - PF Chang's – Chinese
  - Season's 52 – Traditional American Restaurant | Lunch & Dinner
  - The Capital Grille – Steaks, etc

- Gram & Dunn – Small Menu | Good Food | Awesome Patio
- Kona Grill – Sushi & Other Food | Cool/Hip Place
- Jax Fish House – Gourmet Seafood & Oysters
- JJ's – Fancy Sit Down
- Zocalo – Trendy Mexican
- Cooper's Hawk – Good Food | Wine Tasting
- The Classic Cup – Breakfast/Brunch
- The Grandfalloon – Bar/Sports Bar
- O'Dowd's – Bar with great Roof Top Deck
- Brio - Italian
- IL Centro – Italian | South of the Plaza, 10 minute drive | Quaint and Delicious

➢ SIGHTSEEING [Close By]
- World War 1 Museum and Memorial
- Nelson-Atkins Museum of Art
- Sprint Center & College Basketball Experience
- Power & Light District
  - Many restaurants and bars
- Crown Center & Union Station
  - Closest street car location
- Kauffman Center for Performing Arts
- Negro Leagues Baseball Museum
- Boulevard Brewing Company Tours & Beer Hall
- The Crossroads District
  - Microbreweries and Distilleries
  - Restaurants
  - Bars

Neighborhood Meeting:

Date: 9/18/2020

Jason Newman
4112 Booth St
Kansas City, KS 66103

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # SP-2020-84.

The purpose of this special use permit is for the continued use of a Short Term Rental at 4112 Booth St, Kansas City, KS, 66103.

I am having a neighborhood meeting on September 28, 2020 at 4:00 p.m. at the following address 1401 Southwest Blvd, Kansas City, KS, 66103.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. Face coverings are required at this meeting and we will practice social distancing.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, and have any questions, please contact me at the address, email, or phone number listed below.

Sincerely,

Jason Newman
4112 Booth St, Kansas City, KS 66103
Jrn77@kc.surewest.net
913-221-7967

4112 Booth St Neighborhood Meeting Minutes:

Application Number: SP-2020-84

Date and Location: 9/28/2020; Rosedale Development Association (1403 Southwest Blvd, Kansas City, KS)

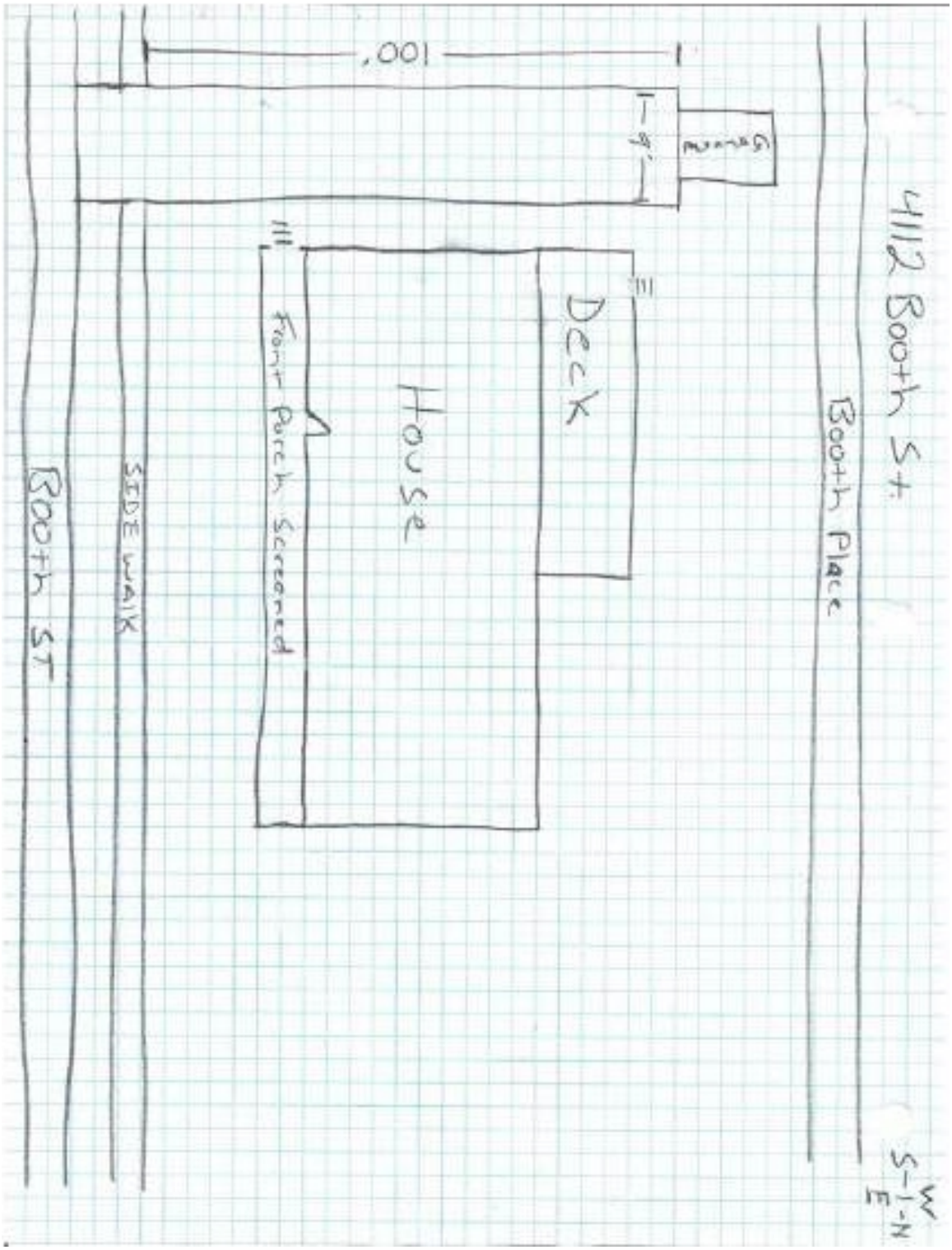
Meeting called to order at: 4:00 pm

Names of people in attendance:
Jason Newman
(No one else came to the meeting)

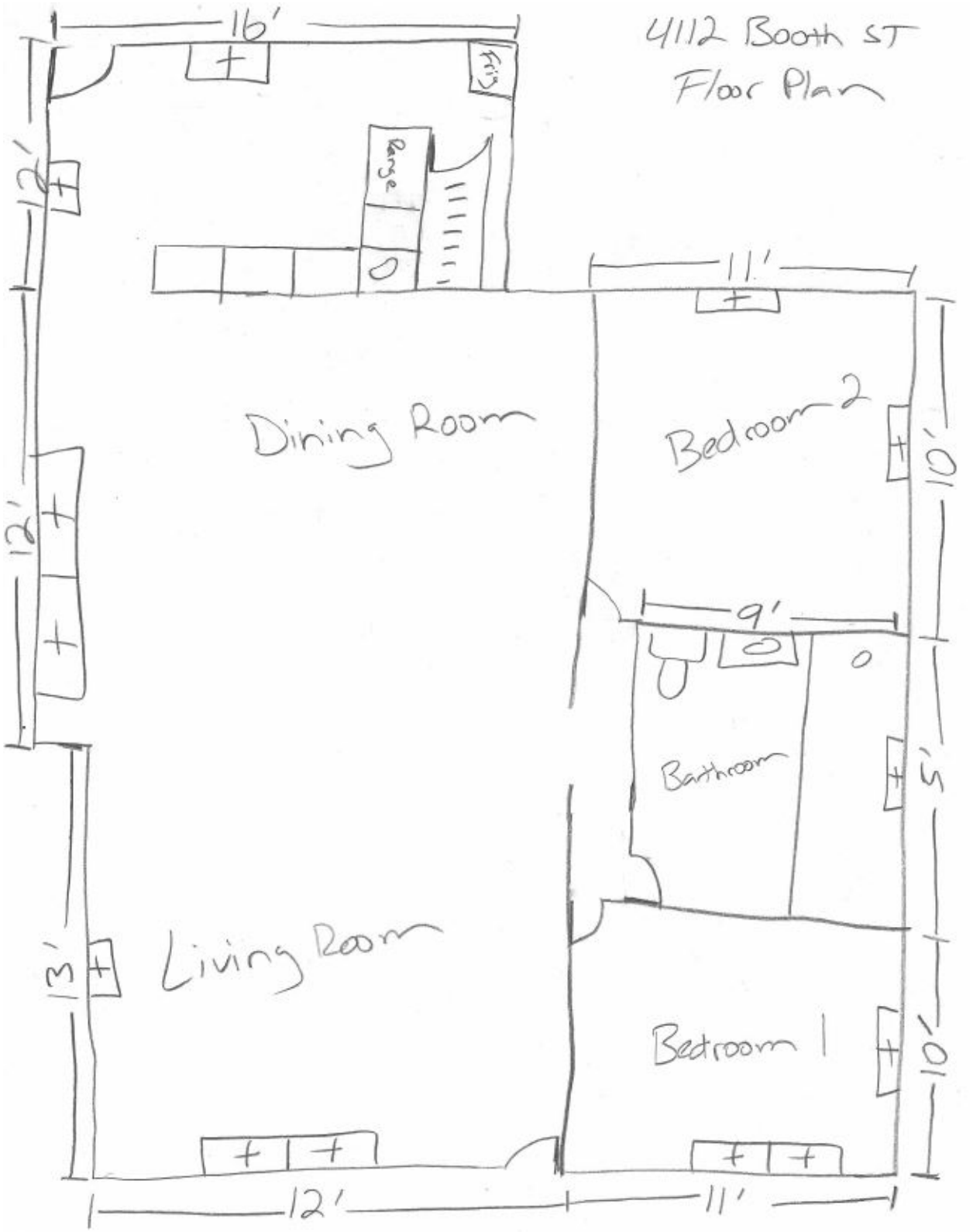
Meeting adjourned at: 4:55 pm

Minutes taken by: Jason Newman

Site Plan:


100'
Garage
Deck
House
Front Porch Screened
SIDE WALK
Booth ST
Booth Place
4112 Booth St
W
S-1-N
E

Floor Plan:


4112 Booth ST
Floor Plan
16'
12'
Range
11'
Dining Room
Bedroom 2
10'
12'
9'
Bathroom
5'
13'
Living Room
Bedroom 1
10'
12'
11'

Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 29, 2020

Re: **Petition #SP-2020-85**

GENERAL INFORMATION

Applicant:
Jason Hussey

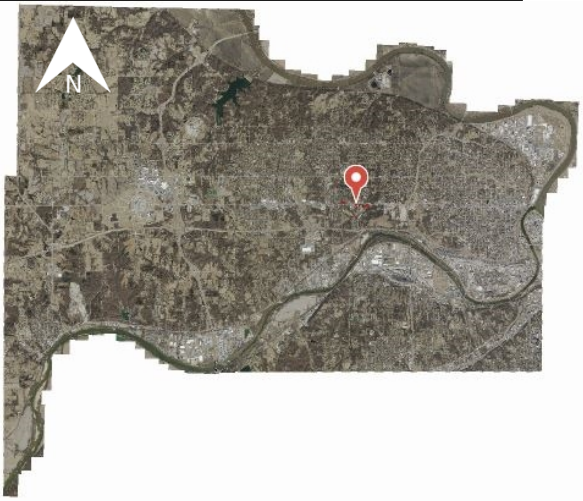
Status of Applicant:
Property Owner:
732 N 57th Street
Kansas City, Kansas 66102

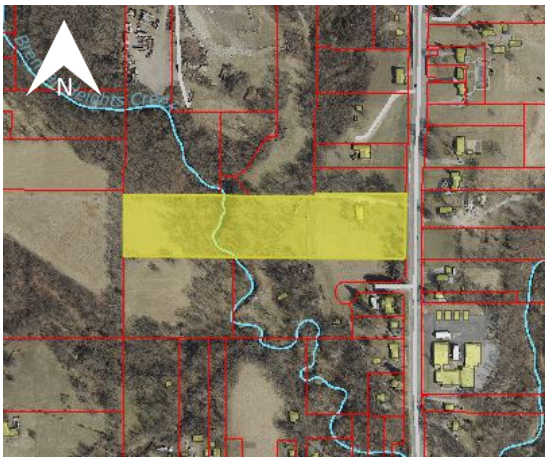
Requested Action:
The approval of a Special Use Permit.

Date of Application:
August 28, 2020

Purpose:
To grade and fill the property.

Property Location:
732 N 57th Street
Kansas City, Kansas 66102





Commission Districts:	Commissioner At Large:	Melissa Bynum
	District Commissioner:	Dr. Jane Winkler Philbrook
Existing Zoning:	A-G Agriculture District	
Adjacent Zoning:	**North:**	R-1 Single Family District
	South:	R-1 Single Family District
	East:	R-1 Single Family District
	West:	A-G Agriculture District
Adjacent Uses:	**North:**	Single Family Homes
	South:	Single Family Homes
	East:	Single Family Homes
	West:	Single Family Homes
Total Tract Size:	8.13 Acres	
Master Plan Designation:	The City-Wide Master Plan designates this area as Low Density Residential.	
Major Street Plan:	The Major Street Plan classifies 57th Street as a Class A Thoroughfare.	
Parking Requirements:	Sec. 27-454 states that two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling.	
Advertisement:	The Wyandotte Echo – September 17, 2020 Letters to Property Owner – September 16, 2020 and October 23, 2020	
Public Hearings:	October 12, 2020 and October 29, 2020	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jason Hussey, is seeking the approval of a Special Use Permit for earthen fill at 732 North 57th Street in order to make the land more useable. The plans indicate a fill volume of approximately 3,800 cubic yards of material that will disturb a total area of approximately 1.2 acres. There have been no Notices of Violation issued on this property.

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

FACTORS TO BE CONSIDERED

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

   The neighborhood is rural in nature, comprised of single-family homes on large lots and undeveloped land.

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

   The zoning and uses are set out above. The proposed use is to grade the property. It would not be compatible with the uses of nearby properties if it was done incorrectly or if the future development conflicted with the nearby land uses.

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

   This property is suitable for use as a single-family home or for agricultural purposes. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as erosion and runoff.

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

   This property is not vacant. It is an existing single-family residence that is currently occupied by the applicant.

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

   Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as Low-Density Residential. The proposed use would conform to the Master Plan if the land was used for gardening, recreational purposes, or to build an accessory unit. It would not conform if it was being developed for a future subdivision.

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

   The proposed use will temporarily increase vehicular traffic during the time that the work is being done but should not exceed the capacity of the Class A Thoroughfare to accommodate it.

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

   The proposed use is not reasonably necessary for the convenience and welfare of the public. It will not substantially or permanently injure the appropriate use,

visual quality, or marketability of adjoining property if properly designed, constructed, and maintained.

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

   The proposed use will create issues of noise, vibration, and dust during the time that the work is being done. The proposed use will not create issues of illumination if work is performed during daylight hours only. These issues will not be caused permanently.

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

   The proposed earth fill will not pollute the air, land, or water if it is designed, constructed, and maintained properly and if the applicant adheres to the Planning Engineering comments and conditions.

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

    The proposed use could damage or destroy an irreplaceable natural resource if it is buried during the process of the land fill.

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

    The relative gain or loss to the public health, safety, and welfare is likely to be minimal as the proposal is to add earth and regrade the property. If denied, the landowner could not add the earth, but may still use the property as a single-family home with agricultural uses or may sell the property.

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

    The proposed use will bring in machinery and workers who will park on-site. This may cause issues of overcrowding based on where they park and may cause undue concentrations of population if there are too many workers. These conditions will only be temporary.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

In lieu of an in-person neighborhood meeting, the applicant sent a letter to neighboring property owners on September 20, 2020 which included his contact information. One (1) neighbor responded and asked questions. No support or objection was given.

KEY ISSUES

Runoff
Noise
Dust
Vibration
Erosion

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2020-85, subject to:

1. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
2. **Any contractor must have a valid business license before operation begins;**
3. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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,**
4. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **#SP-2020-85** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 12, 2020 City Planning Commission Minutes
Zoning Map
Aerial Map
Site/Grading Plans
Conservation District Comments
Planning Engineering Comments
Neighborhood Meeting Documentation
Photograph of Property Submitted by Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	October 12, 2020	October 29, 2020
Special Use	Approval	

STAFF CONTACT: **Shana Shanteau**
sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2020-85** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirement:

1._____;

2. _____; And

3._____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2020-85** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 12, 2020 City Planning Commission Minutes:

Hearing starts at 2:10:20:

SPECIAL USE PERMIT APPLICATION #SP-2020-85– JASON T. HUSSEY – SYNOPSIS: Special Use Permit for an earthen fill at 732 North 57th Street. **Detailed Outline of Requested Action:** The applicant, Jason Hussey, is seeking the approval of a Special Use Permit for earthen fill at 732 North 57th Street in order to make the land more useable. The plans indicate a fill volume of approximately 3,800 cubic yards of material that will disturb a total area of approximately 1.2 acres. There have been no Notices of Violation issued on this property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 12, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Jason Hussey, applicant, 732 North 57th Street, Kansas City, Kansas 66102

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:13: Planning Director Hand stated this application is for 3800 cubic yards of fill on the property. There is a creek on the property so the staff discussed the project with Planning Engineering/Public Works and the Conservation District and indicated conditions to reflect stormwater and erosion control. The staff recommends approval for one (1) year to complete the project subject to the conditions in the staff report.

Motion and Vote starts at 2:13:50:

On motion by Mr. Miller, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit #SP-2020-85**:**

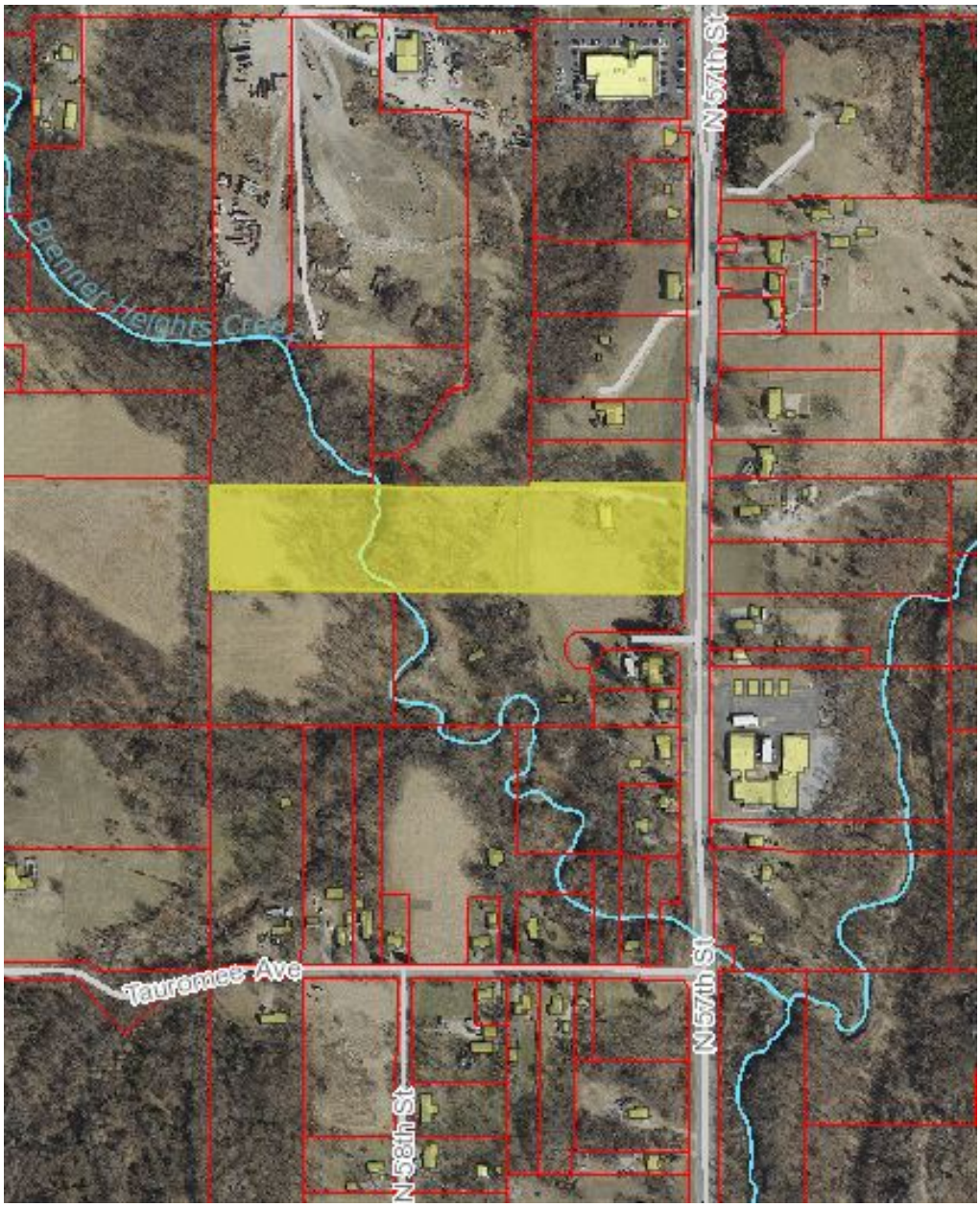
Carson	**Chairman**
Armstrong	**Aye**
Cho	**Aye**
Connelly	**Aye**
Ernst	**Aye**
Huey	**Not Present**
Jones	**Aye**
Miller	**Aye**
Mohler	**Aye**
Pauley	**Not Present**
Reasons	**Aye**

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

1. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
2. **Any contractor must have a valid business license before operation begins;**
3. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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,**
4. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

Zoning Map:

Aerial Map:


N 57th St
Brenner Heights Creek
Tauromee Ave
N 57th St
N 58th St

LAND DISTURBANCE PLANS

FOR
732 N 57TH ST
IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS 66102
#SP-20402-00070 (REF. SP-2020-85)

GENERAL NOTES:
1. All construction shall be in conformance with the Unified Government of Wyandotte County and Kansas City, Kansas Standards and adopted codes and ordinances.
2. All work shall be confined within the construction limits as shown.
3. Engineered slopes shall not be greater than 3H:1V.

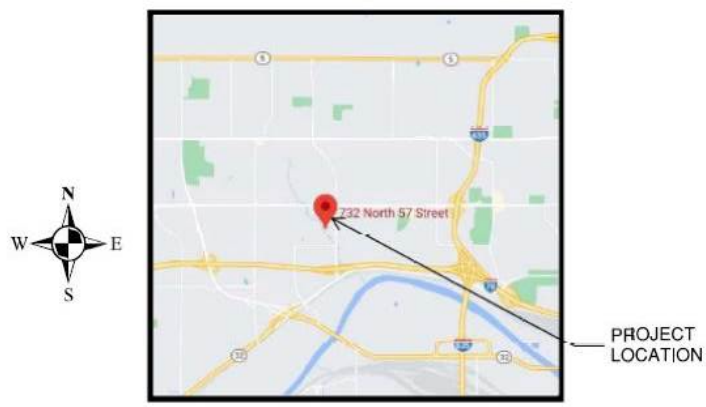
FLOOD NOTE:
1. The area of disturbance lies within Zone X, defined as areas determined to be outside the 0.2% annual chance floodplain, as shown on the flood insurance rate map prepared by the Federal Emergency Management Agency.

EARTHWORK QUANTITIES:
Unclassified Excavation = 0.00 CY
Earthwork Fill = 1,500 CY

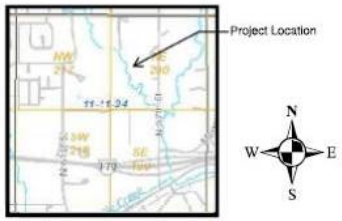
EARTHWORK NOTE:
The quantities listed are in-place volume and do not consider shrinkage and swell factors.

UTILITY NOTE:
1. Visual indications of utilities are shown. Underground locations shown, as furnished by their lessors, are approximate and should be verified in the field at the time of construction. For actual field locations of underground utilities call 811.

811
Know what's below.
Call before you dig.



LOCATION MAP



VICINITY MAP
SEC 11-11-24

OWNER INFORMATION
Jason Hussey
816-863-1163
732 N 57th St
Kansas City, KS 66102

INDEX

C0 - Cover Sheet
S1 - Survey / Plot Plan
S2 - Project Location
C1 - Grading Plan
C2 - Erosion Settlement Control Plan
C3 - Erosion Settlement Control Details
C4 - Drainage Map

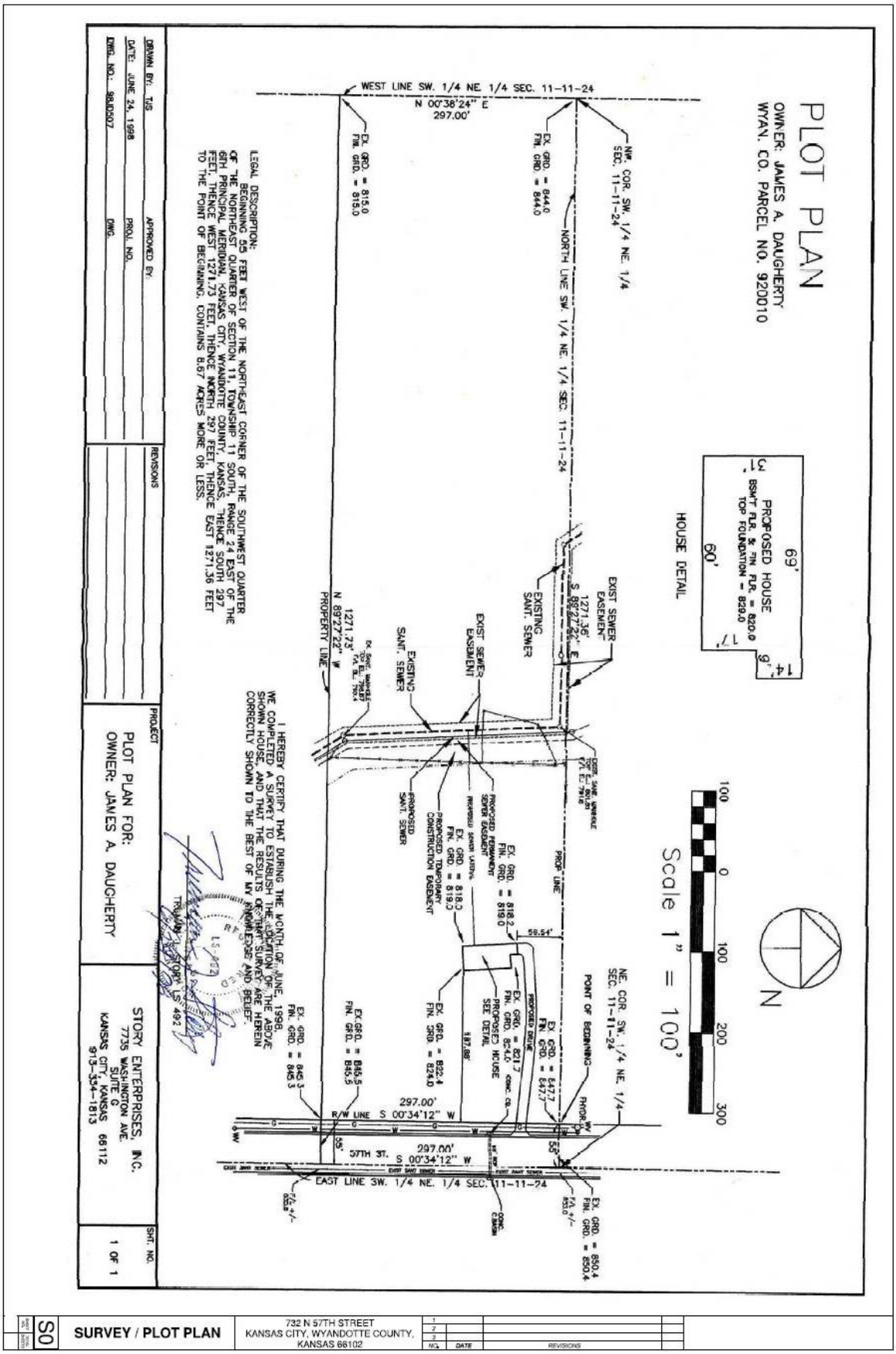
JASON T. HUSSEY
LICENSED
20043
KANSAS
PROFESSIONAL ENGINEER
4-18-2020

NO.	DATE	REVISIONS	JTH
1	09/22/2020	Index revision	
2			
3			

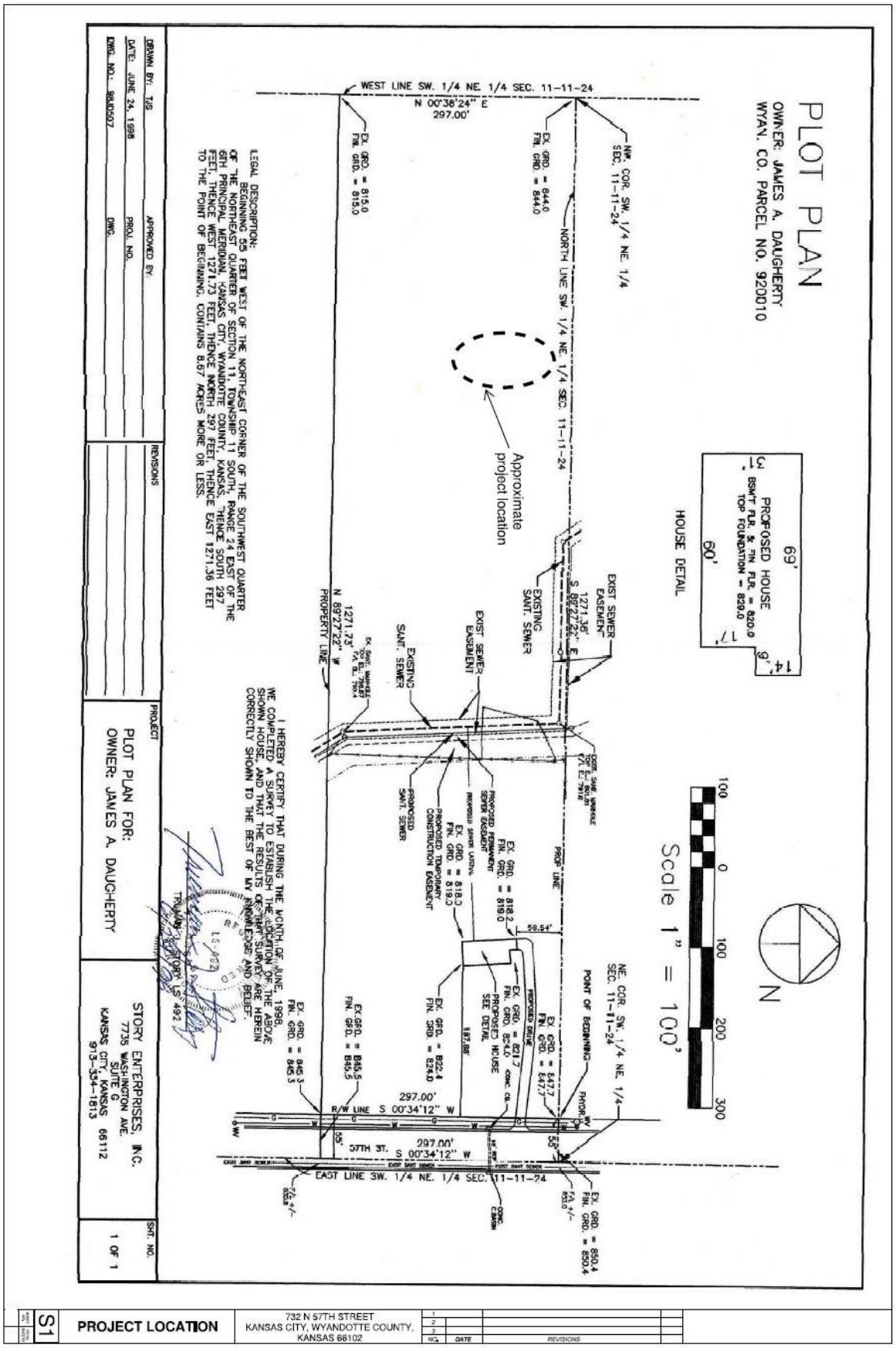
732 N 57TH STREET
KANSAS CITY, WYANDOTTE COUNTY, KANSAS 66102

COVER SHEET

C0



S0	SURVEY / PLOT PLAN	732 N 57TH STREET KANSAS CITY, WYANDOTTE COUNTY, KANSAS 66102	1 2 3 NO.	DATE	REVISIONS	


PLOT PLAN
OWNER: JAMES A. DAUGHERTY
WYAN. CO. PARCEL NO. 920010
WEST LINE SW. 1/4 NE. 1/4 SEC. 11-11-24
N 00°38'24" E
297.00'
NW. COR. SW. 1/4 NE. 1/4 SEC. 11-11-24
NORTH LINE SW. 1/4 NE. 1/4 SEC. 11-11-24
Approximate project location
HOUSE DETAIL
PROPOSED HOUSE
BSMT FLR. & FIN FLR. = 820.0
TOP FOUNDATION = 829.0
69'
60'
Scale 1" = 100'
N
LEGAL DESCRIPTION:
BEGINNING 55 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE 6TH PRINCIPAL MERIDIAN, KANSAS CITY, WYANDOTTE COUNTY, KANSAS, THENCE SOUTH 297 FEET, THENCE WEST 1271.73 FEET, THENCE NORTH 297 FEET, THENCE EAST 1271.36 FEET TO THE POINT OF BEGINNING, CONTAINS 8.67 ACRES MORE OR LESS.
EXIST SEWER EASEMENT
EXISTING SANT. SEWER
PROPERTY LINE
PROP LINE
PROPOSED SANT. SEWER
PROPOSED TEMPORARY CONSTRUCTION EASEMENT
PROPOSED HOUSE SEE DETAIL
NE. COR. SW. 1/4 NE. 1/4 SEC. 11-11-24
POINT OF BEGINNING
R/W LINE S 00°34'12" W
57TH ST. S 00°34'12" W
EAST LINE SW. 1/4 NE. 1/4 SEC. 11-11-24
I HEREBY CERTIFY THAT DURING THE MONTH OF JUNE, 1998, WE COMPLETED A SURVEY TO ESTABLISH THE LOCATION OF THE ABOVE SHOWN HOUSE, AND THAT THE RESULTS OF THAT SURVEY ARE HEREIN CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF.
DRAWN BY: TJS
APPROVED BY:
DATE: JUNE 24, 1998
PROJ. NO.
DWG. NO.: 98JD507
DWG.
REVISIONS
PROJECT
PLOT PLAN FOR:
OWNER: JAMES A. DAUGHERTY
STORY ENTERPRISES, INC.
7735 WASHINGTON AVE.
SUITE G
KANSAS CITY, KANSAS 66112
913-334-1813
SHT. NO.
1 OF 1
S1
PROJECT LOCATION
732 N 57TH STREET
KANSAS CITY, WYANDOTTE COUNTY,
KANSAS 66102
NO.
DATE
REVISIONS

GENERAL NOTES:
1. All construction shall be in conformance with the Unified Government of Wyandotte County and Kansas City, Kansas Standards and adopted codes and ordinances.
2. All work shall be confined within the construction limits as shown.
3. Engineered slopes shall not be greater than 3H:1V.

FLOOD NOTE:
1. The area of disturbance lies within Zone X, defined as areas determined to be outside the 0.2% annual chance floodplain, as shown on the flood insurance rate map prepared by the Federal Emergency Management Agency.

EARTHWORK QUANTITIES:
Unclassified Excavation = 0.00 CY
Earthwork Fill = 1,500 CY

EARTHWORK NOTE:
The quantities listed are in-place volume and do not consider shrinkage and swell factors.

EARTHWORK NOTES:
1. Strip all topsoil ,vegetation, root structures and deleterious material from ground surface prior to the placement of fill.
2. Install fill with 12-inch diameter or smaller.
3. Fill material shall not include steel rebar or any processed metallic materials.
4. Fill materials shall not include organic materials such as trees or brush.
5. Place fill in lifts of no more than 12 inches depth and compact after each fill is placed.

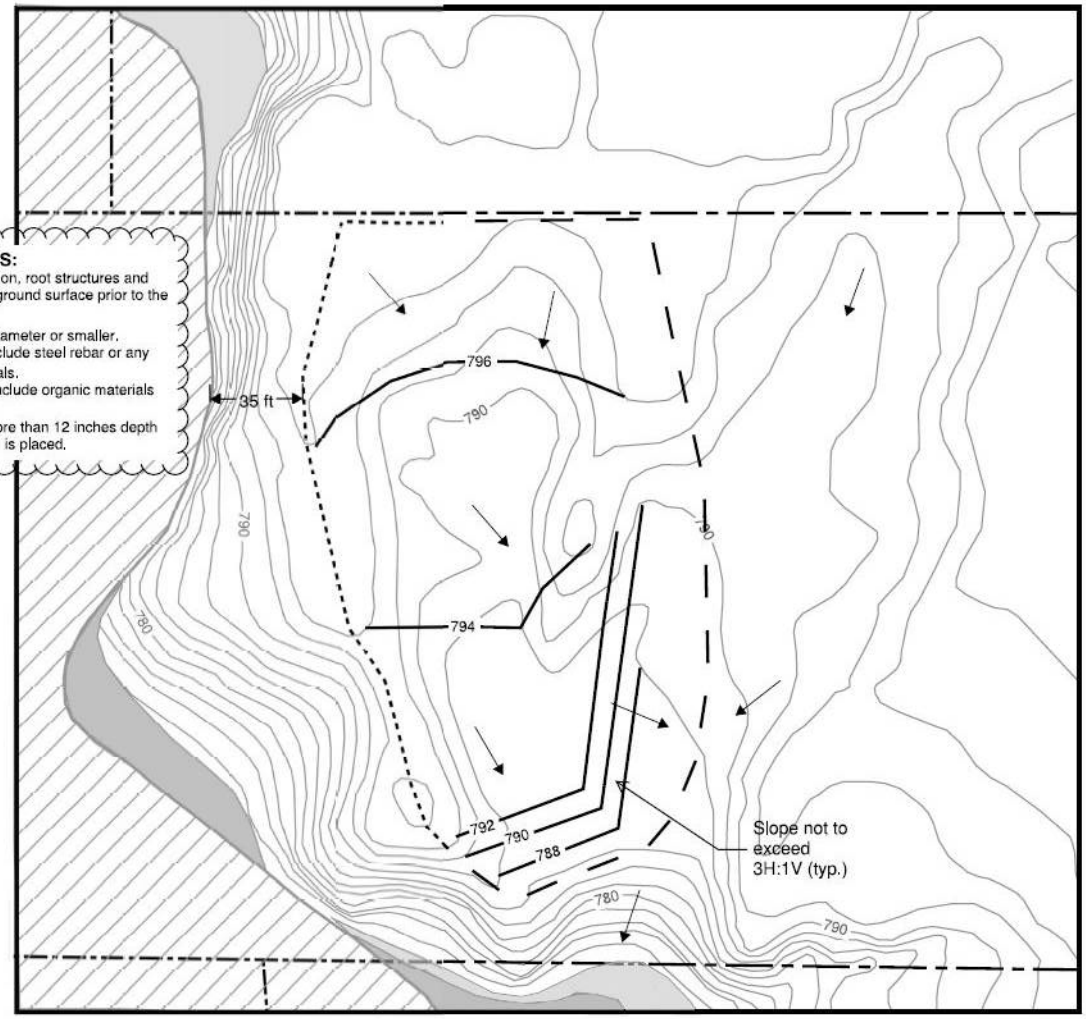
VICINITY MAP
SEC 11-11-24

LEGEND:
- Existing 2' Contour
- Proposed 2' Contour
- Property Line
- Flow Direction
- Construction Limits
- FEMA Floodway
- FEMA Zone AE
- FEMA Zone X

UTILITY NOTE:
1. Visual indications of utilities are shown. Underground locations shown, as furnished by their lessors, are approximate and should be verified in the field at the time of construction. For actual field locations of underground utilities call 811.

811 Know what's below. Call before you dig.

JASON T. HUSSEY LICENSED 20043 KANSAS PROFESSIONAL ENGINEER 4-18-2020



GRADING PLAN

732 N 57TH STREET
KANSAS CITY, WYANDOTTE COUNTY, KANSAS 66102

NO.	DATE	REVISIONS
1	9/22/2020	Comments from UG received 9/22/2020
2		
3		

JTH

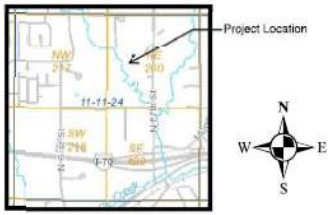
C1

GENERAL NOTES:
1. All construction shall be in conformance with the Unified Government of Wyandotte County and Kansas City, Kansas Standards and adopted codes and ordinances.
2. All work shall be confined within the construction limits as shown.
3. Engineered slopes shall not be greater than 3H:1V.

FLOOD NOTE:
1. The area of disturbance lies within Zone X, defined as areas determined to be outside the 0.2% annual chance floodplain, as shown on the flood insurance rate map prepared by the Federal Emergency Management Agency.

EARTHWORK QUANTITIES:
Unclassified Excavation = 0.00 CY
Earthwork Fill = 1,500 CY

EARTHWORK NOTE:
The quantities listed are in-place volume and do not consider shrinkage and swell factors.



VICINITY MAP
SEC 11-11-24

LEGEND:
- Existing 2' Contour
- Proposed 2' Contour
- Property Line
- Flow Direction
- Construction Limits
- Biodegradable Logs
- FEMA Floodway
- FEMA Zone AE
- FEMA Zone X
- Slope Protection Mat

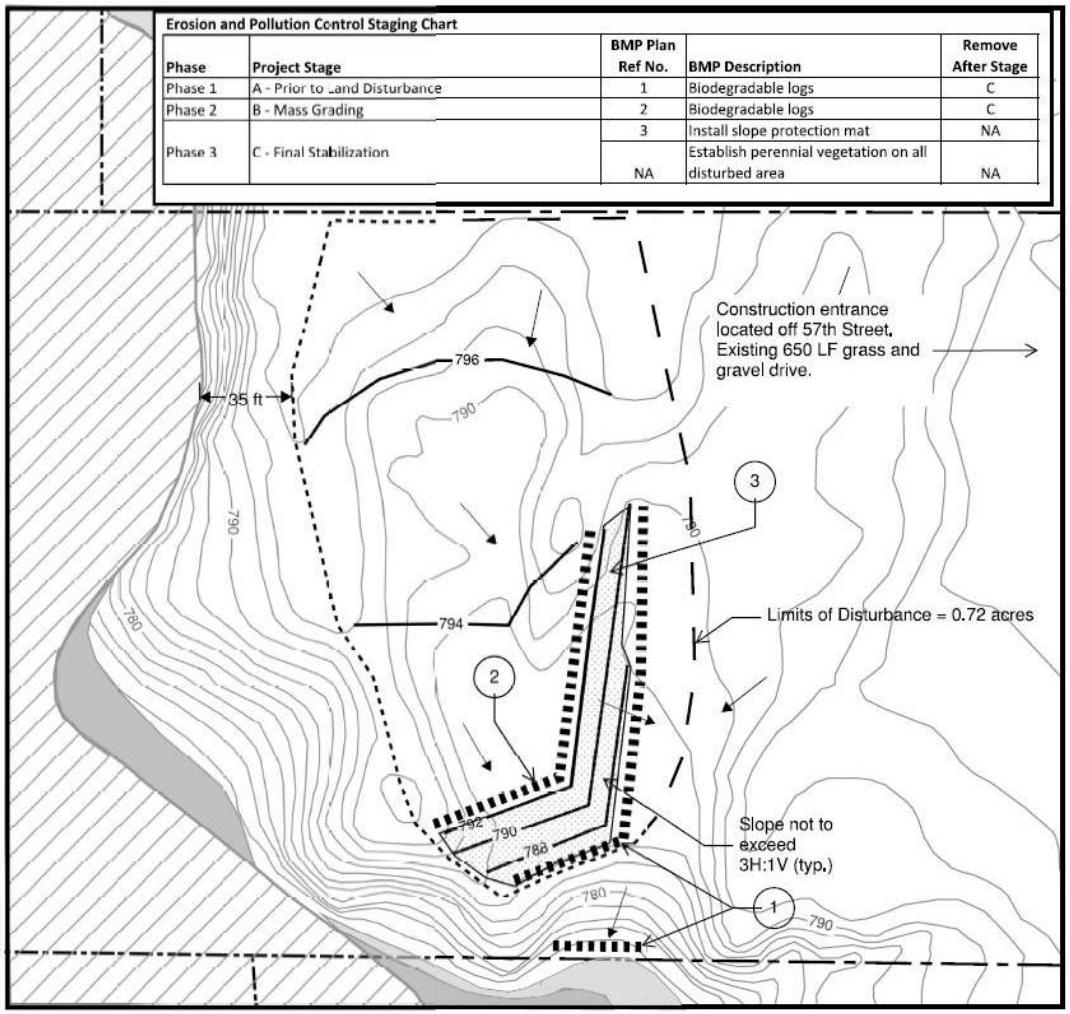
UTILITY NOTE:
1. Visual indications of utilities are shown. Underground locations shown, as furnished by their lessors, are approximate and should be verified in the field at the time of construction. For actual field locations of underground utilities call 811.

811 Know what's below. Call before you dig.

JASON T. HUSSEY LICENSED 20043 9-18-2020 KANSAS PROFESSIONAL ENGINEER

Erosion and Pollution Control Staging Chart

Phase	Project Stage	BMP Plan Ref No.	BMP Description	Remove After Stage
Phase 1	A - Prior to Land Disturbance	1	Biodegradable logs	C
Phase 2	B - Mass Grading	2	Biodegradable logs	C
Phase 3	C - Final Stabilization	3	Install slope protection mat	NA
		NA	Establish perennial vegetation on all disturbed area	NA



732 N 57TH STREET
KANSAS CITY, WYANDOTTE COUNTY, KANSAS 66102

EROSION SEDIMENT CONTROL PLAN

C2

C4	EROSION SEDIMENT CONTROL DETAILS	732 N 57TH STREET KANSAS CITY, WYANDOTTE COUNTY, KANSAS 66102	NO. DATE REVISIONS

LEGEND:
Existing Flow Direction (see sheet C2 for proposed)
Drainage Boundary
Discharge Calculations
Area ID | Event | Tc (min) | C | i (in/hr) | A (acres) | Q (cfs)
A1 | 10% | 5 | 0.51 | 7.35 | 0.15 | 0.56
A1 | 1% | 5 | 0.51 | 10.76 | 0.15 | 0.82
A1+A2 | 10% | 5 | 0.51 | 7.35 | 0.87 | 3.26
A1+A2 | 1% | 5 | 0.51 | 10.76 | 0.87 | 4.77
A1 = 0.15 acres
A2 = 0.72 acres
Project Location
10m
200ft
100m
300ft
N 5th St
State Ave
013505
013506
013507
013508
013509
013510
013511
013512
013513
013514
013515
013516
013517
013518
013519
013520
013521
013522
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013541
013542
013543
013544

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

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

September 15, 2020

RE: SP-2020-85 Jason Hussey earthen fill 732 57th Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of this site for SP-2020-85 Jason Hussey earthen fill 732 57th Street.

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

MAPS AND REPORTS

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

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

- There are four major soil types identified: Kennebec silt loam, frequently flooded, Ladoga silt loam, 3 to 8 percent slopes, Judson silt loam 0 to 1 percent slopes, Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- Any fill operation needs an erosion control plan. This property has a major stream running through it. The fill operation could easily wash into the stream and contaminate it. Silt fence needs to be used to help prevent soil movement. Every 100 feet needs a silt fence across the drain. As the drain is filled, silt fence is removed and replaced on top of the new fill.
- No fill should be placed around the tree bases. There are high quality trees that should be protected. No fill or any equipment traffic within 40 feet of the trees to prevent damage to tree roots.

Map Unit Name—Wyandotte County, Kansas
(732 N. 57th ST)
SP 2020-85
57th
7955
7850
7051
7955
7285
Soil Map may not be valid at this scale.
Map Scale: 1:3,000 if printed on A landscape (11" x 8.5") sheet.
Meters
Feet
Map projection: Web Mercator Corner coordinates: WGS84
Web Soil Survey
National Cooperative Soil Survey
Natural Resources
Conservation Service
8/14/2020
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- Judson silt loam, 0 to 1 percent slopes
- Kennebec silt loam, frequently flooded
- Knox silt loam, 7 to 12 percent slopes
- Ladoga silt loam, 3 to 8 percent slopes
- Not rated or not available

Soil Rating Lines
- Judson silt loam, 0 to 1 percent slopes
- Kennebec silt loam, frequently flooded
- Knox silt loam, 7 to 12 percent slopes
- Ladoga silt loam, 3 to 8 percent slopes
- Not rated or not available

Soil Rating Points
- Judson silt loam, 0 to 1 percent slopes
- Kennebec silt loam, frequently flooded
- Knox silt loam, 7 to 12 percent slopes
- Ladoga silt loam, 3 to 8 percent slopes
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

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

Date(s) aerial images were photographed: Jul 17, 2019—Sep 25, 2019

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

20
October 29, 2020
#SP-2020-85

Report—Soil Features

Soil Features–Wyandotte County, Kansas									
Map symbol and soil name	Restrictive Layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		Low-RV-High	*Range*		*Low-High*	*Low-High*			
		In	*In*		*In*	*In*			
7051—Kennebec silt loam, frequently flooded									
Kennebec, frequently flooded		—	—		—	—	High	High	Low
7285—Ladoga silt loam, 3 to 8 percent slopes									
Ladoga		—	—		0	—	Moderate	Moderate	Moderate
7850—Judson silt loam, 0 to 1 percent slopes									
Judson		—	—		—	—	High	Low	Low
7955—Knox silt loam, 7 to 12 percent slopes									
Knox		—	—		—	—	High	Moderate	Low

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

21

October 29, 2020

#SP-2020-85

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7051	Kennebec silt loam, frequently flooded	Kennebec silt loam, frequently flooded	2.4	28.1%
7285	Ladoga silt loam, 3 to 8 percent slopes	Ladoga silt loam, 3 to 8 percent slopes	1.1	12.6%
7850	Judson silt loam, 0 to 1 percent slopes	Judson silt loam, 0 to 1 percent slopes	1.5	17.2%
7955	Knox silt loam, 7 to 12 percent slopes	Knox silt loam, 7 to 12 percent slopes	3.7	42.2%
Totals for Area of Interest			8.7	100.0%

Description

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

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Map Unit Description (Brief, Generated)

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

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

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

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

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7051—Kennebec silt loam, frequently flooded

Component: Kennebec, frequently flooded (85%)

The Kennebec, frequently flooded component makes up 85 percent of the map unit. Slopes are 0 to 2 percent. This component is on flood plains on valleys. The parent material consists of silty alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very high. Shrink-swell potential is moderate. This soil is frequently flooded. It is not ponded. A seasonal zone of water saturation is at 42 inches during February, March, April, November. Organic matter content in the surface horizon is about 6 percent. This component is in the R106XY013KS Loamy Lowland (pe 30-37) ecological site. Nonirrigated land capability classification is 5w. This soil does not meet hydric criteria.

Component: Nodaway, frequently flooded (6%)

Generated brief soil descriptions are created for major soil components. The Nodaway, frequently flooded soil is a minor component.

Component: Muscotah, occasionally flooded (3%)

Generated brief soil descriptions are created for major soil components. The Muscotah, occasionally flooded soil is a minor component.

Component: Kenridge, frequently flooded (3%)

Generated brief soil descriptions are created for major soil components. The Kenridge, frequently flooded soil is a minor component.

Component: Aquolls (1%)

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

Component: Aquolls, ponded (1%)

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

Component: Zook, occasionally flooded (1%)

Generated brief soil descriptions are created for major soil components. The Zook, occasionally flooded soil is a minor component.

Map Unit: 7285—Ladoga silt loam, 3 to 8 percent slopes

Component: Ladoga (80%)

The Ladoga component makes up 80 percent of the map unit. Slopes are 4 to 7 percent. This component is on hillslopes on uplands. The parent material consists of silty and clayey loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Sharpsburg (10%)

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

Component: Knox (10%)

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

Map Unit: 7850—Judson silt loam, 0 to 1 percent slopes

Component: Judson (90%)

The Judson component makes up 90 percent of the map unit. Slopes are 0 to 1 percent. This component is on terraces on valleys. The parent material consists of fine-silty colluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 5 percent. This component is in the R107BY008MO Loamy Footslope Savanna Quercus Albaquercus Macrocarpa/andropogon Gerardii-sorghastrum Nutans White Oak-bur Oak/big Bluestem-indiangrass ecological site. Nonirrigated land capability classification is 1. This soil does not meet hydric criteria.

Component: Kennebec (5%)

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

Component: Bremer (5%)

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

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

Component: Knox (80%)

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna Quercus Macrocarpa-quercus Alba/amorpha Canescens/schizachyrium Scoparium-dalea Candida Bur Oak-white Oak/leadplant/little Bluestem-white Prairie Clover, Deep Loess Protected Backslope Woodland Quercus Rubra-tilia Americana/asimina Triloba-ulmus Rubra/carex Jamesii-sanguinaria Canadensis Northern Red Oak-american Basswood/pawpaw-slippery Elm/james' Sedge-bloodroot ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Armster, eroded (5%)

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

Component: Similar soil (5%)

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

Component: Ladoga (5%)

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

Component: Welda (5%)

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

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Soil Features

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

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

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

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

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

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

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

Urban Planning and Land Use

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

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

MEMORANDUM

TO: Tony Sabljak / Shana Shanteau
DRC Coordinator / Planner

FROM: ChikHon Yim P.E / Martin Ntonjira P.E, CDT
Project Engineer / Engineering Supervisor

DATE: September 16, 2020

SUBJECT: Jason Hussey (SP-2020-85, Special Use Permit)
732 N 57th St
General Engineering Review No. 1 (of the plans not sealed, application received 08/31/2020)

Prior to the issuance of a building permit for the above-named project, the construction drawings and/or report must be revised to address the following comments from the Engineering Division of the Urban Planning and Land Use Department. These comments refer to storm drainage design standards and requirements of the Unified Government that were not met in this submittal. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/DRC. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) The grading plan provided is not adequate for review. The special use permit submittal requires complete final engineering civil site, utility, stormwater plans and erosion control plans. Plans shall be signed, dated and sealed by a Professional Engineer registered in the State of Kansas. The plans shall include all applicable construction notes, details, and final engineering design in accordance with UG standards and criteria.
2) It appears there is a creek i.e. Brenner Heights creek running through the middle of the site. The grading plans shall illustrate how close the fill shall get to the creek. In addition, prior coordination with the US. Corp of Engineers shall be required for any work that is proposed within or near the creek. Provide staff with approval /permits, as applicable. Further coordination with staff is required.
3) With the civil plans, provide a PE sealed storm drainage memo or report which addresses overall storm drainage, i.e. existing vs proposed drainage conditions. Currently, it appears offsite and onsite runoff sheet flows to the west and eventually to Brenner Heights creek. With the proposed raising of the site elevation, it appears that the existing offsite drainage through the site will be changed. Also, please address drainage basin contributing to offsite runoff through the site.

4) Engineered slopes shall not be steeper than 3H:1V.Also, if retaining walls are proposed; retaining wall plans and calculations sealed by a Professional Engineer registered in the State of Kansas shall be required if walls greater than 3' 6" in height.

5) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: ChikHon Yim

Digitally signed by ChikHon Yim
DN: cn=ChikHon Yim, o=Unified Government of Wyandotte County and Kansas City, Kansas, ou=Urban Planning and Land Use Department, email=chonyim@wycokck.org, c=US
Date: 2020.09.16 17:39:21 -05'00'
Adobe Acrobat version: 2017.011.30175

ChikHon Yim, Project Engineer

Neighborhood Meeting:

MINUTES:

Application Number: #SP-20402-00070 (Ref: SP-2020-85)
Date and Location: Letter

Meeting called to order at: NA

Names of people in attendance: NA

Introductions:

NA

Questions and answers (include the following):

- Who asked question or gave comment
  - Annie McMorris – 828 N 57th St, Kansas City, Kansas 66102, September 20, 2020, 3:00 pm
- What was the question or comment
  - What is the project?
  - Where is the project?
  - What type of material will be used?
- Who answered the question/comment
  - Jason Hussey
- What was the answer given
  - The project is to fill in a low area in the back area of the property.
  - The project is located in the timber area in the first half of the property.
  - Desire to use dirt and some rock. Owner doesn't have a desire to use demolition rubble.

Meeting adjourned at: NA

Minutes taken by: Jason Hussey

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

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

1. That I am the petitioner for Petition #SP-2020-000070. SP-2020-85
2. That I conducted a neighborhood meeting on NA- LETTER
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Jason Hussey
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28 day of SEPT, 200~~-~~2020

My commission expires _____ of _____, 200_.

_____
Notary Public

September 17, 2020

SUBJECT: NEIGHBORHOOD MEETING

Dear Property Owner,

We have filed an application with the Department of Urban Planning and Land Use #SP-2020-85. The purpose of this application is for a Special Use Permit for residential fill at 732 N 57th St, Kansas City, Kansas, 66102.

Due to COVID-19, there will not be a public meeting. Please see attached exhibits that show the general location, proposed finish grade, and quantity of fill.

Please contact me with any questions, comments, or concerns by September 28, 2020 by calling or texting me at 816-863-1163 or by email at jhussus@hotmail.com. We will answer your questions and will provide them along with any comments or concerns to the Planning Department by September 30, 2020.

Thank you for your time, and please feel free to reach out to me. If you call and I don't pick up, please leave a voice message and I will get back to you shortly.

Sincerely,

Jason Hussey
732 N 57th St
816-863-1163 | jhussus@hotmail.com

Photograph of Property Submitted by Applicant:

Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 29, 2020

Re: **Petition #SP-2020-87**

GENERAL INFORMATION

Applicant:
Gary C. Phillips

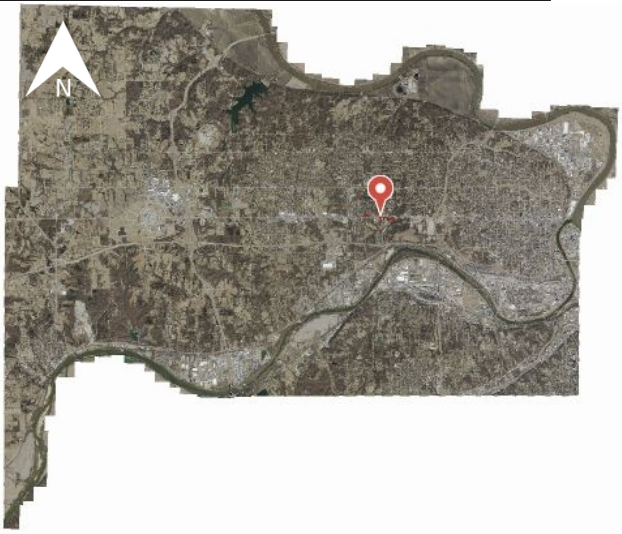
Status of Applicant:
Representative
KCK Public Schools USD 500
Kansas City, Kansas 66104

Requested Action:
The approval of a Temporary Use of Land Special Use Permit.

Date of Application:
August 28, 2020

Purpose:
The temporary use of a modular classroom.

Property Location:
310 North 11th Street
Kansas City, Kansas 66102



Commission Districts:	Commissioner At Large: Tom Burroughs District Commissioner: Brian McKiernan
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	**North:** R-1(B) Single Family District **South:** R-1(B) Single Family District **East:** R-1(B) Single Family District **West:** R-1(B) Single Family District
Adjacent Uses:	**North:** Single Family Homes **South:** Single Family Homes **East:** Single Family Homes **West:** Single Family Homes
Total Tract Size:	4.75 Acres
Master Plan Designation:	The City-Wide Master Plan designates this area as Public/Semi Public.
Major Street Plan:	The Major Street Plan classifies North 11th Street as a Local Street.
Parking Requirements:	Section 27-455(d) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. One (1) out of every 25 parking spaces must be ADA compliant. One (1) out of every six (6) ADA spaces must be van-accessible.
Advertisement:	The Wyandotte Echo – September 17, 2020 Letters to Property Owner - September 16, 2020 and October 23, 2020
Public Hearings:	October 12, 2020 and October 29, 2020
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Gary Phillips, is seeking the approval for a Special Use Permit for a modular classroom for M.E. Pearson Elementary School at 310 North 11th Street. There is currently a modular classroom existing on the property that will be demolished. A different modular classroom will be moved onto the property in a slightly different location. This modular classroom to be moved to the subject property is currently located at William White Elementary School at 2600 North 43rd Terrace Kansas City, Kansas. The applicant states that additional classroom space is needed to accommodate an increase in enrollment and to provide

the ability for social distancing. Only one (1) Notice of Violation was issued on this property for graffiti in 2007. The original modular classroom did not have a Special Use Permit.

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

FACTORS TO BE CONSIDERED

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

   The neighborhood is residential in nature, comprised of single-family homes in the Cathedral Neighborhood.

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

   The zoning and uses are set out above. The proposed use is compatible with the zoning and uses of neighboring properties as it will operate as additional classroom on the property of an existing elementary school. The school currently has a modular classroom on the property. This is intended to replace the existing on-site modular classroom.

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

   This property is suitable for use as a school or other public/semi-public service. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as the overcrowding of land, setback issues, and routine noise. It will not create more noise than what is normal due to recess and other outdoor activities.

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

   This property is not vacant. It is an existing elementary school.

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

   Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this area as Public/Semi-Public. The proposed use conforms to the Master Plan.

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

   The proposed use will not increase the amount of vehicular traffic coming into the area as it is an existing elementary school with a modular classroom. The proposed use is necessary to accommodate the increase in enrollment that it is already experiencing and to provide more social-distancing measures.

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

   The proposed use provides a convenience to the public in the form of extra classroom space, which is important in a time when social-distancing measures are necessary. The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property as it is a modular classroom within the boundaries of an existing elementary school.

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

   The proposed use will create issues of noise when children are going to and from the classroom, but no more than a typical recess or other outdoor activity. The modular classroom may create illumination on neighboring properties. Vibration and dust are not expected to be issues.

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

   The proposed use may cause issues of land or water pollution due to poor drainage and sewer hookup, as the site was not intended for a building.

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

    The proposed use will not damage or destroy an irreplaceable natural resource as the proposal is to replace an existing modular classroom on an existing paved schoolyard.

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

    The proposed use provides a benefit to the community by providing more classroom space. This is important to ensure proper social-distancing measures. If denied, the property-owner could not use the modular classroom, but could still operate the school.

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

    The proposed use will create issues of overcrowding of land as it will place an additional classroom facility outside of the main building to accommodate enrollment that exceeds its capacity. It does not result in undue concentrations of population as it does not increase the number of children coming into the school. It helps to accommodate the children that are already attending the school.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held an online neighborhood meeting via Zoom on September 28, 2020. No questions were asked. No one spoke in opposition or support.

KEY ISSUES

Noise
Stormwater
Glare and Lighting

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit #SP-2020-87, subject to:

1. **Lights used to illuminate the parking area shall be so arranged, located or screened as to direct light away from any adjoining or abutting residential district. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light cast on adjacent residential property shall not exceed one (1) foot candle as measured from said property line;**
2. **The modular classroom must be painted to match primary structure;**
3. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
4. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
5. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be**

considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **#SP-2020-87** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 12, 2020 City Planning Commission Minutes
Zoning Map
Aerial Map
Site Plan
Floor Plan
Elevations
Site Photographs Provided by Applicant
Site Photographs Provided by Staff, Dated September 16, 2020
Conservation District Comments
Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	October 12, 2020	October 29, 2020
Special Use	Approval	

STAFF CONTACT: **Shana Shanteau**
sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2020-87** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2020-87** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 12, 2020 City Planning Commission Minutes:

Hearing starts at 2:14:49:

SPECIAL USE PERMIT APPLICATION #SP-2020-87– GARY C. PHILLIPS WITH ACI BOLAND, INC. – SYNOPSIS: Special Use Permit for the Temporary Use of Land for a modular classroom for M. E. Pearson Elementary School at 310 North 11th Street. **Detailed Outline of Requested Action:** The applicant, Gary Phillips, is seeking the approval for a Special Use Permit for a modular classroom for M.E. Pearson Elementary School at 310 North 11th Street. There is currently a modular classroom existing on the property that will be demolished. A different modular classroom will be moved onto the property in a slightly different location. This modular classroom to be moved to the subject property is currently located at William White Elementary School at 2600 North 43rd Terrace Kansas City, Kansas. The applicant states that additional classroom space is needed to accommodate an increase in enrollment and to provide the ability for social distancing. Only one (1) Notice of Violation was issued on this property for graffiti in 2007. The original modular classroom did not have a Special Use Permit.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 12, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Gary Phillips, ACI Boland Inc., applicant representing USD 500

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:17: Planning Director Hand stated that one of the conditions of approval is to paint the modular classroom to match the primary structure and another condition that all lighting is directed downward as per the lighting standards. Director Hand asked the applicant if the current unit is being removed from the site. Mr. Phillips stated the current modular classroom was demolished and removed a couple of years ago. The new one will have slightly different ramping and a deck. Director Hand stated that the previous unit did not have a special use permit. The staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 2:18:45:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit #SP-2020-87**:**

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

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

1. **Lights used to illuminate the parking area shall be so arranged, located or screened as to direct light away from any adjoining or abutting residential district. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light cast on adjacent residential property shall not exceed one (1) foot candle as measured from said property line;**
2. **The modular classroom must be painted to match primary structure;**
3. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
4. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board**

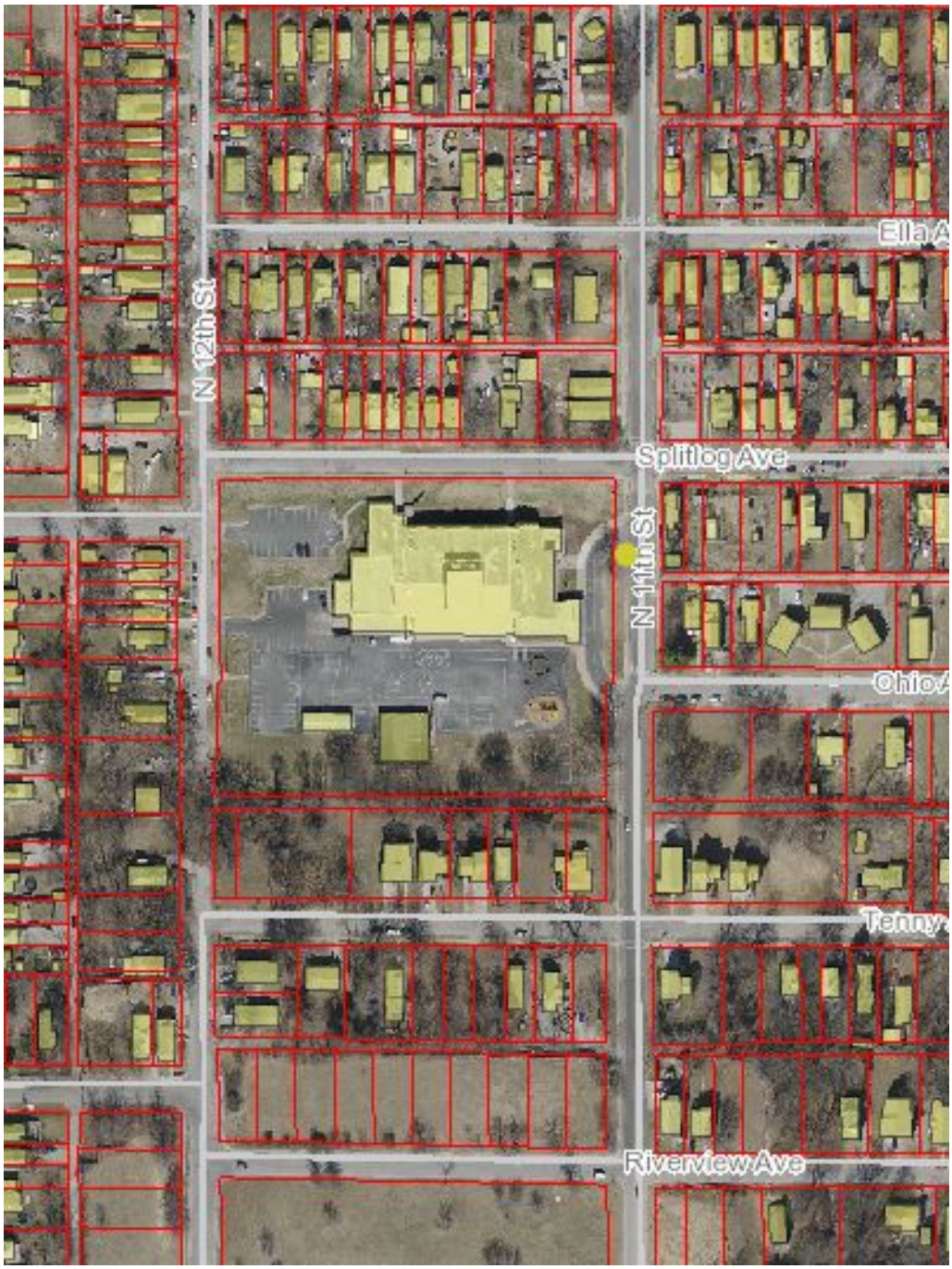
of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

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

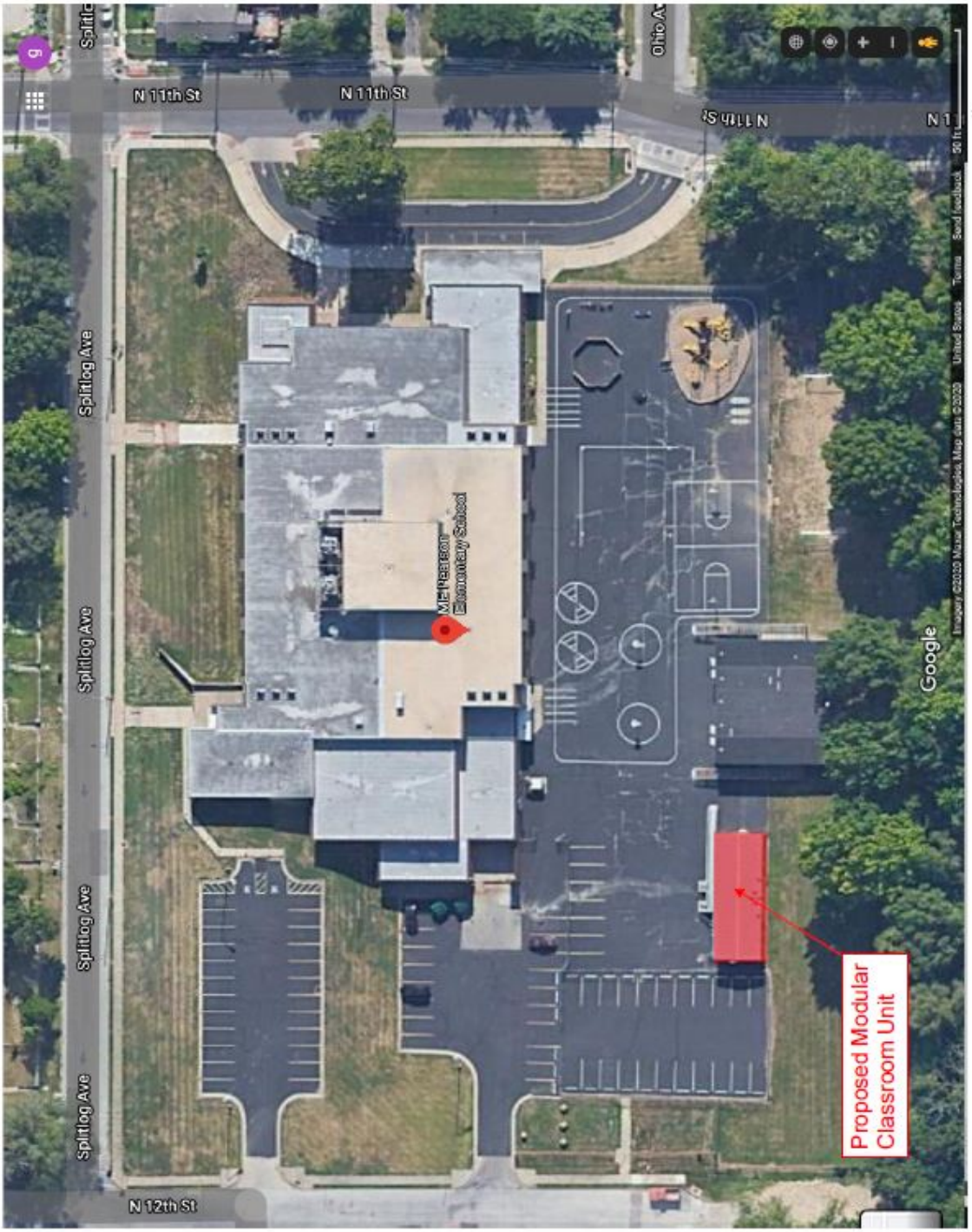
Zoning Map:

Orville Ave
R-1(B)
R-2(B)
R-1(B)
Ella Ave
N 12th St
R-1(B)
R-2(B)
R-1(B)
Splitlog Ave
ve
N 11th St
R-1(B)
R-2(B)
Ohio Ave
N Valley St
R-1(B)
R-1(B)
Tenny Ave
R-2(B)
R-1(B)
R-1(B)
Riverview Ave

Aerial Map:

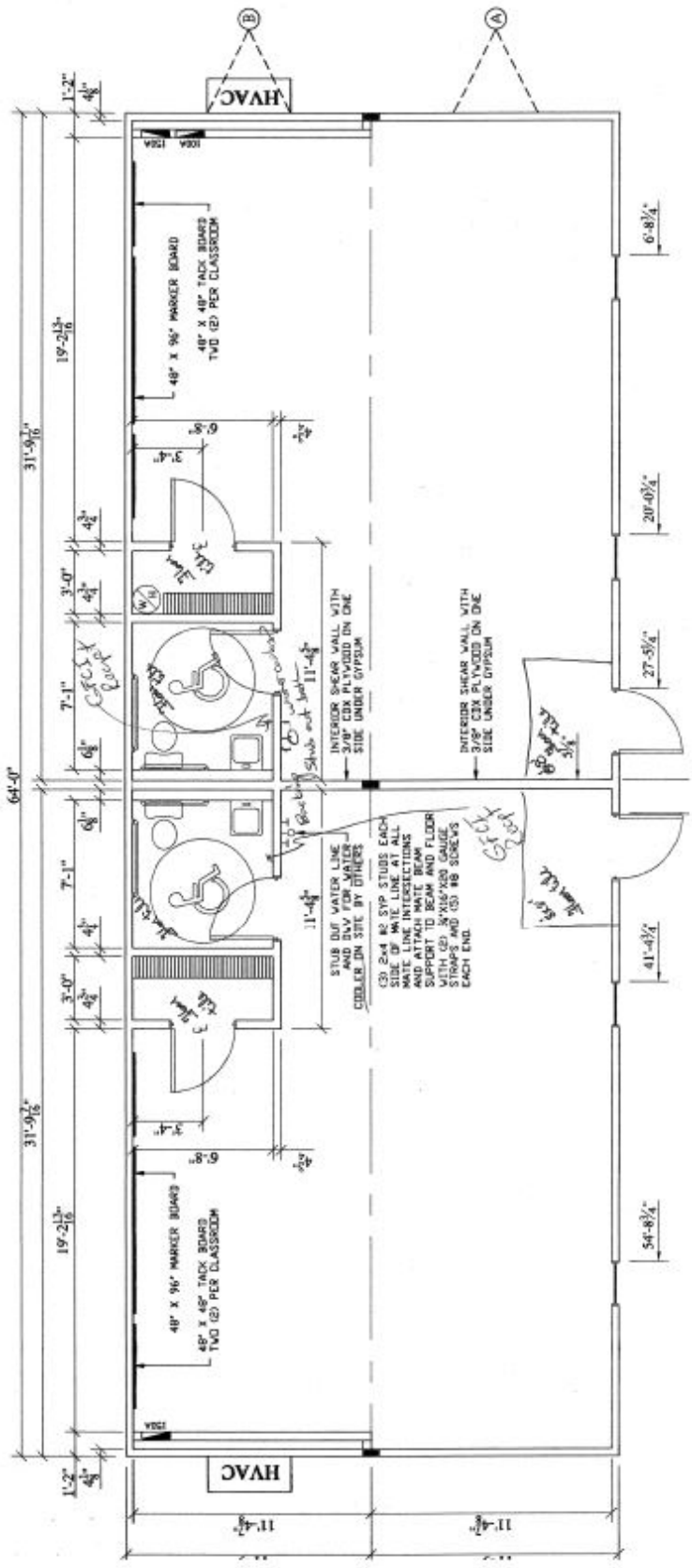


Site Plans:



Site Plan

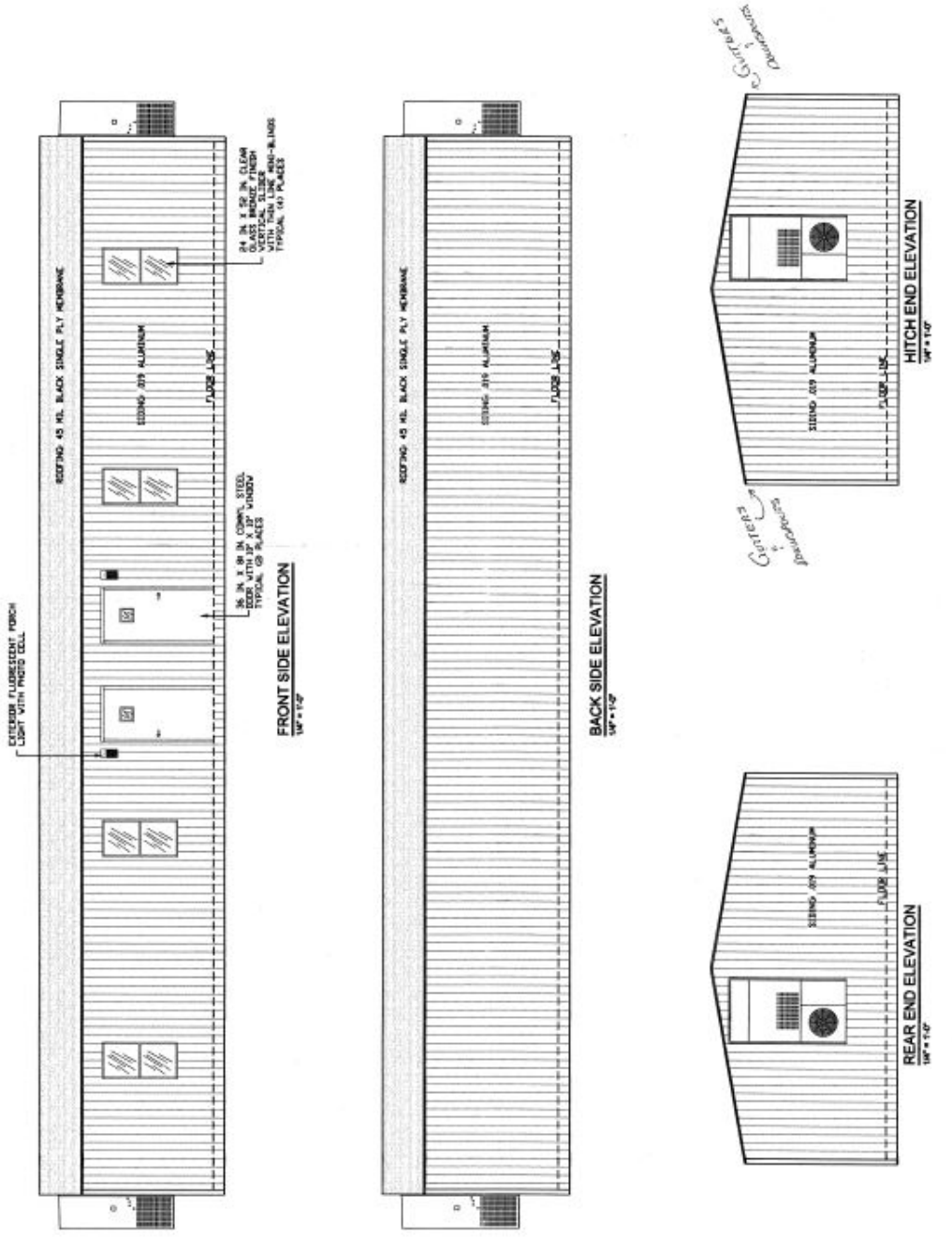
Floor Plan:



North

Floor Plan

Elevations:


ROOFING 45 MIL BLACK SINGLE PLY MEMBRANE
SIDING .019 ALUMINUM
FLOOR LINE
EXTERIOR FLUORESCENT PORCH LIGHT WITH PHOTO CELL
24 IN. X 60 IN. CLEAR GLASS WINDOW WITH VERTICAL SLIDER WITH THIN LINE MINI-BLINDS TYPICAL (4) PLACES
36 IN. X 80 IN. COMPL STEEL DOOR WITH 18" X 18" WINDOW TYPICAL (2) PLACES
FRONT SIDE ELEVATION
BACK SIDE ELEVATION
HITCH END ELEVATION
REAR END ELEVATION
Exterior Elevations

Site Photographs Provided by Applicant:

Proposed Site of modular classroom unit

Proposed Site of modular classroom unit

310 N 11th St
Kansas City, Kansas
Google
Street View
Google
Image capture: Apr 2017 © 2020 Google United States Terms Report a problem

[redacted]
Kansas City, Kansas
Google
Street View
Google
Image capture: Oct 2016 © 2020 Google United States Terms Report a problem

Kansas City, Kansas
Google
Street View
Google
Image capture: Jul 2011 © 2020 Google United States Terms Report a problem

Kansas City, Kansas
Google
Street View
Google
Image capture: Jul 2011 © 2020 Google United States Terms Report a problem

Site Photographs Provided by Staff, Dated September 16, 2020:

Existing Modular Classroom:

Proposed Site of New Modular Classroom:

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

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

September 15, 2020

RE: SP-2020-87 Gary Phillips modular classroom M. E. Pearson Elementary 310 North 11TH Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of this site for SP-2020-87 Gary Phillips modular classroom M. E. Pearson Elementary 310 North 11TH Street.

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered erodible when the surface is denuded of a protective cover.
- There doesn't seem to be any natural resource problem with this sight. It has been there for some time.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Map Unit Name—Wyandotte County, Kansas
(SP 2020-87 310 N. 11th ST.)
N Thorp St
N Valley St
N 12th St
N 11th St
Riverview Ave
Tenny Ave
Ohio Ave
7955
94° 38' 36" W
94° 38' 9" W
39° 6' 32" N
39° 6' 19" N
Natural Resources
Conservation Service
Web Soil Survey
National Cooperative Soil Survey
9/8/2020
Page 1 of 3

Map Unit Name—Wyandotte County, Kansas
(SP 2020-87 310 N. 11th ST.)

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- Knox silt loam, 7 to 12 percent slopes
- Not rated or not available

Soil Rating Lines
- Knox silt loam, 7 to 12 percent slopes
- Not rated or not available

Soil Rating Points
- Knox silt loam, 7 to 12 percent slopes
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

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

Date(s) aerial images were photographed: Jul 17, 2019—Sep 25, 2019

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

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7955	Knox silt loam, 7 to 12 percent slopes	Knox silt loam, 7 to 12 percent slopes	0.6	100.0%
Totals for Area of Interest			**0.6**	**100.0%**

Description

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

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Map Unit Description (Brief, Generated)

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

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

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

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

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

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

Component: Knox (80%)

The Knox component makes up 80 percent of the map unit. Slopes are 7 to 12 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna Quercus Macrocarpa-quercus Alba/amorpha Canescens/schizachyrium Scoparium-dalea Candida Bur Oak-white Oak/leadplant/little Bluestem-white Prairie Clover, Deep Loess Protected Backslope Woodland Quercus Rubra-tilia Americana/asimina Triloba-ulmus Rubra/carex Jamesii-sanguinaria Canadensis Northern Red Oak-american Basswood/pawpaw-slippery Elm/james' Sedge-bloodroot ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.

Component: Armster, eroded (5%)

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

Component: Similar soil (5%)

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

Component: Ladoga (5%)

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

Component: Welda (5%)

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

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

Soil Features

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

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

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

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

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

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

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

Report—Soil Features

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

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

Letter to Neighbors:

#SP-2020-87

October 29, 2020

September 15, 2020

Name
Address
City/State/Zip

ACI/BOLAND, INC. – KANSAS CITY
1710 Wyandotte St.
Kansas City, Missouri 64108
T.816.763.9600
F.816.763.9757

Subject: Neighborhood Meeting

We have filed a Special Use Permit application (# SP 2020-87) with the Department of Urban Planning and Land Use. The purpose of this Special Use Permit is to allow for the addition of a modular classroom unit on the ME Pearson Elementary School campus located at 310 N. 11th Street.

The Kansas City Kansas Public School District USD 500 is having a neighborhood meeting via Zoom on September 28, 2020 at 4 p.m. The link to the Zoom meeting is below:

KCKPS USD 500 is inviting you to a scheduled Zoom meeting.
Topic: Neighborhood Meeting
Time: Sep 28, 2020 04:00 PM Central Time (US and Canada)
Join Zoom Meeting
https://us02web.zoom.us/j/82298468730?pwd=QlhoaDYrZnFDZmlKbjdlV3lVdUxyQT09
Meeting ID: 822 9846 8730
Passcode: 762528
One tap mobile
+13017158592,,82298468730# US (Germantown)
+13126266799,,82298468730# US (Chicago)
Dial by your location
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
Meeting ID: 822 9846 8730
Find your local number: https://us02web.zoom.us/u/kC2JLDMXJ

The purpose of this meeting is to explain the proposed addition of a modular classroom unit on the ME Pearson Elementary School campus and to answer any questions or concerns you may have. I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address and/or phone number listed below.

Sincerely,

ACI / BOLAND, INC.

Gary C. Phillips
gphillips@aciboland.com

ARCHITECTS PLANNERS INTERIOR DESIGNERS

ACI BOLAND ARCHITECTS
ACI/BOLAND, INC. – KANSAS CITY
1710 Wyandotte St.
Kansas City, Missouri 64108
T.816.763.9600
F.816.763.9757

Neighborhood Meeting

ME Pearson Elementary Modular Classroom Unit
310 N 11th St., Kansas City, Kansas 66102
Kansas City Kansas Public Schools USD 500

Application Number: SP-2020-87

Date: September 28, 2020

Location: Zoom

Meeting called to order at: 4:00 p.m.

Names of persons in attendance: Kurt Wagner, Wayne Correll and Gary Phillips

Introductions: Kurt Wagner and Wayne Correll (USD 500) and Gary Phillips (ACI/Boland Architects)

Presentation by Kurt Wagner, Wayne Correll and Gary Phillips:

The school district is proposing to relocate a modular classroom unit that contains two (2) classrooms from the demolished William Allen White Elementary School to ME Pearson Elementary School. The location the modular classroom unit will be in the Southwest corner of the playground area that is located along the south side of the elementary school building. (see attached site plan, floor plan and photos).

It is anticipated that construction will start approximately October 30, 2020.

This petition will be heard by the Planning Commission on October 12th at 6:30 p.m. via Zoom at the Commission Chambers, 701 North 7th St.

Questions and answers:
Attendee questions- None asked
There were no concerns voiced.

Meeting adjourned at: 4:30 p.m.

Minutes taken by: Gary C. Phillips

NOTE: No questions have been received by the school district or myself via phone or email.

Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

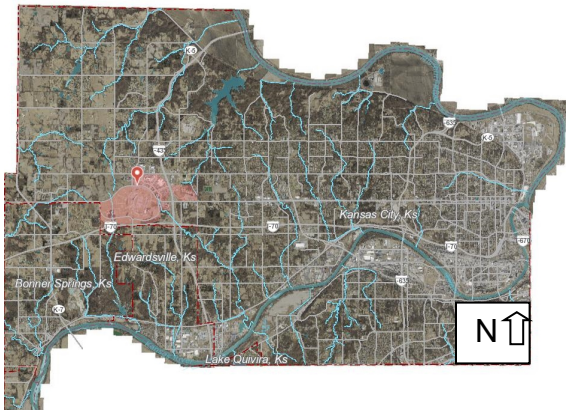
Date: October 29, 2020

Re: **Change of Zone Petition #3236 and #MP-2020-7**

GENERAL INFORMATION

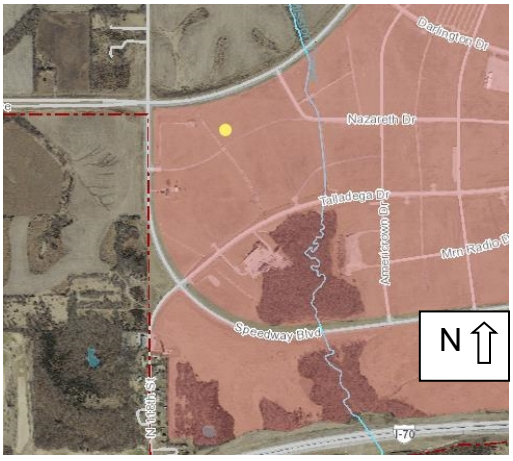
Applicant:
Greg Scovitch with Hillwood Enterprises, LP

Status of Applicant:
Representative
Brian Lavery with Continental Consulting Engineers
11006 Parallel Parkway
Kansas City, KS 66109



Requested Actions:
Change of Zone from
A-G Agriculture District to MP-2 Planned General Industrial District.

A Master Plan Amendment from Entertainment (Prairie Delaware Piper Master Plan) to Business Park (Prairie Delaware Piper Master Plan).



Date of Application:
August 31, 2020

Purpose: To rezone one (1) industrial lot to build a 1,583,813 square foot warehouse and distribution center.

Property Location: 10901 State Avenue, Kansas City, KS 66109

Commission District: Commissioner At Large: Tom Burroughs
District Commissioner: James (Jim) Walters

Existing Zoning: A-G Agriculture District

Surrounding Zoning:
North: A-G Agriculture and CP-2 Planned General Business Districts
South: A-G Agriculture District
East: A-G Agriculture District
West: City of Bonner Springs, Kansas

Existing Uses: North: Undeveloped, farmland (future site of the American Royal)
South: Grass fields for parking for Kansas Speedway events
East: Grass fields for parking for Kansas Speedway events
West: Undeveloped land (City of Bonner Springs, Kansas)

Total Tract Size: 90.20 Acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Entertainment.

Major Street Plan: The Major Street Plan classifies State Avenue and Speedway Boulevard as Class A Thoroughfares.

Required Parking: For buildings larger than 50,000 square feet, parking is determined by the Director of Planning. Where questions arise concerning increments over 50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the Planning Commission.

Advertisement: The Wyandotte Echo – Change of Zone - September 17, 2020
Letters to Property Owners – September 16, 2020 and October 23, 20920

Public Hearings: October 12, 2020 and October 29, 2020

Public Support: Support was expressed by the Wyandotte County Economic Development Council by Greg Kindle and Edgar Galicia, CABA, at the October 12, 2020 City Planning Commission meeting.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Greg Scovitch with Hillwood Enterprises, LP applied for a change of zone from A-G Agriculture District to MP-2 Planned General Industrial District, preliminary plat one (1) industrial lot and amend the Prairie Delaware Piper Master Plan from Entertainment to Business Park to build one (1) industrial building for warehousing and distribution totaling 1,583,813 square foot on 90.20 acres at 10901 State Avenue with a future building expansion to the west and parking to the south.

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

FACTORS TO BE CONSIDERED

1. ***Neighborhood character***

   The area is dominated by the undeveloped perimeter of the Kansas Speedway racetrack. Other prominent features include the future site of the American Royal to the north, the Kansas Speedway racetrack to the east and the City of Bonner Springs to the west.

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

   The zoning and uses of properties nearby are set out above. The proposed industrial warehouse and distribution center is not compatible with the residential properties in the area. While the parcel is undeveloped around the Kansas Speedway, except for the Hollywood Casino, this area remains rural and undeveloped.

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

   The property is not suitable for the industrial uses that it has been restricted. The removal of the restrictions may affect nearby property. The racetrack has peak times during the evenings and weekends only three (3) times annually. This distribution center will be operating 24 hours a day, 7 days a week, 365 days a year.

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

   The property has been zoned A-G Agriculture since the 1970s. The property is used for overflow parking during race events on weekends.

5. ***The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or***

permanently injure the appropriate use, visual quality or marketability of nearby property.

Distribution uses support the economy, but provide an increasingly smaller share of jobs due to automation. This type of use will induce development that will increase, but could significantly impact visual quality of the existing character of western fringe of The Legends and Village West area.

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

   The proposed development will significantly increase passenger vehicles and over-the-road trucks in ways that could adversely affect the road capacity of both State Avenue and Speedway Boulevard. Public Works is reviewing the Traffic Impact Study and their comments were forwarded ahead of this report.

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

   The proposed use does not conform to the Prairie Delaware Piper Master Plan. A Master Plan Amendment has been filed and is part of this application. The proposed Business Park designation will significantly change the Entertainment character adjacent to one of the region's most cherished entertainment assets. This site is center to the changes occurring all around. This character is further developed with the American Royal and Bonner Crossing.

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

   The proposed use should not cause environmental harm because the detention basins are proposed in the southwest and southeast corners of the site will capture runoff before it is discharged into the storm sewer. Greater truck volumes in the vicinity will increase exhaust emissions and there will be increased energy consumption of a larger warehouse building.

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

   a. ***Water service***

      Available

   b. ***Sanitary sewer service***

      Not available

   c. ***Storm water control***

      To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #225.

e. Fire

Fire service is provided by Fire Station #6 located at 94th Street and State Avenue.

f. Transit

Kansas City ATA does not provide transit service to this property. The closest transit stop is approximately 1.5 miles on Village West Parkway, Route #101.

g. Schools

Public education is provided by Bonner Springs USD 204.

h. Streets

To be designed to meet Public Works standards.

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

The proposed use will have a beneficial economic impact on the community by turning a vacant property into a tax generating use. In the future, however, these distribution jobs will be automated, which has a diminishing return on investment.

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

With revisions, the proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is negligible due to the increase in truck traffic at this future intersection. If this application is denied, the owners will still have property that is able to be developed, or as currently used.

13. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

The development can be used safely without danger to health, flood, erosion or fire if designed, constructed and maintained properly. Excessive noise, parking

lot and building lighting, and headlights may be further mitigated by an increased berm, landscaping and lowering the building into the site. Pedestrian safety is of the upmost importance and there may be a conflict with large over-the-road trucks driving on and increased emissions along State Avenue and Speedway Boulevard, and this will have an effect on public health.

14. ***Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.***

    The Major Street Plan classifies State Avenue and Speedway Boulevard as a Class A Thoroughfares. Internal streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

    While staff cannot predict the future land and building uses, Bonner Crossing has proposed a large mixed-use development to the west, across Speedway Boulevard and if development and growth continues in the Village West area, the undeveloped land around the Kansas Speedway to the south and east will only reinforce the need for better pedestrian circulation and connectivity not only for recreation, but also to transit stops that will be necessary to move employees to their places of employment.

15. ***Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.***

    Buildings and streets will be arranged as to afford adequate light, and open space to facilitate fire protection and long-term sustained real estate values by further developing State Avenue as a transit corridor and for facilitating pedestrian access through the reintroduction of the street grid.

16. ***Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.***

    This building will be highly visible from all sides. Greater efforts are needed to screen the dock doors and trailers from State Avenue, Speedway Boulevard, and Talladega Drive. The site slopes from northwest to southeast towards the Kansas Speedway racetrack, so there are no natural features of the land that can be protected or enhanced.

    To incorporate these natural features into the development, open fields that are illustrated on the landscape plan to be hydroseeded should be changed to a hybrid of wildflowers and other native grasses and vegetation.

17. ***Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

    There are no aforementioned amenities that are being provided for residents except that ten (10) foot sidewalks will be constructed along State Avenue and Speedway Boulevard and a five (5) foot sidewalk along Talladega Drive as well as pedestrian circulation, fitness trail, and new transit stop for employees.

PREVIOUS ACTIONS

None. This site is currently part of the Kansas Speedway.

NEIGHBORHOOD MEETING

The applicant held a virtual neighborhood meeting via Zoom on September 28, 2020. According to the applicant, no one appeared in opposition of the proposed development.

KEY ISSUES

Neighborhood Character
Compliance with the Prairie Delaware Piper Master Plan Business Park Guidelines
Landscaping and Screening
Sight Lines from State Avenue and Speedway Boulevard
Planning Engineering Comments
Traffic
Stormwater Runoff
Pedestrian/Transit Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application #3236 and Master Plan Amendment #MP-2020-7, subject to:

1. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;**
2. **Per Business Licensing Department: Occupying business will need to file and maintain a current business occupation tax application with this office;**
3. **A ten (10) foot sidewalk shall be constructed along State Avenue and Speedway Boulevard. A five (5) foot sidewalk shall be constructed the length of Talladega Drive;**

4. **The Kansas City ATA transit stop shall be constructed prior to the completion of the warehouse building/distribution center and a request for a Temporary Certificate of Occupancy (TCO);**
5. **The decibel level shall not exceed the performance standards for MP-2 Planned General Business District;**
6. **If vehicles are being repaired (i.e. oil changes, tire rotations, engine/transmission repair, etc.), a Special Use Permit is required for that specific use per Sec. 27-593(b)(20);**
7. **Downspouts shall be integrated to the extent possible into building articulations and be painted to match the building. Downspouts shall be internalized on the east side of the building (office);**
8. **The 350,000-gallon water tank has been removed and shall not be included in this project;**
9. **The applicant states that the fence will not be visible due to the berm, however, chain link does detract from the overall appearance, powder coated or vinyl. Staff recommends that wrought iron fencing is constructed;**
10. **The applicant will raise the berm to screen views and this will be confirmed at DRC before grading permit is approved;**
11. **The internal sidewalk/trail system shall be constructed during the initial phase of development, prior to TCO request and inspection;**
12. **Native grass seed shall be added to areas around the extended detention basins and continuously maintained;**
13. **Plant and maintain native grasses and wildflowers in the future expansion footprints of building, trailer storage and employee parking lots;**
14. **The site for the proposed distribution center requires 393 trees exclusive of the street tree and parking lot island tree requirements.**

    One (1) tree is required for every thirty (30) linear feet of frontage along a major street. This requirement extends to State Avenue, Speedway Boulevard and Talladega Drive.

    Twenty (20) consecutive parking spaces (or groups of forty (40) for double loaded aisles) shall have a curbed and landscaped parking lot island. The ends of each row of parking shall have curbed and landscape islands as well. One (1) tree shall be planted in each island.

    Office ratios shall meet the Commercial Design Guidelines standards;
15. **All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;**
16. **All landscaping shall be irrigated;**
17. **Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.**
    a. **All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent**

land uses. All screening materials must be well maintained at all times;

18. **BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;**
19. **All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;**
20. **Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;**
21. **Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;**
22. **All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. A Temporary Certificate of Occupancy to occupy the building will not be issued by Planning staff until this is accomplished; and,**
23. **Shall comply with the sign ordinance.**
24. **Shall comply with Planning Engineering comments.**

STAFF COMMENTS AND SUGGESTIONS

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **APPROVAL** of Petition **#3236 and #MP-2020-6** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 12, 2020 City Planning Commission Minutes
Aerial Map/Zoning Map
GeoSpatial Services Department Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Photometric Plan
Building Elevations
Site Photographs taken by Planning Staff on September 16, 2020
Planning Engineering Comments

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing Rezoning	October 12, 2020 Approval	October 29, 2020
Public Hearing Preliminary Plat	October 12, 2020 Approved	TBD
Public Hearing Master Plan Amendment	October 12, 2020 Approval	October 29, 2020

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition #3236 to as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3236 as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **#MP-2020-7,** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#MP-2020-7,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 12, 2020 City Planning Commission Minutes:

Hearing starts at 1:07:05:

CHANGE OF ZONE APPLICATION #3236 – GREG SCOVITCH WITH HILLWOOD ENTERPRISES, LP – SYNOPSIS: Change of Zone from A-G Agriculture District to MP-2 Planned General Industrial District for Urban Outfitters distribution center at 10901 State Avenue.

URBAN OUTFITTERS FC – SYNOPSIS: Preliminary Plat for one (1) industrial lot at 10901 State Avenue.

MASTER PLAN AMENDMENT APPLICATION #MP-2020-7 – GREG SCOVITCH WITH HILLWOOD ENTERPRISES, LP – SYNOPSIS: Master Plan Amendment from Entertainment (Prairie Delaware Piper Master Plan) to Business Park (Prairie Delaware Piper Master Plan) at 10901 State Avenue.

Detailed Outline of Requested Action: The applicant, Greg Scovitch with Hillwood Enterprises, LP applied for a change of zone from A-G Agriculture District to MP-2 Planned General Industrial District, preliminary plat one (1) industrial lot and amend the

Prairie Delaware Piper Master Plan from Entertainment to Business Park to build one (1) industrial building for warehousing and distribution totaling 1,583,813 square foot on 90.20 acres at 10901 State Avenue with a future building expansion to the west and parking to the south.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 12, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Curt Peterson, Polsinelli, attorney representing the applicant
- Greg Scovitch, Hillwood Enterprises, LP, applicant
- Phil Gibbs, Jr., Continental Consulting Engineers
- Brian Lavery, Continental Consulting Engineers
- Greg Kindle, President of Wyandotte County Economic Development Council, 727 Minnesota Avenue, Kansas City, Kansas
- David Ziel, Chief Development Officer, Urban Outfitters

Present in Opposition/Questions:

- Edgar Galicia, CABA, 1621 Central Avenue, Kansas City, Kansas 66102

Staff Recommendation starts at 1:41:15: Planning Director Hand stated the staff has not received any letters in support or opposition to this proposal. They are requesting a Master Plan Amendment, Change of Zone and Preliminary Plat, which requests a significant change of use. He stated that the staff worked closely with the applicant on multiple conditions. He further stated that this is an open field and the staff developed some of their conditions in order to screen the industrial use from public view. The proposal is a massive building that will be seen from State Avenue, but the loading docks and other service areas will be screened by landscaping. He would like to respond to the seven (7) conditions that Mr. Peterson requested revisions (listed below):

(1) Stipulation #3

Developer Proposed Modification: A ten (10) foot sidewalk shall be constructed along State Avenue and Speedway Boulevard. ~~A five (5) foot sidewalk shall be constructed the length of Talladega Drive.~~

Director Hand Response: Both State Avenue and Speedway Boulevard are in the Sidewalks and Trails Master Plan as regional trails. Talladega Boulevard is a private street but as this property is a significant change of use, staff believes that it will need to transform also. The staff continues to recommend a 5' driveway on Talladega Drive.

Chairman Carson: If this is a private road, is the public going to use it or is a sidewalk to nowhere being built? **Director Hand** stated that argument could be made on any parcel on a Greenfield site. Talladega is a private drive built to public standards. The only reason that it is private is that it is maintained by the Speedway. It is used as a public drive during events at the Kansas Speedway and was built to public standards. He noted the request Change of Zone from an agricultural zoning and an entertainment use/parking for the Speedway to a 24-hour industrial/distribution operation. **Chairman Carson** asked if there are sidewalks around the Hollywood Casino? **Director Hand** stated no.

Commissioner Mohler stated that the applicants with smaller developments/businesses are hammered with regard to striping, landscaping, screening, etc. and he has an issue when there are larger developments/proposals and a lot of the details are "glossed over" that everyone else is required to do. He further stated that he has an issue with not making everyone follow the same basic standards.

Commissioner Ernst asked if there is another private drive where this condition has been required. **Director Hand** stated that he cannot think of one, but this is not a typical drive. This is the beginning, as the staff understands, of developing the outer parcels. When the agreements were done with the Speedway the UG did not know that there would be a distribution center of this size open 24/7 at this location. With the American Royal, etc. going in this will not be a road to nowhere. These types of developments spur other developments.

Commissioner Miller stated that there was a subdivision in Piper that was considered several years ago and the sidewalks were left in because there was discussion of a school going in at a future time. He does not feel that this is the first time it has been done. Why build the sidewalks after the fact when it can be done now.

Director Hand stated that he just received information from staff that the car dealerships on North 110th Street has private drives with sidewalks.

(2) Stipulation #9

Developer Proposed Clarification: The fence will not be screened with a berm from the private street (Talladega) or a portion of Speedway Boulevard south of Talladega.

Director Hand stated that a portion of this condition was not included in the Summary of Conditions, that is not included in the full report. The staff is asking that the proposed

chain-link fence be an architectural fence with wrought iron, which is the same fence application as the Speedway whether it is visible from the street or not.

(3) Stipulation #10

Developer Proposed Deletion: ~~The applicant will raise the berm to screen views and this will be confirmed at DRC before grading permit is approved.~~

Director Hand stated that this is standard language. When the project goes to DRC, these berms will be reviewed. This is the normal procedure.

(4) Stipulation #13

Developer Proposed Modification: Seed for turf in the future expansion footprints of building, trailer storage and employee parking lots.

Director Hand stated that #13 is related to #12. There is a Factor to be Considered about maintaining the topography and natural character of the site and the staff recommended Wildflowers, which is understood to require maintenance and time to establish. The staff looked at the existing field and site context and made that recommendation. He further stated that the new zoning code that is being developed does provide greater options regarding native plantings.

(5) Stipulation #17

Developer Proposed Modification:

- The perimeter parking (employee parking) will not include perimeter shrubs, but will include treescape as shown in the landscape plan.
- There are no traditional trash enclosures, only multiple fully enclosed trash compactors. These are not visible from outside the property due to the perimeter berm and substantial ~30-foot grade change. No additional screening will be provided.

Director Hand stated the staff understands that they will have a trash compactor not dumpster, and is requesting a wall be built around the trash compactors as per code. He further stated that with regard to the landscaping in the Commercial Design Guidelines the staff would be amenable to working with the applicant on the landscape plan. The staff took a similar position regarding the Commercial Design Guidelines on this site as they did with the American Royal development across the street. The applicant did change the employee parking lot to meet the Commercial Design Guidelines. Director Hand stated that staff wants to look at the landscaping plan and would not have an issue making a small adjustment. He stated that any deviation from the Commercial Design Guidelines requires the City Planning Commission's approval.

(6) Stipulation #18

Developer Proposed Modification: Additional screening beyond the perimeter landscaping depicted on the submitted landscape plan shall not be required to screen the transformers shown on the plans along the southern portion of the building.

Director Hand stated that this is the standard condition for BPU and the staff.

(7) Stipulation #20

Developer Proposed Modification: Additional screening beyond the perimeter landscaping depicted on the submitted landscape plan shall not be required to screen the generators shown on the plans along the southern portion of the building.

Director Hand stated that this is another standard BPU condition for all generators. In this case, staff wants to ensure that all the mechanical equipment will be screened whether or the ground and roof. Director Hand stated that if the applicant is opposed to this code requirement, they would need to seek a variance from the Board of Zoning Appeals.

Commissioner Jones stated that she would like to note that when the staff or Commission state that consideration will be given (to changing a condition of approval) there should be a reason given for doing so. The Commission does not want to give the appearance that small and big businesses are being treated differently, but the circumstances surrounding a condition may be different.

Director Hand stated that this is a significant change from the adopted area Master Plan, and with all the comments tonight and during staff review, the staff recommends approval of these applications with the conditions in the staff report.

Mr. Peterson stated that they believe that the correct fencing at this location is the black vinyl coated fence. He stated that it is not a cost issue, but a long-term quality issue. It is a truck-traffic environment and the black vinyl coated fence will be better for the long-term maintenance.

Motion and Vote starts at 2:07:15:

On motion by Mrs. Jones, seconded by Mr. Reasons, the Planning Commission voted as follows to recommend **APPROVAL** of Master Plan Amendment #MP-2020-7**:**

Carson	**Chairman**
Armstrong	**Aye**
Cho	**Aye**
Connelly	**Aye**
Ernst	**Aye**
Huey	**Not Present**

Jones Aye
Miller Aye
Mohler Aye
Pauley Not Present
Reasons Aye
Motion to RECOMMEND APPROVAL Passed: 8 to 0

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application #3236**:**

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

1. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;**
2. **Per Business Licensing Department: Occupying business will need to file and maintain a current business occupation tax application with this office;**
3. **A ten (10) foot sidewalk shall be constructed along State Avenue and Speedway Boulevard. A five (5) foot sidewalk shall be constructed the length of Talladega Drive;**
4. **The Kansas City ATA transit stop shall be constructed prior to the completion of the warehouse building/distribution center and a request for a Temporary Certificate of Occupancy (TCO);**
5. **The decibel level shall not exceed the performance standards for MP-2 Planned General Business District;**
6. **If vehicles are being repaired (i.e. oil changes, tire rotations, engine/transmission repair, etc.), a Special Use Permit is required for that specific use per Sec. 27-593(b)(20);**
7. **Downspouts shall be integrated to the extent possible into building articulations and be painted to match the building. Downspouts shall be internalized on the east side of the building (office);**
8. **The 350,000-gallon water tank has been removed and shall not be included in this project;**
9. **The applicant states that the fence will not be visible due to the berm, however, chain link does detract from the overall appearance, powder**

coated or vinyl. Staff recommends that wrought iron fencing is constructed;

10. **The applicant will raise the berm to screen views and this will be confirmed at DRC before grading permit is approved;**
11. **The internal sidewalk/trail system shall be constructed during the initial phase of development, prior to TCO request and inspection;**
12. **Native grass seed shall be added to areas around the extended detention basins and continuously maintained;**
13. **Plant and maintain native grasses and wildflowers in the future expansion footprints of building, trailer storage and employee parking lots;**
14. **The site for the proposed distribution center requires 393 trees exclusive of the street tree and parking lot island tree requirements.**

    One (1) tree is required for every thirty (30) linear feet of frontage along a major street. This requirement extends to State Avenue, Speedway Boulevard and Talladega Drive.

    Twenty (20) consecutive parking spaces (or groups of forty (40) for double loaded aisles) shall have a curbed and landscaped parking lot island. The ends of each row of parking shall have curbed and landscape islands as well. One (1) tree shall be planted in each island.

    Office ratios shall meet the Commercial Design Guidelines standards;
15. **All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;**
16. **All landscaping shall be irrigated;**
17. **Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.**
    a. **All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;**
18. **BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;**
19. **All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;**
20. **Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall**

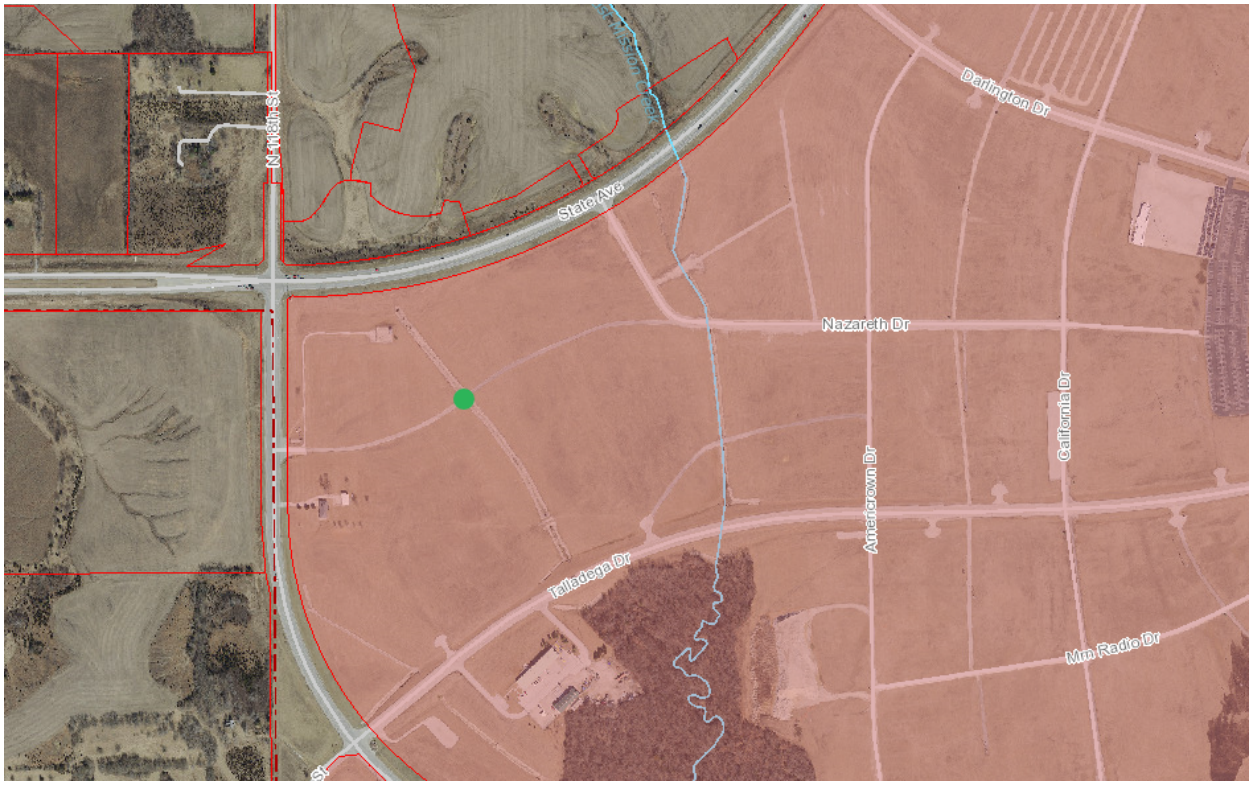
either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;

21. **Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;**
22. **All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. A Temporary Certificate of Occupancy to occupy the building will not be issued by Planning staff until this is accomplished; and,**
23. **Shall comply with the sign ordinance.**
24. **Shall comply with Planning Engineering comments.**

On motion by Mrs. Jones, seconded by Mr. Reasons, the Planning Commission voted as follows to **APPROVE** Urban Outfitters FC Preliminary Plat**:**

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

Motion to APPROVE Passed: 8 to 0
Subject to the above stipulations.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Talladega Dr
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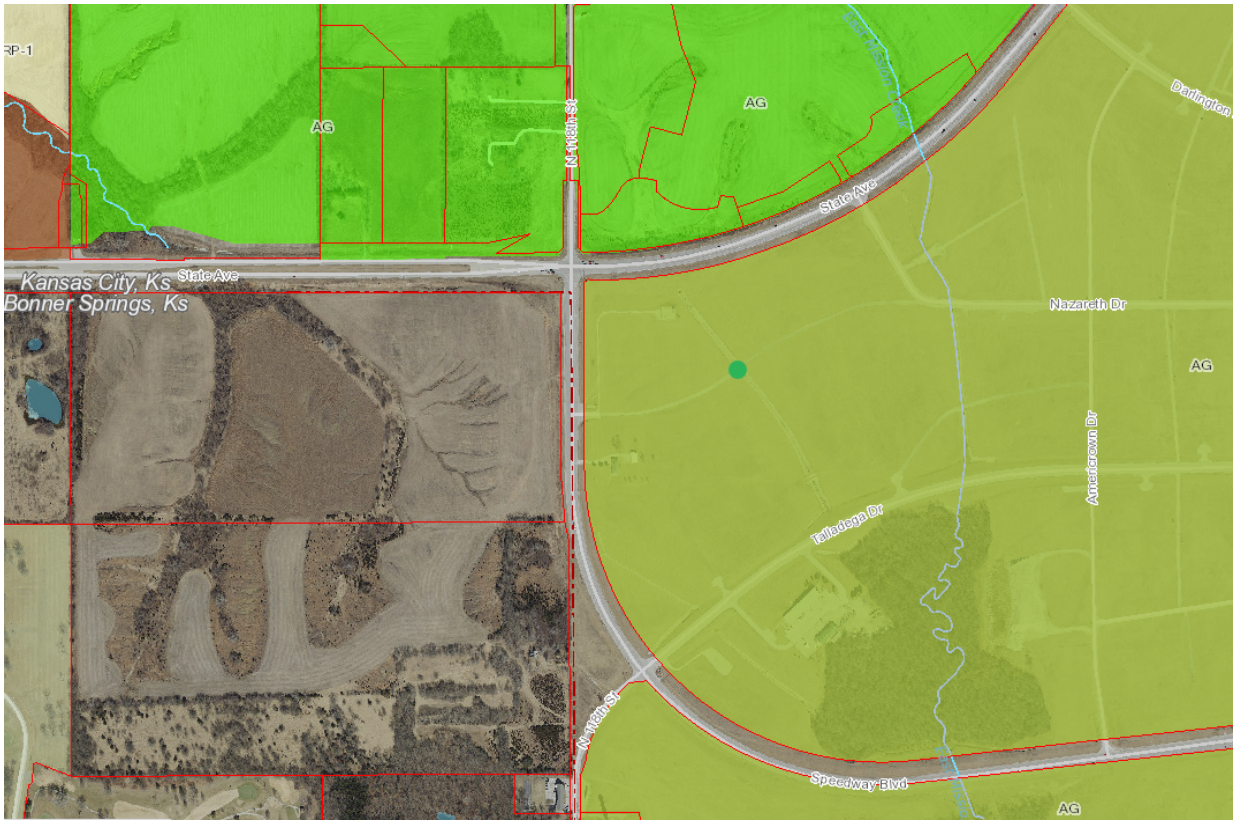
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AG
N 118th St
State Ave
Kansas City, Ks
Bonner Springs, Ks
Darlington
Nazareth Dr
Amesbrown Dr
Talladega Dr
Speedway Blvd

GeoSpatial Services
A Division of the Knowledge Office

710 North 7th Street Suite 200
Kansas City, Kansas 66101

Phone: (913) 573-2941
Fax: (913) 573-4106

To: Gunnar Hand, Urban Planning and Land Use
Janet Parker, Urban Planning and Land Use
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: September 14, 2020
RE: **URBAN OUTFITTERS FC**

We have researched the official county records for the above plat as submitted to Urban Planning and Land Use by:
Continental Consulting Engineers, Inc.

And we have determined the following:

Takes part of CIC-TAS Parcel:
258600

Owner-of-Record:
Kansas International Speedway Corp.

Jurat Signature:
Hillwood – Gregory Scovitch

We find that the plat is: **Presently unacceptable for posting.**

Please note the following comment.

1) Preliminary
The plat is preliminary.

SINCE 1976
Continental
CONSULTING ENGINEERS, INC.

9000 State Line Road
Leawood, Kansas 66206

11006 Parallel Parkway, Suite 1
Kansas City, Kansas 66109

Tel: (913) 642-6642
Fax: (913) 642-6941

September 28, 2020

Mr. Tony Sabljak
Development Review Coordinator
Department of Urban Planning and Land Use
Neighborhood Resource Center
Unified Government of Wyandotte County / Kansas City, Kansas
4953 State Avenue
Kansas City, Kansas 66102

RE: Preliminary Development Plan and Plat, Master Plan Amendment, COZ Application
Urban Outfitters Kansas Development Center

Mr. Sabljak,

Attached please find the following responses for the review comments for the Urban Outfitters Kansas Fulfillment Center proposed on the south side of State Avenue, east of Speedway Boulevard. Unified Government comments in italics, responses in red.

FACTORS TO BE CONSIDERED:

1. Neighborhood character *The area is dominated by the undeveloped perimeter of the Kansas Speedway racetrack. Other prominent features include the future site of the American Royal to the north, the Kansas Speedway racetrack to the east and the City of Bonner Springs to the west.*
Applicant Response: The U.G.'s Prairie Delaware Piper Master Plan published in 2004, anticipated this area could become an employment area. On page 30 of the plan, it specifically mentions this area and proposed type of use, "**Employment Areas** – Locations adjacent to the interstate highway system have been identified as existing or potential employment areas. The Kansas Speedway and Village West development are one center and should continue to develop. Another is along K-7 and Donahoo Road. This potential center is reserved based on the desire to improve K-7 to a limited access highway, planned improvements to Donahoo Road and the planned interchange of Donahoo Road with I435. In addition to speedway-related industrial development, the location near the junction of two major interstates makes it attractive for wholesaling, warehousing and distribution facilities. These employment uses also support retail and commercial establishments that will be located nearby."

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. *The zoning and uses of properties nearby are set out above. The proposed industrial warehouse and distribution center is not compatible with the residential properties in the area. While the parcel is undeveloped around the Kansas Speedway, except for the Hollywood Casino, this area remains rural and undeveloped.*

Applicant Response: The U.G.'s Prairie Delaware Piper Master Plan published in 2004, anticipated this area could become an employment area. On page 30 of the plan, it specifically mentions this area and proposed type of use, "**Employment Areas** – Locations adjacent to the interstate highway system have been identified as existing or potential employment areas. The Kansas Speedway and Village West development are one center and should continue to develop. Another is along K-7 and Donahoo Road. This potential center is reserved based on the desire to improve K-7 to a limited access highway, planned improvements to Donahoo Road and the planned interchange of Donahoo Road with I435. In addition to speedway-related industrial development, the location near the junction of two major interstates makes it attractive for wholesaling, warehousing and distribution facilities. These employment uses also support retail and commercial establishments that will be located nearby." The American Royal project is approved for development to the North of this project with both Commerical and Agricultural zoning and Special uses. The Bonner Crossing development is approved for development to the West in Bonner Springs, which is a commercial and mixed use development that will be supported by this development. The nearest residential area is a row of homes along 118th Street and are approximately 1/3 mile from the proposed facility.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property? *The property is not suitable for the industrial uses that it has been restricted. The removal of the restrictions may affect nearby property. The racetrack has peak times during the evenings and weekends only three (3) times annually. This distribution center will be operating 24 hours a day, 7 days a week, 365 days a year.*

Applicant Response: The U.G.'s Prairie Delaware Piper Master Plan published in 2004, anticipated this area could become an employment area. On page 30 of the plan, it specifically mentions this area and proposed type of use, "**Employment Areas** – Locations adjacent to the interstate highway system have been identified as existing or potential employment areas. The Kansas Speedway and Village West development are one center and should continue to develop. Another is along K-7 and Donahoo Road. This potential center is reserved based on the desire to improve K-7 to a limited access highway, planned improvements to Donahoo Road and the planned interchange of Donahoo Road with I435. In addition to speedway-related industrial development, the location near the junction of two major interstates makes it attractive for wholesaling, warehousing and distribution facilities. These employment uses also support retail and commercial establishments that will be located nearby." The American Royal project is approved for development to the North of this project with both Commerical and Agricultural zoning and Special uses. The Bonner Crossing development is approved for development to the West in Bonner Springs, which is a commercial and mixed use development that will be supported by this development.

4. The length of time the property has remained vacant as zoned. *The property has been zoned A-G Agriculture since the 1970s. The property is used for overflow parking during race events on weekends.*

Applicant Response: The U.G.'s Prairie Delaware Piper Master Plan published in 2004, anticipated this area could become an employment area. On page 30 of the plan, it specifically mentions this area and proposed type of use, "**Employment Areas** – Locations adjacent to the interstate highway system have been identified as existing or potential employment areas. The Kansas Speedway and Village West development are one center and should continue to develop. Another is along K-7 and Donahoo Road. This potential center is reserved based on the desire to improve K-7 to a limited access highway, planned improvements to Donahoo Road and the planned interchange of Donahoo Road with I435. In addition to speedway-related industrial development, the location near the junction of two major

interstates makes it attractive for wholesaling, warehousing and distribution facilities. These employment uses also support retail and commercial establishments that will be located nearby."

5. The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property. *Distribution uses support the economy, but provide an increasingly smaller share of jobs due to automation. This type of use will induce development that will increase, but could significantly impact visual quality of the existing character of western fringe of The Legends and Village West area.*

Applicant Response: This project will be a substantial job creator and the owner has committed to making a significant effort to hire Wyandotte County residents to fill the jobs. Automation creates more efficiency in the facility, which also leads to more training of employees for the necessary jobs. The training leads to raising human capital, greater opportunities and higher wages for the employees. This facility is a thoughtfully designed project that is very much consistent with the scale and character of businesses in the Village West/Kansas Speedway area.

6. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems. *The proposed development will significantly increase passenger vehicles and over-the-road trucks in ways that could adversely affect the road capacity of both State Avenue and Speedway Boulevard. Public Works is reviewing the Traffic Impact Study and their comments were forwarded ahead of this report.*

Applicant Response: The project's orientation and layout have been thoughtfully designed to orient the truck entrance of the facility nearest to the interstate 70 access point anticipated to be the primary truck route. The professionally prepared traffic impact analysis outlines the project's overall traffic and recommends improvements to address any impacts. This project also plans for an onsite Transit Stop location for the convenience of employees and to encourage mass transit use. Ongoing discussions with the U.G.'s Justus Welker and KCATA will continue as the project progresses.

7. The degree of conformance of the proposed use to the Master Plan. *The proposed use does not conform to the Prairie Delaware Piper Master Plan. A Master Plan Amendment has been filed and is part of this application. The proposed Business Park designation will significantly change the Entertainment character adjacent to one of the region's most cherished entertainment assets. This site is center to the changes occurring all around. This character is further developed with the American Royal and Bonner Crossing.*

Applicant Response: The project seeks a master plan amendment to the Business Park designation. The current Speedway area is shown as Entertainment on the Future Land Use Map 11; however, the property immediately across State Avenue to the North shows both Business Park and Planned Commerical. Thus, the Business Park use is anticipated for this area in the U.G.'s Prairie Delaware Piper Master Plan published in 2004. The overall area was projected to become an employment area. On page 30 of the plan, it specifically mentions this area and proposed type of use, "**Employment Areas** – Locations adjacent to the interstate highway system have been identified as existing or potential employment areas. The Kansas Speedway and Village West development are one center and should continue to develop. Another is along K-7 and Donahoo Road. This potential center is reserved based on the desire to improve K-7 to a limited access highway, planned improvements to Donahoo Road and the planned interchange of Donahoo Road with I435. In addition to speedway-related industrial

development, the location near the junction of two major interstates makes it attractive for wholesaling, warehousing and distribution facilities. These employment uses also support retail and commercial establishments that will be located nearby." The American Royal project is approved for development to the North of this project with both Commerical and Agricultural zoning and Special uses. The Bonner Crossing development is approved for development to the West in Bonner Springs, which is a commercial and mixed use development that will be supported by this development.

8. The extent to which the proposed use could cause environmental harm or enhance the environment. *The proposed use should not cause environmental harm because the detention basins are proposed in the southwest and southeast corners of the site will capture runoff before it is discharged into the storm sewer. Greater truck volumes in the vicinity will increase exhaust emissions and there will be increased energy consumption of a larger warehouse building.*
Applicant Response: Understood

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

a. Water service *Available* Applicant Response: Communication with BPU Water has begun to ensure adequate domestic and fire capacity is available for the facility.

b. Sanitary sewer service *Not available* Applicant Response: The U.G. has a sanitary pumping station on the property that will be the service location for the facility. Communication with U.G. Water Pollution Control representatives related to the details of the service connection and reconfiguration of the access drive to the existing U.G. facility upon development of this project.

c. Storm water control *To be designed to meet City Code*. Applicant Response: Extended wet detention facilities are proposed as part of the project to provide both stormwater and water quality controls for this project, per U.G. codes.

d. Police Police *service is provided by West Patrol, District #225* Applicant Response: Understood

e. Fire *Fire service is provided by Fire Station #6 located at 94th Street and State Avenue*. Applicant Response: A new Fire Station on Hutton Road is also just over 2 road miles away from the site. Ongoing discussions with the Fire Department will continue as the project design progresses.

f. Transit *Kansas City ATA does not provide transit service to this property. The closest transit stop is approximately 1.5 miles on Village West Parkway, Route #101* Applicant Response: Discussions with the U.G.'s Justus Welker as well as KCATA have been ongoing. An onsite Transit Stop has been negotiated whereby the bus will have a place to end this likely express route and return the route back to the transit center located at the former Indian Springs Mall location.

g. Schools *Public education is provided by Bonner Springs USD 204*. Applicant Response: Understood

h. Streets *To be designed to meet Public Works standards*. Applicant Response: Understood

10. The economic impact of the proposed use on the community. *The proposed use will have a beneficial economic impact on the community by turning a vacant property into a tax generating use, however in the future these jobs will be automated leaving large warehouse buildings empty in its entirety or the scale of the operation is significantly reduced.*
Applicant Response: This project will be a substantial job creator and the owner has committed to making a significant effort to hire Wyandotte County residents to fill the jobs. Automation creates more efficiency in the facility, which also leads to more training of employees for the necessary jobs. The training leads to raising human capital, greater opportunities and higher wages for the employees. This project application shows room allocated for future expansion on the West side of the facility.

11. The capability of the proposed use to meet applicable ordinance requirements. *With revisions, the proposed use is capable of meeting applicable ordinance requirements.*
Applicant Response: Acknowledged

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is negligible due to the increase in truck traffic at this future intersection. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they originally intended.*
Applicant Response: The project's orientation and layout have been thoughtfully designed to orient the truck entrance of the facility nearest to the interstate 70 access point anticipated to be the primary truck route. The professionally prepared traffic impact analysis outlines the project's overall traffic and recommends improvements to address any impacts. This project also plans for an onsite Transit Stop location for the convenience of employees and to encourage mass transit use. Ongoing discussions with the U.G.'s Justus Welker and KCATA will continue as the project progresses. This project will be a substantial job creator and the owner has committed to making a significant effort to hire Wyandotte County residents to fill the jobs. Automation creates more efficiency in the facility, which also leads to more training of employees for the necessary jobs. The training leads to raising human capital, greater opportunities and higher wages for the employees. This project application shows room allocated for future expansion on the West side of the facility.

13. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity. *The development can be used safely without danger to health, flood, erosion or fire if designed, constructed and maintained properly. Excessive noise, parking lot and building lighting, and headlights may be further mitigated by an increased berm, landscaping and lowering the building into the site. Pedestrian safety is of the upmost importance and there may be a conflict with large over-the-road trucks driving on and increased emissions along State Avenue and Speedway Boulevard and the effect this will have on public health.*
Applicant Response: This project will meet the zoning ordinance for noise and light trespass at the facility. All site lighting have full cut off fixtures with a zero footcandle lighting level at the property line, see the lighting details and photometric plans. The nearest residence is approximately 1/3 mile from the proposed building and topographically beyond the ridge where the existing WaterOne water surge tank is located. The applicant strongly agrees that pedestrian safety and any conflicts with truck traffic routes should be minimized. For this very reason, the applicant does not want to promote any pedestrian traffic along Talladega Drive, a private street and primary truck entrance/exit for the facility.

14. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses. *The Major Street Plan classifies State Avenue and Speedway Boulevard as a Class A Thoroughfares. Internal streets will be designed so as*

to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses. While staff cannot predict the future land and building uses, but Bonner Crossing has proposed a large mixed-use development to the west, across Speedway Boulevard and if development and growth continues in the Village West area, the undeveloped land around the Kansas Speedway to the south and east will only reinforce the need for pedestrian circulation and connectivity not only for recreation, but also transit stops that will be necessary to transport employees to their places of employment.

Applicant Response: The applicant agrees that pedestrian connectivity is important, but believes it is imperative to keep pedestrians away from truck traffic on Talladega Drive, a private roadway. We believe that the submitted design which constructs a 10 foot trail/walk in the right-of-way of Speedway Boulevard and State Avenue along the public perimeter of this project is the safest place to promote area pedestrian use. Proposed sidewalk from State Avenue extends to the sidewalk along the front of the building and connects to the onsite transit and ride share drop-off areas. The applicant has also included with this resubmission a loop (approximately ½ mile in length) of sidewalk around the perimeter of the employee parking lot for the use of employees for exercise during work breaks.

15. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values. *Buildings and streets will be arranged as to afford adequate light, and open space to facilitate fire protection and long-term sustained real estate values by further development State Avenue as a transit corridor and for facilitating pedestrian access through the reintroduction of the street grid.*

Applicant Response: The facility layout with inclusion of onsite transit and ride share drop-off areas were strategically planned along with an area for future expansion and proper traffic and pedestrian movements in mind.

16. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced. *This building will be highly visible from all sides. Greater efforts are needed to screen the dock doors and trailers from State Avenue, Speedway Boulevard, and Talladega Drive. The site slopes from northwest to southeast towards the Kansas Speedway racetrack, so there are no natural features of the land that can be protected or enhanced. To incorporate these natural features into the development, open fields that are illustrated on the landscape plan is be hydroseeded should be changed to wildflowers and other native grasses and vegetation.*

Applicant Response: A six foot high berm along the perimeter of Speedway Boulevard and State Avenue are incorporated into the design to cutoff visual sightlines of the facility from the adjacent roadways. Reference the sight line exhibit in the plan submission which illustrates that substantially all dock doors and trailers are screened from view of the public roadways via the earth berms and landscaping. In response to the request to plant native grasses and wildflowers in the open fields, the applicant wanted to clarify that the identified open fields are actually a)an off-property area intended to be restored for Kansas Speedway grass parking in the northeast part of the project and b)the location of the employee parking lot expansion needed when the building expansion occurs in the southeast part of the site.

17. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities. *There are no aforementioned amenities that are being provided for residents except that ten (10) foot sidewalks will be constructed along State Avenue and Speedway Boulevard and a five (5) foot sidewalk along Talladega Drive as well as pedestrian circulation, fitness trail, and new transit stop on State Avenue.*

Applicant Response: The applicant agrees that pedestrian connectivity is important, but believe it is imperative to keep pedestrians away from truck traffic on Talladega Drive, a private street and primary truck entrance/exit for the facility. We believe that the submitted design which constructs a 10 foot trail/walk in the right-of-way of Speedway Boulevard and State Avenue along the public perimeter of this project is the safest place to promote area pedestrian use. Due to safety concerns, the applicant does not agree to provide a five (5) foot sidewalk along Talladega Drive, a private street and primary truck entrance/exit for the facility. A proposed sidewalk from the State Avenue trail extends to the sidewalk along the front of the building and connects to the onsite transit and ride share drop-off areas. The applicant has also included with this resubmission a loop (approximately ½ mile in length) of sidewalk around the perimeter of the employee parking lot for the use of employees for exercise during work breaks.

Erosion Control Review No. 1 Comments:

1) *As discussed with UG staff on 09.14.2020, please revise the plans to indicate construction entrance on Talladega Drive. Remove the construction entrance proposed on State Avenue.* The State Avenue construction entrance has been removed from the plans.
2) *Proposed grading work outside the project boundary shall require construction easement(s).* Understood.
3) *All items used in the erosion control plan that have a Standard UG Detail, shall be referred to by the standard UG Detail Number in the written erosion control plan and the construction sequence. (See UG checklists, standards and criteria)* Understood.
4) *Final erosion control plan shall include all construction details and calculations as necessary in accordance with the UG standards and criteria, at an appropriate scale. Call out UG standard detail numbers (for example, UG 1400-A, 1400-C, 1400-E, and 1400-K) and provide details where the UG does not have any, e.g., APWA curb inlet protection.* Understood.
5) *With final development plans, provide notes on the erosion control plans and stormwater quality BMP plans regarding cleaning sediment from the basins after use as ESC features and prior to final restoration as post construction stormwater quality BMPs.* Understood.
6) *Applicant will need to identify and acquire all necessary permits including local, state and federal jurisdictions for all work including land disturbance.* Understood.
7) *Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. These will need to include construction notes, separate drawings and references covering the phases of construction with leaders and notes that describe when EC BMPs are placed on site and removed. Only preliminary engineering drawings are required at this time.* Understood.

General Engineering Review No. 1 Comments:

1) *Civil plans shall be sealed, signed and dated by a Professional Engineer registered in the State of Kansas.* Understood.
   Based on the meeting with UG staff on 09.14.2020, provide a cover letter regarding the relocation of the drive entrance to pump station 64. A letter regarding the relocation of the drive entrance is included with this submittal. In addition, a private gated drive will be provided to the pump station with signs that indicate 'no trespassing'.
2) *Please coordinate with Byron Toy, (913-573-5757), UG Planning and Zoning regarding sidewalk and parking spaces requirements.* The plans have been submitted to Tony Sabljak, DRC Coordinator, for distribution to Planning and we have received comments, see further sections below.
3) *Please coordinate with Harvey Fields (913-573-5947) regarding additional Fire Department requirements. e.g. fire lanes, hydrant locations, etc. In this regard, provide a truck turning template for the site. This shall be CAD prepared e.g. Auto Turn and for the largest truck maneuvering into/out of the site.* The plans have been submitted to Tony Sabljak, DRC Coordinator, for distribution to Fire, no comments have been received.
4) *Submit proposed Water lines to BPU Water for review.* The plans have been submitted to Tony Sabljak, DRC Coordinator, for distribution to BPU Water, no comments have been received.
5) *Engineered sloped shall not be steeper than 3:1 Also, verify retaining walls are not proposed with the development.* Understood.
6) *See Erosion Control review comments.* See sections above.
7) *See Storm Drainage review comments.* See sections below.
8) *See Sanitary Sewer review Comments.* See sections below.
9) *See Stormwater Quality review comments.* See sections below.
10) *See Public Street review comments.* See sections below.
11) *The preliminary plat shall incorporate County Surveyor comments. Typically, the County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat.* The correspondence from the County Surveyor, Brent Thompson indicated that there were no comments on the plat.
12) *Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.* Understood.

Sanitary Sewer Review No. 1 Comments

1) *With revised plans, please incorporate the changes on the sanitary service line per the meeting on 09.14.2020 with Kris Finger - UG Water Pollution Control i.e. private vs public sanitary sewer service line, location of valves, riser, T-connection etc.* Understood, these details will be provided at Final Development Plan. A note has been added to these plans to indicate the connection. In addition, a private gated drive will be provided to the pump station with signs that indicate 'no trespassing'.
2) *Sanitary sewer clean-outs and /or manholes on the private sanitary service lines shall be in accordance with the applicable uniform plumbing code.* Understood.
3) *Final Development Plans / Plat will have to be approved before going to planning commission with approval to obtain permits. These will need to include final engineering, calculations, and*

complete drawings with construction notes and details. Final Development Plans / Plat must meet the requirements of KDHE and UG standards. Only preliminary drawings are required at this time. Understood.

Storm Drainage Review No. 1 Comments

1) *With final plans illustrate settlement forebay areas for the proposed detention / infiltration ponds in accordance with UG standards and criteria and / or the MARC BMP Manual.* Understood.
2) *With final development plans, provide hydrology data table for the 10 and 100-year storm events. Provide all data as necessary for review including but not limited to pipe size, pipe material, flows, capacity, velocity, slope, rim elevation, HGL, EGL, etc.* Understood.
3) *With final development plans, provide plan and profile drawings of the storm infrastructure which shall include all utility crossings, appropriate clearances, HGL, EGL, etc. Verify that the 100-year HGLs and EGLs will not exceed the rim elevations of the structures in accordance with UG standards and criteria.* Understood.
4) *With final development plans, identify UG standard detail numbers on the plans by call out or reference and provide details for any that are not covered by UG technical provisions. Verify proposed improvements meet UG standards and criteria.* Understood.
5) *For future reference, if this project includes public storm sewer improvements; the public storm sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public storm sewer improvement plans shall include erosion control. This set of plans is not required at this time but will be required for final development plans.* Understood.
6) *All public storm sewers will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater). Illustrate proposed easements on the plat/plans, if applicable.* Understood.
7) *All public storm sewer will need to be accessible by vehicle for maintenance purposes. The layout, topography / slopes and ground cover shall be considered and identified on the plans where the storm sewer is proposed.* Understood, this will be addressed with Final Plans.
8) *Applicant will need to identify and acquire all necessary permits including local, state and federal jurisdictions for all work that may be under the applicable jurisdictions.* Understood.
9) *Final Development Plans / Plat will have to be approved before going to planning commission with approval to obtain permits. This will include complete drawings of the pipe systems, and drainage areas with 5-year and 100-year tables, outlet structures and rip rap, plan and profile views with HGLs and EGLs (per UG standards, energy grade lines shall not exceed ground surface), final calculations, and all details necessary for review. Final Development Plans must meet the requirements of UG standards. Only preliminary drawings are required at this time.* Understood.

Stormwater Quality Review No. 1 Comments

1) *The stormwater facilities shall be accessible by vehicle for maintenance and inspection purposes. The layout, topography/slopes and ground cover shall be considered and identified on the plans where the storm facilities are proposed.* Understood, this will be addressed with Final Plans.
2) *With final development plans, provide an Operation and Maintenance Manual and inspection checklists for the post-construction stormwater quality BMPs in accordance with the MARC BMP Manual. This document should be formatted to be provided to the owner and include the site address, owner's contact information, description of BMPs on site, relevant plan sheets, operation*

and maintenance information, inspection calendar, inspection log, sample inspection form, etc. In this regard, the O & M shall include inspections frequency, sediment removal, corrective maintenance measures, etc. Include a statement that the UG may request inspection reports. Understood.

3) *With final development plans, provide construction level detailed drawings of the proposed BMPs i.e. extended wet detention basins (including dimensions, contours, inlet and outlet elevations and details, etc.).* Understood.
4) *Final Development Plans will have to be approved before going to planning commission with approval to obtain permits. These will need to include final engineering, calculations, and complete drawings with construction notes and details. Final Development Plans must meet the requirements of the MARC BMP manual, UG standards, criteria, and checklists. Only preliminary plans are required at this time.* Understood.

Street Review Comments No. 1

1) *Comprehensive Traffic Engineering comments shall be forthcoming from UG Public Works. However, based on a preliminary review of the proposed site layout with UG Public Works, please address the following comments from the County Engineer: -*

a) *This stretch of State Avenue has been designed and laid out as an access controlled Arterial Roadway with full access planned every ½ mile. The TIS and proposed plan shows a full access with a Signal at Nazareth Drive which splits the ½ mile segment and proposes a signal at the ¼ mile mark. As originally discussed, consideration was given to allow full access at this location. However, after further review and analysis of the traffic impact to State Ave., it appears in the best interest for the long-term benefit of this corridor to stick with the original ½ mile configuration for full access. This is the same approach that has been taken with proposed surrounding developments on the NE and SW corners of 118th and State Ave.*
b) *Options to consider with elimination of full access at Nazareth Drive:*

i. *Revise the plans to make Talladega Drive the main entrance for all traffic and provide right-in/right-out off State Avenue. Buses could be accommodated by entering the site from Speedway Blvd. and exiting onto State Ave. after drop off. Further discussion with staff may be required.*
ii. *Provide an internal street to connect the to the Speedway from the project site to Darlington/proposed 115th Street where a traffic signal is planned in the future. Also, this may provide additional benefit to the Speedway if there are plans to develop more land. Further discussion with staff may be required.*

c) *If the main entrance is moved to Talladega Drive. it would eliminate much of the proposed improvements necessary on State Ave, however, it may add additional necessary improvements on Speedway Blvd.*
We are requesting that a full access signalized intersection at State Avenue/Nazareth be constructed and used until the point where adjacent development or traffic on State Avenue warrants the traffic signal at Darlington/115th Street. At that time, the full access at State/Nazareth will be converted to a ¾ access intersection (right in, right out, left in, NO left out) based on the revised traffic study and input from the UG and this project will be responsible for removing the traffic signal at State Ave/Nazareth and constructing access over to the Darlington/State Avenue traffic signal for signalized full access.

2) *For future reference, if this project includes public street improvements; the public street improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility contacts, floodplain note, etc. The public street improvement plans shall include erosion control. This set of plans is not required at this time but will be required for final development plans.* Understood.
3) *Final development plans will have to be approved before going to planning commission with approval to obtain permits. This will include complete drawings of the street layout, signage, pavement markings computations and details, Intersection Curb Return radii, Intersection sight distance etc. Only preliminary drawings are required at this time.* Understood.

Planning and Urban Design Comments:

General Planning:

1. Per Business Licensing Department: Occupying business will need to file and maintain a current business occupation tax application with this office. Understood.
2. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. Understood.
3. Where are the pad sites that were supposed to be on State Avenue as previously discussed with Doug Bach, County Administrator, Gunnar Hand, Director of Planning and Urban Design and Rob Richardson, Director of Development Coordination and Customer Service Success? Upon further development of the plan, those initial pad sites have been removed
4. A ten (10) foot sidewalk shall be constructed along State Avenue and Speedway Boulevard and a five (5) foot sidewalk along Talladega Drive to comply with the Sidewalk and Trails Master Plan. State Avenue and Speedway Boulevard are part of the Regional Trail. The 10 foot sidewalk is currently shown on the plans along the property lines on Speedway Boulevard and State Avenue.
The sidewalk along Talladega Drive shall span the entire length of the property line and shall connect to the proposed sidewalk west of the employee parking to the front entrance of the building from the south, in addition to State Avenue from the north and Speedway Boulevard from the west. An internal sidewalk/trail system ½ mile in length has been added that loops the perimeter of the office side/employee parking side of the development. As a safety measure we would not want to encourage pedestrians to travel along Talladega on a sidewalk that intersects the inbound and outbound truck route.
5. What is the proposed over-the-road route for trucks to and from the facility? The trucks will exit and enter through the guardhouse at the SW corner of the site. The majority of truck traffic will enter and exit onto Talladega and progress to I-70 at 110th Street.
6. The bus stop depicted on the site plan is located northeast of the main employee entrance. The transit stop shall be located on State Avenue. Per discussion with the KCATA, Justus Welker, Urban Outfitters and UG Staff, the transit stop will remain as currently shown. The purpose of this transit stop is to provide transit access for an express route from Indian Springs along I-70 to the site at times correlating the employee shifts. All parties agree that this express type stop is best served closest to the building for employee access and access for the bus driver during stops to have access to restroom facilities.

7. How many employees will be working during the largest shift? Off peak time of year 800 employees/shift
a. How many shifts? Current plan is 2 shifts per day
b. Is there overlapping? Not at this time, but there is flexibility in shifting to address traffic and transit factors
c. 24 hours, 7 days a week? Currently planned for 22 hours, 7 days per week.
8. What is the average decibel level for this day/night operation? The decibel level for this operation will be within the limits allowed by the MP-2 zoning.
9. What is the purpose of the 2,400 square foot out-building west of the trailer parking, northeast of the guard shack? This is a proposed maintenance garage for trucks that operate on the property.
10. Please clarify the rationale for two (2) ingress/egress drive aisles on Talladega Drive. Talladega is a private drive as are the 2 ingress/egress drives into the parking lot. Two drives will allow for the parking lot to load and unload during shift changes. The outer road provides a route for the buses as discussed with KCATA. The outer road also provides a route for a tractor-trailer to loop around if the turn at the guardhouse is missed. Finally, the outer road provides additional access for the Kansas Speedway during events.
11. There shall be an internal walking trail for employees that loops around the perimeter of the development. An internal sidewalk/trail system has been added that loops the perimeter of the office side/employee parking side of the development that is ½ mile in length. As a safety measure we would not want to encourage pedestrians to travel along Talladega on a sidewalk that intersects the inbound and outbound truck route.

Building Architecture:

1. A comprehensive Design Criteria Manual may be submitted to set the standard for design (architectural features, fenestration, building materials and color, etc.) landscaping, screening, on-site amenities, lighting, signages for all future tenants and/or development within the business park. Understood.
2. Downspouts shall be internalized. Scuppers shall be recessed into the corners of the building as not to be in plain view of the public. Internal roof drains and penetrations that bring water into the building envelope will create a risk to the robotic material handling equipment and to the inventory. We would propose that the downspouts be integrated to the extent possible into building articulations and be painted to match the building. The vertical variation in exterior color will be continued where the downspouts are to blend with the building façade. Internal roof drains will be provided on the office (east) side of the building.
3. To break of the façade of the building, do you intend to add artwork or murals to the building? No murals or artwork are proposed for the building, however the building is painted with a variation in color from bottom to top intended to minimize the verticality of the structure. In addition the north, west, and south walls of the building have exterior stair towers with panels that break up the wall. *How will you screen the existing pump?* The UG sanitary sewer pump station is existing and will be screened by the berm. The proposed fire pump has been removed from the plans.
4. Relocate the 350,000 gallon water tank elsewhere on the property as it will be prominently visible from State Avenue or add artwork to it. This could be part of the pump station screening by making it look like an old farm silo. After further analysis, the tank is no longer needed and has been removed from the plan, the fire pump facility will remain as shown.

Landscaping and Screening:

1. The berm does not effectively screen the truck docks and trailer parking from public view. Increasing the height of the berm will not only reduce the visual impact of the distribution center, but also reduce the cost of construction of additional fencing or installing and maintaining excessive landscaping.

What position and height are the sight lines taken from? A passenger in an SUV or truck will be able to look east from Speedway Boulevard or south from State Avenue down into the development and see trailers parked in their docks or in the parking lot.

The landscape plan must be revised to increase the berm height and new sight line cross sections be resubmitted to illustrate that accordingly. The sight lines have been re-drawn with an eye height along the adjacent roadways of 5'-6". As illustrated by the sight lines, the trucks and dock doors are all screened along these views by the berm, only the upper portion of the building is visible.

2. The chain-link fence that is proposed around the perimeter of the site will detract from the high-class business park that is proposed and relatively rural nature of the area. When the Kansas Speedway built permanent parking along State Avenue, closer to Sporting Park, they constructed a wrought-iron fence with masonry columns every thirty-two (32) feet on center. Fencing for non-privacy and screening purposes, wrought-iron shall be installed. The chain link fence is not visible along any public right of ways, it sits down at the perimeter of the truck dock area and out of view from State Avenue and Speedway Boulevard on the north and west. There is no proposed fence along State Avenue like the Kansas Speedway parking near Sporting Park.

3. The Prairie Delaware Piper Master Plan Light Industry/Business Park designation requires landscape buffers, trails, and outdoor sitting areas. Additionally, 25% of the site must be maintained as open space. An internal sidewalk/trail system has been added that loops the perimeter of the office side/employee parking side of the development. A connection to the trail system on State Avenue has been added via a sidewalk from the front door to the State Avenue trail. A 10' trail has been added along the property lines on Speedway Boulevard and State Avenue. Over 9,000 square feet of shaded outdoor dining area has been added to the NE and SE corners of the building to provide the opportunity for employees to spend time outdoors. Over 32 acres of the 90.4 acre site (35%) will be grassed or pond open area. This does not include right of way, parking lot islands or future building or parking expansion area.

To increase connectivity and promote walkability for employees, an internal sidewalk/pathway shall wrap around the perimeter of the site. An internal sidewalk/trail system has been added that loops the perimeter of the office side/employee parking side of the development.

4. Replace hydroseeded areas in the northeast and southeast areas of the site with wildflowers and native grasses. The area at the northeast of the site indicated in hydroseed is on Kansas Speedway property and is used and maintained by the Speedway. The intent would be to restore this to its current state as maintained by the Speedway. The area to the southeast shown as hydroseed is future parking. We can add native grass seed of one variety for the areas around the extended detention basins. The intent of the one variety would be to promote survivability and to decrease the appearance of a 'weedy' look.

5. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six-foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping.

The site for the proposed distribution center requires 393 trees exclusive of the street tree and parking lot island tree requirements.

One (1) tree is required for every thirty (30) linear feet of frontage along a major street. This requirement extends to State Avenue, Speedway Boulevard and Talladega Drive.

Twenty (20) consecutive parking spaces (or groups of forty (40) for double loaded aisles) shall have a curbed and landscaped parking lot island. The ends of each row of parking shall have curbed and landscape islands as well. One (1) tree shall be planted in each island.

Per MP-2 zoning, 393 trees are required (1/10,000 sf of site). As a compromise, considering that the east portion of the site is parking for office use, 64 additional trees have been added at a rate of 1 tree per 20 stalls. These trees are beyond the requirement for MP-2 but have been included to supplement the office parking area. Since a berm is being provided along Speedway Boulevard and State Avenue, trees have been added to the top of the 6' tall berm instead of at street level as the berm is unique to the area.

6. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6') feet when planted. All shrubs shall be five (5) gallons when planted. Understood.

7. All landscaping shall be irrigated. Understood.

8. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure. All service entries are currently screened by the berms at the street. The perimeter parking is not adjacent to public street right of way or residential zoning so it is not currently screened although trees have been added to the parking area beyond the code requirements.

a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times. The trash compactors and dumpster areas are screened from the public street by the perimeter berm on the site.

9. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening.

Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. The transformer pads are only on the south side of the building, not adjacent to public right of way. As the final plan develops, methods of screening will be provided so the transformers are not visible from the public street. These methods will be coordinated with BPU as to provide required access and clearances.

10. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen. Understood, these are currently screened.

11. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building. Understood, these are currently screened.

12. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public

streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. All lighting is full cut off with zero footcandles at the lot line, see the lighting details and photometric plans.

13. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. A Temporary Certificate of Occupancy to occupy the building will not be issued by Planning staff until this is accomplished. All lighting is full cut off with zero footcandles at the lot line, see the lighting details and photometric plans.

Sincerely,
CONTINENTAL CONSULTING ENGINEERS, INC.

Brian C. Lavery, P.E.

Cc: G. Scovitch, Hillwood; J. Calliagas, URBN

SINCE 1976
Continental
CONSULTING ENGINEERS, INC.

9000 State Line Road
Leawood, Kansas 66206

11006 Parallel Parkway, Suite 1
Kansas City, Kansas 66109

Tel: (913) 642-6642
Fax: (913) 642-6941

September 29, 2020

Ms. Janet Parker, CSC, APC
Department of Urban Planning and Land Use
Unified Government of Wyandotte County / Kansas City, Kansas
701 N. 7th Street, Suite 423
Kansas City, Kansas 66101

RE: Neighborhood Meeting Minutes – Urban Outfitters KFC
Application COZ 3236, MP-2020-7

Date of Meeting: Monday, September 28, 2020

Time of Meeting: 6:00 PM, CST

Location: Online Via Zoom Meeting

Applicant Representatives (The Applicant):

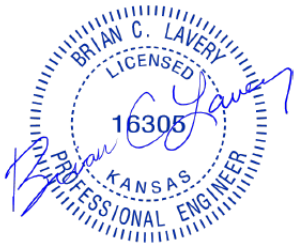
1. Greg Scovitch, Hillwood
2. Jordan Bookstaff, Hillwood
3. David Ziel, URBN
4. Jennifer Calliagas, URBN
5. Phil Gibbs Jr., Continental
6. Brian Lavery, Continental
7. Sean Wagner, New Studio Architecture
8. Cam Barr, Blue Rock
9. Dennis Vance, Blue Rock

Others in Attendance:
1. Pat Warren, Kansas Speedway
2. Steve Allison

Questions and Responses:
1. A question was asked about the timing of the project. The Applicant responded that the planning commission meeting for the preliminary development plan was scheduled for October 12, 2020 and that the grading would start on October 19, 2020 after the Kansas Speedway race, grading would be done before winter and construction would begin. The project would then be handed over to URBN in November/December of 2021. At that time URBN would install the material handling equipment over the course of 12+/- months and be open for operation in November of 2022.
2. A question was asked about the use of robotics in the facility. The Applicant responded that the facility would have mechanical shuttle systems to handle product, similar to one that URBN recently completed outside London, UK. The jobs would be technical in nature and this facility would handle 80% of the direct to consumer or store operations for URBN in the United States.
3. A question was asked about the entrances to the project. The Applicant responded by indicating 65% of the associates would enter/exit at State Ave/Nazareth intersection. The trucks would mainly come from I-70/110th Street and enter at the SW of the site on Talladega through the guardhouse.

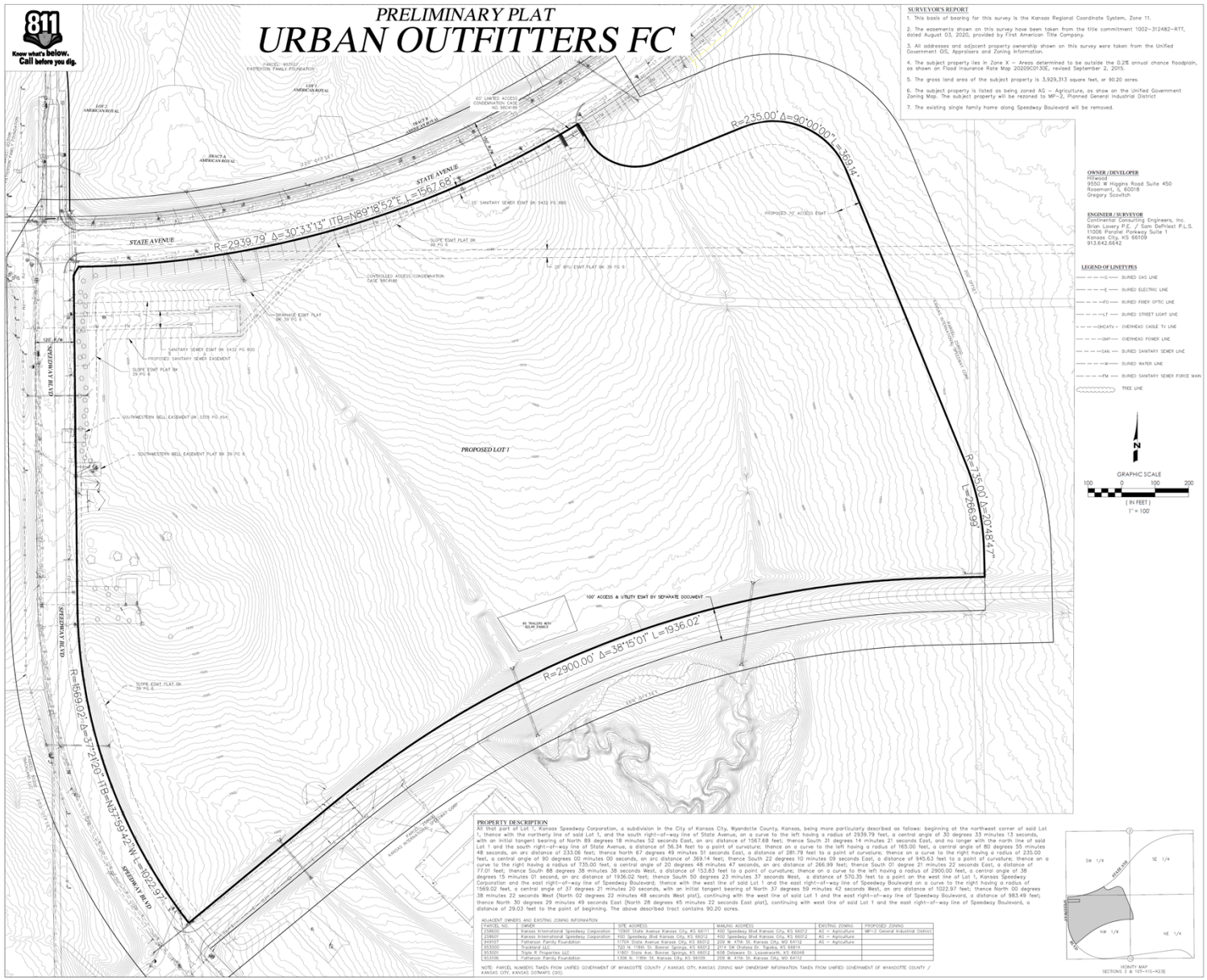
4. A question was asked whether or not the UG would require a traffic signal. The Applicant responded by indicating that a traffic signal at State Ave/Nazareth is being requested and noted that the signal at State Ave/Darlington (115th St) may be used in the future. The signal on State would be green 95% of the time for the Urban Outfitters facility and only really used at shift change, 2x daily. The Applicant is working closely with the UG and the KCATA to find transit solutions to the site and that The Applicant is supporting customized public transit to the site to minimize traffic.

Meeting Adjourned at 6:45pm



09/29/2020

PRELIMINARY PLAT
URBAN OUTFITTERS FC



Know what's below. Call before you dig. 811

SURVEYOR'S REPORT

1. This basis of bearing for this survey is the Kansas Regional Coordinate System, Zone 11.
2. The easements shown on this survey have been taken from the title commitment 1002–312482–RTT, dated August 03, 2020, provided by First American Title Company.
3. All addresses and adjacent property ownership shown on this survey were taken from the Unified Government GIS, Appraisers and Zoning Information.
4. The subject property lies In Zone X – Areas determined to be outside the 0.2% annual chance floodplain, as shown on Flood Insurance Rate Map 20209C013OE, revised September 2, 2015.
5. The gross land area of the subject property is 3,929,313 square feet, or 90.20 acres.
6. The subject property is listed as being zoned AG – Agriculture, as show on the Unified Government Zoning Map. The subject property will be rezoned to MP–2, Planned General Industrial District
7. The existing single family home along Speedway Boulevard will be removed.

OWNER / DEVELOPER
Hillwood
9550 W Higgins Road Suite 450
Rosemont, IL 60018
Gregory Scovitch

ENGINEER / SURVEYOR
Continental Consulting Engineers, Inc.
Brian Lavery P.E. / Sam DePriest P.L.S.
11006 Parallel Parkway Suite 1
Kansas City, KS 66109
913.642.6642

LEGEND OF LINETYPES
- —G— BURIED GAS LINE
- —E— BURIED ELECTRIC LINE
- —FO— BURIED FIBER OPTIC LINE
- —LT— BURIED STREET LIGHT WIRE
- —CATV— OVERHEAD CABLE TV LINE
- —OHP— OVERHEAD POWER LINE
- —SAN— BURIED SANITARY SEWER LINE
- —W— BURIED WATER LINE
- —FM— BURIED SANITARY SEWER FORCE MAIN
- TREE LINE

PROPERTY DESCRIPTION

All that part of Lot 1, Kansas Speedway Corporation, a subdivision in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows: beginning at the northwest corner of said Lot 1, thence with the northerly line of said Lot 1, and the south right–of–way line of State Avenue, on a curve to the left having a radius of 2939.79 feet, a central angle of 30 degrees 33 minutes 13 seconds, with an initial tangent bearing of North 89 degrees 18 minutes 52 seconds East, an arc distance of 1567.68 feet; thence South 31 degrees 14 minutes 21 seconds East, and no longer with the north line of said Lot 1 and the south right–of–way line of State Avenue, a distance of 56.34 feet to a point of curvature; thence on a curve to the left having a radius of 165.00 feet, a central angle of 80 degrees 55 minutes 48 seconds, an arc distance of 233.06 feet; thence North 67 degrees 49 minutes 51 seconds East, a distance of 281.79 feet to a point of curvature; thence on a curve to the right having a radius of 235.00 feet, a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 369.14 feet; thence South 22 degrees 10 minutes 09 seconds East, a distance of 945.63 feet to a point of curvature; thence on a curve to the right having a radius of 735.00 feet, a central angle of 20 degrees 48 minutes 47 seconds, an arc distance of 266.99 feet; thence South 01 degree 21 minutes 22 seconds East, a distance of 77.01 feet; thence South 88 degrees 38 minutes 38 seconds West, a distance of 153.83 feet to a point of curvature; thence on a curve to the left having a radius of 2900.00 feet, a central angle of 38 degrees 15 minutes 01 second, an arc distance of 1936.02 feet; thence South 50 degrees 23 minutes 37 seconds West, a distance of 570.35 feet to a point on the west line of Lot 1, Kansas Speedway Corporation and the east right–of–way line of Speedway Boulevard; thence with the west line of said Lot 1 and the east right–of–way line of Speedway Boulevard on a curve to the right having a radius of 5699.02 feet, a central angle of 3 degrees 21 minutes 20 seconds, with an initial tangent bearing of North 57 degrees 59 minutes 42 seconds West, an arc distance of 1022.97 feet; thence North 00 degrees 38 minutes 22 seconds West (North 02 degrees 22 minutes 48 seconds West plat), continuing with the west line of said Lot 1 and the east right–of–way line of Speedway Boulevard, a distance of 983.49 feet; thence North 30 degrees 29 minutes 49 seconds East (North 28 degrees 45 minutes 22 seconds East plat), continuing with west line of said Lot 1 and the east right–of–way line of Speedway Boulevard, a distance of 29.03 feet to the point of beginning. The above described tract contains 90.20 acres.

ADJACENT OWNERS AND EXISTING ZONING INFORMATION

PARCEL NO.	OWNER	SITE ADDRESS	MAILING ADDRESS	EXISTING ZONING	PROPOSED ZONING
238000	Kansas International Speedway Corporation	10065 State Avenue Kansas City, KS 66111	400 Speedway Blvd Kansas City, KS 66012	AG – Agriculture	MP–2 General Industrial District
238001	Kansas International Speedway Corporation	400 Speedway Blvd Kansas City, KS 66012	400 Speedway Blvd Kansas City, KS 66012	AG – Agriculture	
249972	Patterson Family Foundation	11704 State Avenue Kansas City, KS 66012	209 W. 47th St. Kansas City, MO 64112	AG – Agriculture	
953000	Trackland LLC	720 N. 118th St. Bonner Springs, KS 66012	2414 SW Chelsea Dr. Topeka, KS 66614		
953001	Triple R Properties LLC	11901 State Ave. Bonner Springs, KS 66012	608 Delaware St. Leavenworth, KS 66048		
953166	Patterson Family Foundation	11306 N. 119th St. Kansas City, KS 66109	209 W. 47th St. Kansas City, MO 64112		

NOTE: PARCEL NUMBERS TAKEN FROM UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS ZONING MAP OWNERSHIP INFORMATION TAKEN FROM UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS DOTMAPS (GIS).

VICINITY MAP
SECTIONS 3 & 10T–11S–R23E

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NOT FOR CONSTRUCTION

NewStudio architecture
2303 Wycliff Street, Saint Paul, MN 55114
p: 651.207.5537 f: 651.207.9247

HILLWOOD A PEROT COMPANY

URBN

KANSAS FULFILLMENT CENTER
NORTH 118TH ST & STATE AVE
KANSAS CITY, KANSAS 66111

STRUCTURAL ENGINEER
SCOTT HOLSINGER, PE
ANH STRUCTURES, LLC
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MEP ENGINEER
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BALA CONSULTING ENGINEERS, INC
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NORWELL, MA 02061
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EMAIL: BEN@HOWEENGINEERS.COM

ANH Structures, LLC
Consulting Structural Engineers

BALA ENGINEERS

Continental Consulting Engineers, Inc.

HOWE ENGINEERS

NSA PROJECT NUMBER: 2019-351

ISSUE / DATE :
PRELIM DEV PLAN 08.28.2020

REVISION:

SHEET TITLE :
SITE SURVEY

SHEET NO.:
C002

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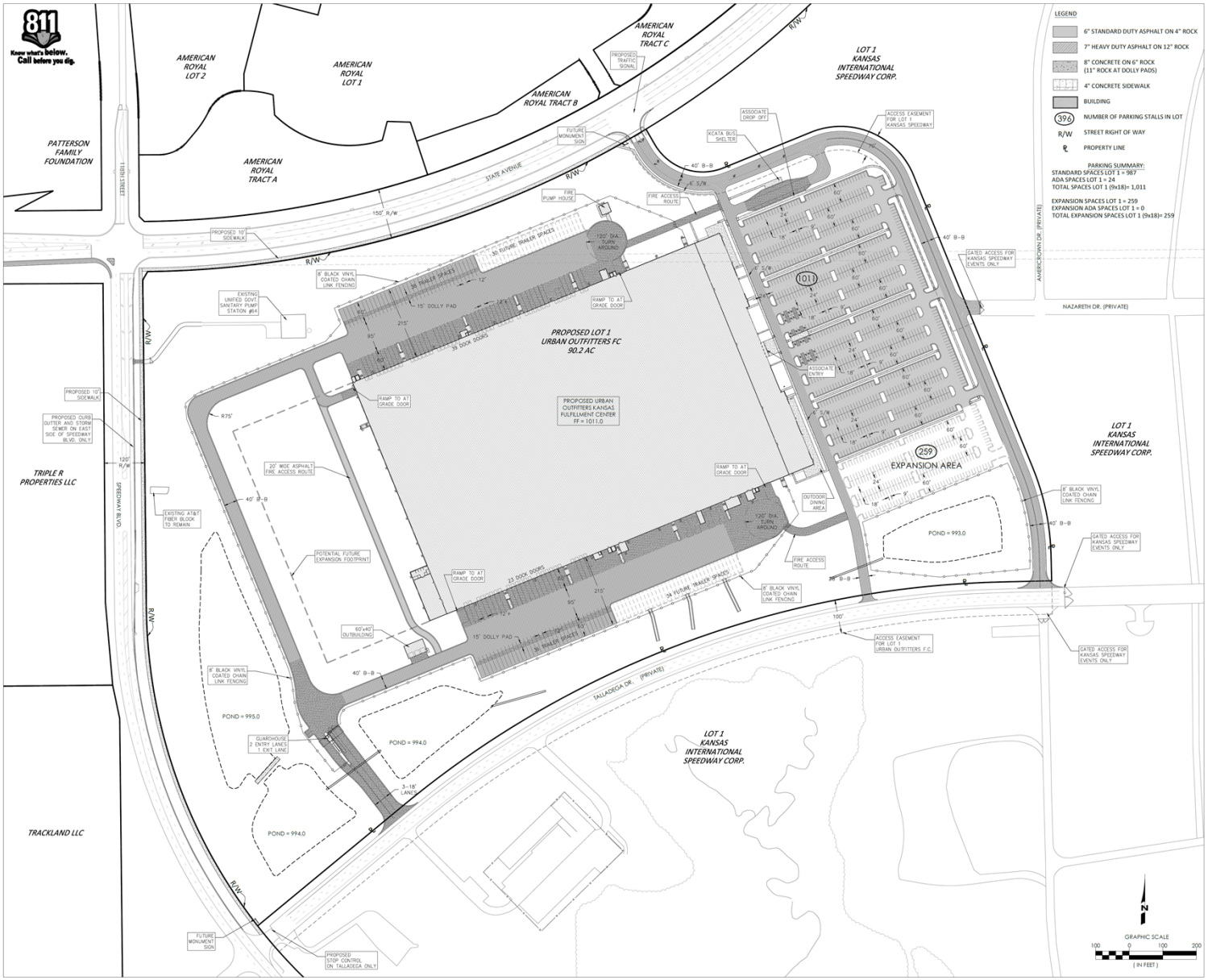

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09/28/2020

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HILLWOOD
A PEROT COMPANY

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ANH Structures, LLC
Consulting Structural Engineers

BALA ENGINEERS

Continental

HOWE ENGINEERS

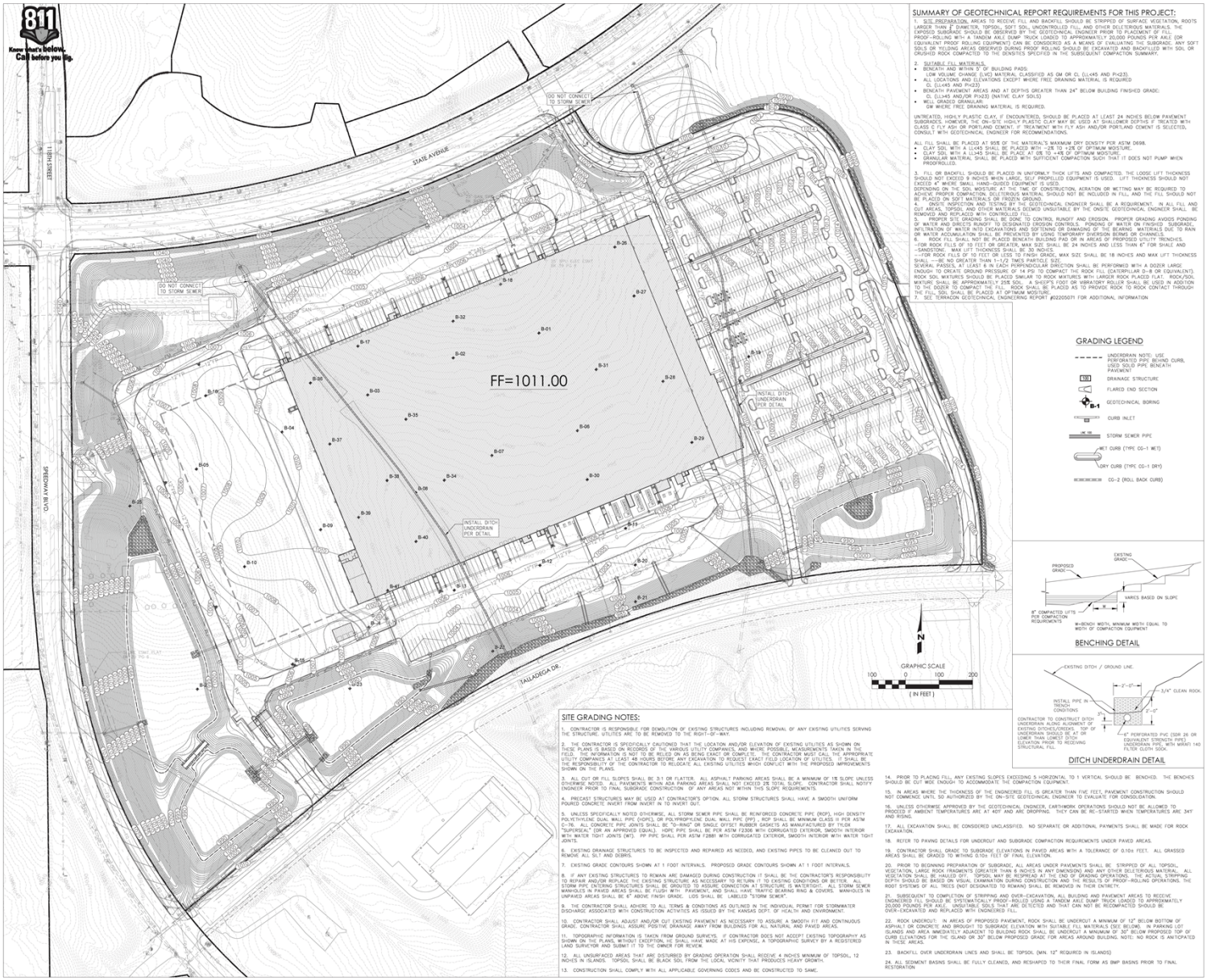
NSA PROJECT NUMBER: 2019-351

ISSUE / DATE :
PRELIM DEV PLAN 09.28.2020

REVISION:

SHEET TITLE :
PRELIMINARY SITE PLAN

SHEET NO.:
C200



SUMMARY OF GEOTECHNICAL REPORT REQUIREMENTS FOR THIS PROJECT:

1. SITE PREPARATION. AREAS TO RECEIVE FILL AND BACKFILL SHOULD BE STRIPPED OF SURFACE VEGETATION, ROOTS LARGER THAN 2" DIAMETER, TOPSOIL, SOFT SOIL, UNCONTROLLED FILL, AND OTHER DELETERIOUS MATERIALS. THE EXPOSED SUBGRADE SHOULD BE OBSERVED BY THE GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT OF FILL. PROOF-ROLLING WITH A TANDEM AXLE DUMP TRUCK LOADED TO APPROXIMATELY 20,000 POUNDS PER AXLE (OR EQUIVALENT PROOF ROLLING EQUIPMENT) CAN BE CONSIDERED AS A MEANS OF EVALUATING THE SUBGRADE. ANY SOFT SOILS OR YIELDING AREAS OBSERVED DURING PROOF ROLLING SHOULD BE EXCAVATED AND BACKFILLED WITH SOIL OR CRUSHED ROCK COMPACTED TO THE DENSITIES SPECIFIED IN THE SUBSEQUENT COMPACTION SUMMARY.

2. SUITABLE FILL MATERIALS.
- BENEATH AND WITHIN 5' OF BUILDING PADS:
  - LOW VOLUME CHANGE (LVC) MATERIAL CLASSIFIED AS GM OR CL (LL<45 AND PI<23).
- ALL LOCATIONS AND ELEVATIONS EXCEPT WHERE FREE DRAINING MATERIAL IS REQUIRED
  - CL (LL<45 AND PI<23)
- BENEATH PAVEMENT AREAS AND AT DEPTHS GREATER THAN 24" BELOW BUILDING FINISHED GRADE:
  - CL (LL<45 AND/OR PI<23) (NATIVE CLAY SOILS)
- WELL GRADED GRANULAR:
  - GW WHERE FREE DRAINING MATERIAL IS REQUIRED.

UNTREATED, HIGHLY PLASTIC CLAY, IF ENCOUNTERED, SHOULD BE PLACED AT LEAST 24 INCHES BELOW PAVEMENT SUBGRADES; HOWEVER, THE ON-SITE HIGHLY PLASTIC CLAY MAY BE USED AT SHALLOWER DEPTHS IF TREATED WITH CLASS C FLY ASH OR PORTLAND CEMENT. IF TREATMENT WITH FLY ASH AND/OR PORTLAND CEMENT IS SELECTED, CONSULT WITH GEOTECHNICAL ENGINEER FOR RECOMMENDATIONS.

ALL FILL SHALL BE PLACED AT 95% OF THE MATERIAL'S MAXIMUM DRY DENSITY PER ASTM D698.
- CLAY SOIL WITH A LL<45 SHALL BE PLACED WITH –2% TO +2% OF OPTIMUM MOISTURE.
- CLAY SOIL WITH A LL>45 SHALL BE PLACE AT 0% TO +4% OF OPTIMUM MOISTURE.
- GRANULAR MATERIAL SHALL BE PLACED WITH SUFFICIENT COMPACTION SUCH THAT IT DOES NOT PUMP WHEN PROOFROLLED.

3. FILL OR BACKFILL SHOULD BE PLACED IN UNIFORM-Y THICK LIFTS AND COMPACTED. THE LOOSE LIFT THICKNESS SHOULD NOT EXCEED 9 INCHES WHEN LARGE, SELF PROPELLED EQUIPMENT IS USED. LIFT THICKNESS SHOULD NOT EXCEED 4" WHERE SMALL HAND-GUIDED EQUIPMENT IS USED.
DEPENDING ON THE SOIL MOISTURE AT THE TIME OF CONSTRUCTION, AERATION OR WETTING MAY BE REQUIRED TO ACHIEVE THE SPECIFIED COMPACTION. ORGANIC MATERIALS SHOULD NOT BE INCLUDED IN FILL, AND THE FILL SHOULD NOT BE PLACED ON SOFT MATERIALS OR FROZEN GROUND.
4. ONSITE INSPECTION AND TESTING BY THE GEOTECHNICAL ENGINEER SHALL BE A REQUIREMENT. IN ALL FILL AND CUT AREAS, TOPSOIL AND OTHER MATERIALS DEEMED UNSUITABLE BY THE ONSITE GEOTECHNICAL ENGINEER SHALL BE REMOVED AND REPLACED WITH CONTROLLED FILL.
5. PROPER SITE GRADING SHALL BE DONE TO CONTROL RUNOFF AND EROSION. PROPER GRADING AVOIDS PONDING OF WATER AND DIRECTS RUNOFF TO DESIGNATED EROSION CONTROLS. PONDING OF WATER ON FINISHED SUBGRADE, INFILTRATION OF WATER INTO EXCAVATIONS AND SOFTENING OR DAMAGING OF THE BEARING MATERIALS DUE TO RAIN OR WATER ACCUMULATION SHALL BE PREVENTED BY USING TEMPORARY DIVERSION BERMS OR CHANNELS.
6. ROCK EXCAVATION IS ANTICIPATED AND SHOULD BE EXPECTED IN AREAS OF PROPOSED UTILITY TRENCHES.
—FOR ROCK FILLS OF 10 FEET OR GREATER, MAX SIZE SHALL BE 24 INCHES AND LESS THAN 6" FOR SHALE AND —SANDSTONE. MAX LIFT THICKNESS SHALL BE 30 INCHES.
—FOR ROCK FILLS OF 10 FEET OR LESS TO FINISH GRADE, MAX SIZE SHALL BE 18 INCHES AND MAX LIFT THICKNESS SHALL —BE NO GREATER THAN 1-1/2 TIMES PARTICLE SIZE.
SEVERAL PASSES, AT LEAST 6 IN EACH PERPENDICULAR DIRECTION SHALL BE PERFORMED WITH A DOZER LARGE ENOUGH TO CREATE GROUND PRESSURE OF 14 PSI TO COMPACT THE ROCK FILL (CATERPILLAR D–8 OR EQUIVALENT). ROCK SOIL MIXTURES SHOULD BE PLACED SIMILAR TO ROCK MIXTURES WITH LARGER ROCK PLACED FLAT. ROCK/SOIL MIXTURE SHALL BE APPROXIMATELY 25% SOIL. A SHEEP'S FOOT OR VIBRATORY ROLLER SHALL BE USED IN ADDITION TO THE DOZER TO COMPACT THE FILL. ROCK SHALL BE PLACED AS TO PROVIDE ROCK TO ROCK CONTACT THROUGH THE FILL. SOIL SHALL BE PLACED AT OPTIMUM MOISTURE.
7. SEE TERRACON GEOTECHNICAL ENGINEERING REPORT #22220571 FOR ADDITIONAL INFORMATION

GRADING LEGEND

- UNDERDRAIN NOTE: USE PERFORATED PIPE BEHIND CURB, USED SOLID PIPE BENEATH PAVEMENT
- DRAINAGE STRUCTURE
- FLARED END SECTION
- B-1 GEOTECHNICAL BORING
- CURB INLET
- STORM SEWER PIPE
- WET CURB (TYPE CG-1 WET)
- DRY CURB (TYPE CG-1 DRY)
- CG-2 (ROLL BACK CURB)

BENCHING DETAIL

DITCH UNDERDRAIN DETAIL

SITE GRADING NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR DEMOLITION OF EXISTING STRUCTURES INCLUDING REMOVAL OF ANY EXISTING UTILITIES SERVING THE STRUCTURE. UTILITIES ARE TO BE REMOVED TO THE RIGHT-OF-WAY.

2. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

3. ALL CUT OR FILL SLOPES SHALL BE 3:1 OR FLATTER. ALL ASPHALT PARKING AREAS SHALL BE A MINIMUM OF 1% SLOPE UNLESS OTHERWISE NOTED. ALL PAVEMENTS WITHIN ADA PARKING AREAS SHALL NOT EXCEED 2% TOTAL SLOPE. CONTRACTOR SHALL NOTIFY ENGINEER PRIOR TO FINAL SUBGRADE CONSTRUCTION OF ANY AREAS NOT WITHIN THIS SLOPE REQUIREMENTS.

4. PRECAST STRUCTURES MAY BE USED AT CONTRACTOR'S OPTION. ALL STORM STRUCTURES SHALL HAVE A SMOOTH UNIFORM POURED CONCRETE INVERT FROM INVERT IN TO INVERT OUT.

5. UNLESS SPECIFICALLY NOTED OTHERWISE, ALL STORM SEWER PIPE SHALL BE REINFORCED CONCRETE PIPE (RCP), HIGH DENSITY POLYETHYLENE DUAL WALL PIPE (HDPE), OR POLYPROPYLENE DUAL WALL PIPE (PP). RCP SHALL BE MINIMUM CLASS III PER ASTM C-76. ALL CONCRETE PIPE JOINTS SHALL BE "O-RING" OR SINGLE OFFSET RUBBER GASKETS AS MANUFACTURED BY TYLOX "SUPERSEAL" (OR AN APPROVED EQUAL). HDPE PIPE SHALL BE PER ASTM F2306 WITH CORRUGATED EXTERIOR, SMOOTH INTERIOR WITH WATER TIGHT JOINTS (WT). PP PIPE SHALL PER ASTM F2881 WITH CORRUGATED EXTERIOR, SMOOTH INTERIOR WITH WATER TIGHT JOINTS.

6. EXISTING DRAINAGE STRUCTURES TO BE INSPECTED AND REPAIRED AS NEEDED, AND EXISTING PIPES TO BE CLEANED OUT TO REMOVE ALL SILT AND DEBRIS.

7. EXISTING GRADE CONTOURS SHOWN AT 1 FOOT INTERVALS. PROPOSED GRADE CONTOURS SHOWN AT 1 FOOT INTERVALS.

8. IF ANY EXISTING STRUCTURES TO REMAIN ARE DAMAGED DURING CONSTRUCTION IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR AND/OR REPLACE THE EXISTING STRUCTURE AS NECESSARY TO RETURN IT TO EXISTING CONDITIONS OR BETTER. ALL STORM PIPE ENTERING STRUCTURES SHALL BE GROUTED TO ASSURE CONNECTION AT STRUCTURE IS WATERTIGHT. ALL STORM SEWER MANHOLES IN PAVED AREAS SHALL BE FLUSH WITH PAVEMENT, AND SHALL HAVE TRAFFIC BEARING RING & COVERS. MANHOLES IN UNPAVED AREAS SHALL BE 6" ABOVE FINISH GRADE. LIDS SHALL BE LABELED "STORM SEWER".

9. THE CONTRACTOR SHALL ADHERE TO ALL TERMS & CONDITIONS AS OUTLINED IN THE INDIVIDUAL PERMIT FOR STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES AS ISSUED BY THE KANSAS DEPT. OF HEALTH AND ENVIRONMENT.

10. CONTRACTOR SHALL ADJUST AND/OR CUT EXISTING PAVEMENT AS NECESSARY TO ASSURE A SMOOTH FIT AND CONTINUOUS GRADE. CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS FOR ALL NATURAL AND PAVED AREAS.

11. TOPOGRAPHIC INFORMATION IS TAKEN FROM GROUND SURVEYS. IF CONTRACTOR DOES NOT ACCEPT EXISTING TOPOGRAPHY AS SHOWN ON THE PLANS, WITHOUT EXCEPTION, HE SHALL HAVE MADE AT HIS EXPENSE, A TOPOGRAPHIC SURVEY BY A REGISTERED LAND SURVEYOR AND SUBMIT IT TO THE OWNER FOR REVIEW.

12. ALL UNSURFACED AREAS THAT ARE DISTURBED BY GRADING OPERATION SHALL RECEIVE 4 INCHES MINIMUM OF TOPSOIL, 12 INCHES IN ISLANDS. TOPSOIL SHALL BE BLACK SOIL FROM THE LOCAL VICINITY THAT PRODUCES HEAVY GROWTH.

13. CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE GOVERNING CODES AND BE CONSTRUCTED TO SAME.

14. PRIOR TO PLACING FILL, ANY EXISTING SLOPES EXCEEDING 5 HORIZONTAL TO 1 VERTICAL SHOULD BE BENCHED. THE BENCHES SHOULD BE CUT WIDE ENOUGH TO ACCOMMODATE THE COMPACTION EQUIPMENT.

15. IN AREAS WHERE THE THICKNESS OF THE ENGINEERED FILL IS GREATER THAN FIVE FEET, PAVEMENT CONSTRUCTION SHOULD NOT COMMENCE UNTIL SO AUTHORIZED BY THE ON-SITE GEOTECHNICAL ENGINEER TO EVALUATE THE CONSOLIDATION.

16. UNLESS OTHERWISE APPROVED BY THE GEOTECHNICAL ENGINEER, EARTHWORK OPERATIONS SHOULD NOT BE ALLOWED TO PROCEED IF AMBIENT TEMPERATURES ARE AT 40° AND ARE DROPPING. THEY CAN BE RE-STARTED WHEN TEMPERATURES ARE 34° AND RISING.

17. ALL EXCAVATION SHALL BE CONSIDERED UNCLASSIFIED. NO SEPARATE OR ADDITIONAL PAYMENTS SHALL BE MADE FOR ROCK EXCAVATION.

18. REFER TO PAVING DETAILS FOR UNDERCUT AND SUBGRADE COMPACTION REQUIREMENTS UNDER PAVED AREAS.

19. CONTRACTOR SHALL GRADE TO SUBGRADE ELEVATIONS IN PAVED AREAS WITH A TOLERANCE OF 0.10± FEET. ALL GRASSED AREAS SHALL BE GRADED TO WITHING 0.10± FEET OF FINAL ELEVATION.

20. PRIOR TO BEGINNING PREPARATION OF SUBGRADE, ALL AREAS UNDER PAVEMENTS SHALL BE STRIPPED OF ALL TOPSOIL, VEGETATION, LARGE ROCK FRAGMENTS (GREATER THAN 6 INCHES IN ANY DIMENSION) AND ANY OTHER DELETERIOUS MATERIAL. ALL VEGETATION SHALL BE HAULED OFF. TOPSOIL MAY BE RESPREAD AT THE END OF GRADING OPERATIONS. THE ACTUAL STRIPPING DEPTH SHOULD BE BASED ON VISUAL EXAMINATION DURING CONSTRUCTION AND THE RESULTS OF PROOF-ROLLING OPERATIONS. THE ROOT SYSTEMS OF ALL TREES NOT DESIGNATED TO REMAIN SHALL BE REMOVED IN THEIR ENTIRETY.

21. SUBSEQUENT TO COMPLETION OF STRIPPING AND OVER-EXCAVATION, ALL BUILDING AND PAVEMENT AREAS TO RECEIVE ENGINEERED FILL SHOULD BE SYSTEMATICALLY PROOF-ROLLED USING A TANDEM AXLE DUMP TRUCK LOADED TO APPROXIMATELY 20,000 POUNDS PER AXLE, OR EQUIVALENT TOOLS, THAT ARE DETECTED AND THAT CAN NOT BE RECOMPACTED SHOULD BE OVER-EXCAVATED AND REPLACED WITH ENGINEERED FILL.

22. ROCK UNDERCUT: IN AREAS OF PROPOSED PAVEMENT, ROCK SHALL BE UNDERCUT A MINIMUM OF 12" BELOW BOTTOM OF ASPHALT OR CONCRETE AND BROUGHT TO SUBGRADE ELEVATION WITH SUITABLE FILL MATERIALS (SEE BELOW). IN PARKING LOT ISLANDS AND AREA IMMEDIATELY ADJACENT TO BUILDING ROCK SHALL BE UNDERCUT A MINIMUM OF 30" BELOW PROPOSED TOP OF CURB ELEVATIONS FOR THE ISLAND OR 30" BELOW PROPOSED GRADE FOR AREAS AROUND BUILDING. NOTE: NO ROCK IS ANTICPATED IN THESE AREAS.

23. BACKFILL OVER UNDERDRAIN LINES AND SHALL BE TOPSOIL (MIN. 12" REQUIRED IN ISLANDS)

24. ALL SEDIMENT BASINS SHALL BE FULLY CLEANED, AND RESHAPED TO THEIR FINAL FORM AS BMP BASINS PRIOR TO FINAL RESTORATION

8/27/2020 10:05:29 AM

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09/28/2020

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NSA PROJECT NUMBER: 2019-351

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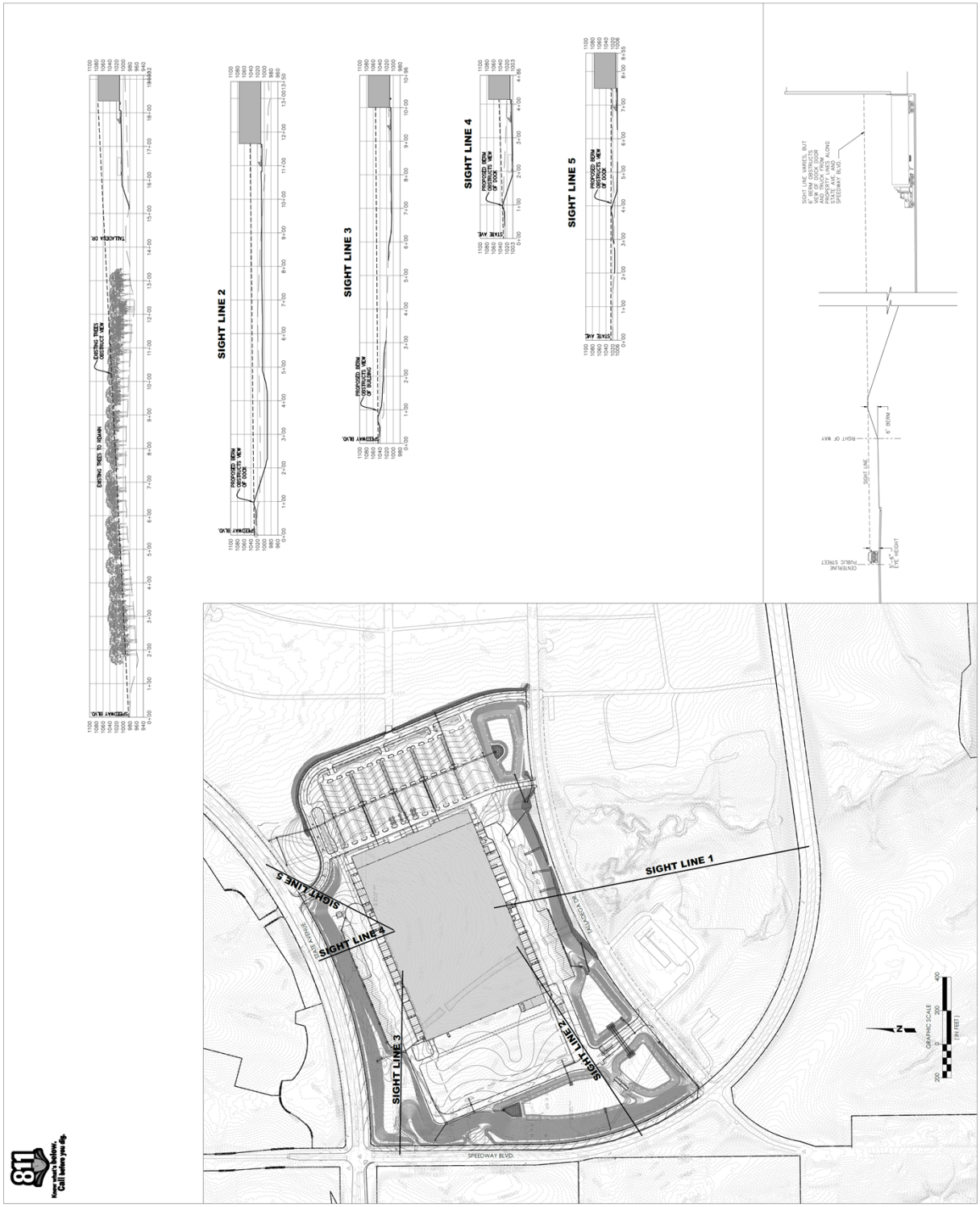
SHEET TITLE :
PRELIMINARY GRADING PLAN

SHEET NO.:
C300



SIGHT LINE 1
SIGHT LINE 2
SIGHT LINE 3
SIGHT LINE 4
SIGHT LINE 5
SPEEDWAY BLVD.
PALADECA DR.
STATE AVENUE
GRAPHIC SCALE
(IN FEET)
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ANH Structures, LLC
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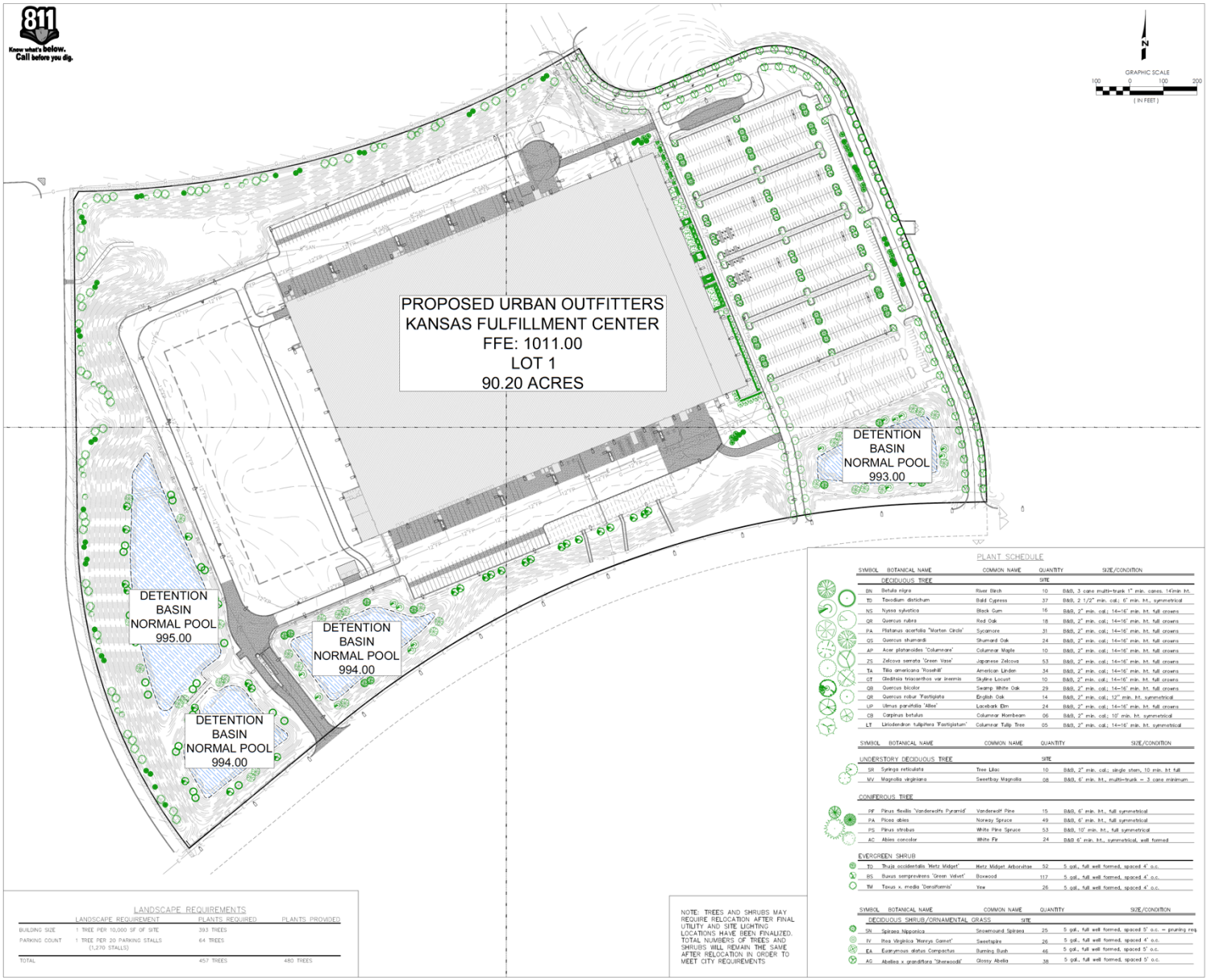
SHEET TITLE:
PRELIMINARY SIGHT LINE STUDY
SHEET NO.:
C310



LANDSCAPE REQUIREMENTS

	LANDSCAPE REQUIREMENT	PLANTS REQUIRED	PLANTS PROVIDED
BUILDING SIZE	1 TREE PER 10,000 SF OF SITE	393 TREES	
PARKING COUNT	1 TREE PER 20 PARKING STALLS (1,270 STALLS)	64 TREES	
TOTAL		457 TREES	480 TREES

NOTE: TREES AND SHRUBS MAY REQUIRE RELOCATION AFTER FINAL UTILITY AND SITE LIGHTING LOCATIONS HAVE BEEN FINALIZED. TOTAL NUMBERS OF TREES AND SHRUBS WILL REMAIN THE SAME AFTER RELOCATION IN ORDER TO MEET CITY REQUIREMENTS

PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE/CONDITION
DECIDUOUS TREE			SITE	
BN	Betula nigra	River Birch	10	B&B, 3 cane multi-trunk 1" min. canes, 14'min ht.
TD	Taxodium distichum	Bald Cypress	37	B&B, 2 1/2" min. cal.; 6' min. ht., symmetrical
NS	Nyssa sylvatica	Black Gum	16	B&B, 2" min. cal.; 14-16' min. ht. full crowns
QR	Quercus rubra	Red Oak	18	B&B, 2" min. cal.; 14-16' min. ht. full crowns
PA	Platanus acerfolia 'Morton Circle'	Sycamore	31	B&B, 2" min. cal.; 14-16' min. ht. full crowns
QS	Quercus shumardii	Shumard Oak	24	B&B, 2" min. cal.; 14-16' min. ht. full crowns
AP	Acer platanoides 'Columnare'	Columnar Maple	10	B&B, 2" min. cal.; 14-16' min. ht. full crowns
ZS	Zelcova serrata 'Green Vase'	Japanese Zelcova	53	B&B, 2" min. cal.; 14-16' min. ht. full crowns
TA	Tilia americana 'Rosehill'	American Linden	34	B&B, 2" min. cal.; 14-16' min. ht. full crowns
GT	Gleditsia triacanthos var inermis	Skyline Locust	10	B&B, 2" min. cal.; 14-16' min. ht. full crowns
QB	Quercus bicolor	Swamp White Oak	29	B&B, 2" min. cal.; 14-16' min. ht. full crowns
QR	Quercus robur 'Fastigiata	English Oak	14	B&B, 2" min. cal.; 12" min. ht. symmetrical
UP	Ulmus parvifolia 'Allee'	Lacebark Elm	24	B&B, 2" min. cal.; 14-16' min. ht. full crowns
CB	Carpinus betulus	Columnar Hornbeam	06	B&B, 2" min. cal.; 10' min. ht. symmetrical
LT	Liriodendron tulipifera 'Fastigiatum'	Columnar Tulip Tree	05	B&B, 2" min. cal.; 14-16' min. ht. symmetrical
SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE/CONDITION
UNDERSTORY DECIDUOUS TREE			SITE	
SR	Syringa reticulata	Tree Lilac	10	B&B, 2" min. cal.; single stem, 10 min. ht full
MV	Magnolia virginiana	Sweetbay Magnolia	08	B&B, 6' min. ht., multi-trunk = 3 cane minimum
CONIFEROUS TREE				
PF	Pinus flexilis 'Vanderwolf's Pyramid'	Vanderwolf Pine	15	B&B, 6' min. ht., full symmetrical
PA	Picea abies	Norway Spruce	49	B&B, 6' min. ht., full symmetrical
PS	Pinus strobus	White Pine Spruce	53	B&B, 10' min. ht., full symmetrical
AC	Abies concolor	White Fir	24	B&B 6' min. ht., symmetrical, well formed
EVERGREEN SHRUB				
TO	Thuja occidentalis 'Metz Midget'	Metz Midget Arborvitae	52	5 gal., full well formed, spaced 4' o.c.
BS	Buxus sempervirens 'Green Velvet'	Boxwood	117	5 gal., full well formed, spaced 4' o.c.
TM	Taxus x. media 'Densiformis'	Yew	26	5 gal., full well formed, spaced 4' o.c.
SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE/CONDITION
DECIDUOUS SHRUB/ORNAMENTAL GRASS			SITE	
SN	Spiraea Nipponica	Snowmound Spiraea	25	5 gal., full well formed, spaced 5' o.c. – pruning req
IV	Itea Virginica 'Henrys Garnet'	Sweetspire	26	5 gal., full well formed, spaced 4' o.c.
EA	Euonymous alatus Compactus	Burning Bush	46	5 gal., full well formed, spaced 5' o.c.
AG	Abelilea x grandiflora 'Sherwoodii'	Glossy Abelia	38	5 gal., full well formed, spaced 5' o.c.

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OVERALL LANDSCAPING PLAN

SHEET NO.:
L105

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4 WEST OVERALL ELEVATION
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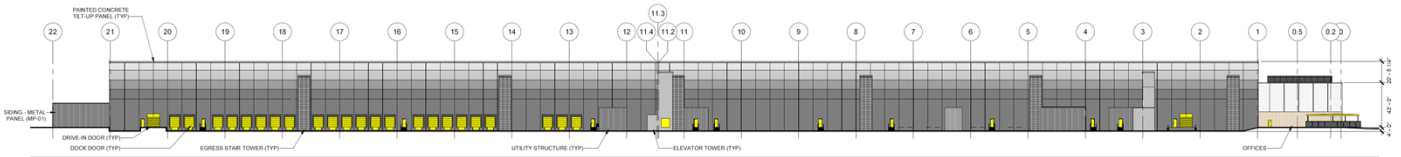
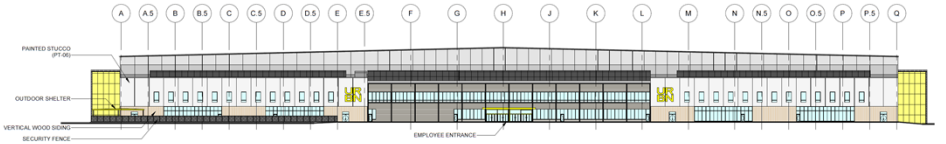


3 SOUTH OVERALL ELEVATION
AD300 SCALE: 1" = 40'-0"



2 EAST OVERALL ELEVATION
AD300 SCALE: 1" = 40'-0"

1 NORTH OVERALL ELEVATION
AD300 SCALE: 1" = 40'-0"

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NSA PROJECT NUMBER: 2019-351

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SHEET TITLE :
OVERALL EXTERIOR ELEVATIONS

SHEET NO.:
AD300

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PRELIM DEV PLAN 08.28.2020
REVISION:
SHEET TITLE:
PERSPECTIVE
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NSA PROJECT NUMBER: 2019-351

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SHEET TITLE :
PERSPECTIVE OFFICE MAIN ENTRY VIEW

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AD501

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SHEET TITLE :

PERSPECTIVE WAREHOUSE VIEW

SHEET NO.:

AD502

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Figure 1. Site photograph of 10901 State Avenue looking west from State Avenue (provided by Planning Staff).

Figure 2. Site photograph of 10901 State Avenue looking south from North 118th Street (provided by Planning Staff).

Figure 3. Site photograph of 10901 State Avenue looking east from Speedway Boulevard (provided by Planning Staff).

Figure 4. Site photograph of 10901 State Avenue looking northeast from Talladega Drive (provided by Planning Staff).

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MEMORANDUM

TO: Tony Sabljak / Byron Toy
DRC Coordinator / Principal Planner

FROM: Martin Ntonjira P.E, CDT
Engineering Supervisor

DATE: September 15, 2020

SUBJECT: Urban Outfitters – COZ 3236- Preliminary Development Plan Review, Preliminary PLAT, MP-2020-7
10901 State Avenue
General Engineering Review No. 1 (of the civil plans not sealed, Storm Drainage Study sealed 08/28/2020, Preliminary Sanitary Sewer Memorandum sealed 08/28/2020, & Traffic Impact Analysis sealed 08/27/2020, received 08/31/2020)

Prior to engineering approval on the above-named project, the preliminary construction drawings must be revised to address the following comments from the Engineering Division of the Urban Planning and Land Use Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) Civil plans shall be sealed, signed and dated by a Professional Engineer registered in the State of Kansas.
2) Based on the meeting with UG staff on 09.14.2020, provide a cover letter regarding the relocation of the drive entrance to pump station 64.
3) Please coordinate with Byron Toy, (913-573-5757), UG Planning and Zoning regarding sidewalk and parking spaces requirements.
4) Please coordinate with Harvey Fields (913-573-5947) regarding additional Fire Department requirements. e.g. fire lanes, hydrant locations, etc. In this regard, provide a truck turning template for the site. This shall be CAD prepared e.g. Auto Turn and for the largest truck maneuvering into/out of the site.
5) Submit proposed Water lines to BPU Water for review.

6) Engineered sloped shall not be steeper than 3:1 Also, verify retaining walls are not proposed with the development.

7) See Erosion Control review comments.

8) See Storm Drainage review comments.

9) See Sanitary Sewer review Comments.

10) See Stormwater Quality review comments.

11) See Public Street review comments.

12) The preliminary plat shall incorporate County Surveyor comments. Typically, the County Surveyor makes separate technical review of the plat and will submit comments directly to the preparer of the plat.

13) Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. The Final Development Plans / Plat must meet the requirements of UG standards and criteria. Only preliminary drawings and studies are required at this time.

Reviewer: Martin Ntonjira

Digitally signed by Martin Ntonjira
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Martin Ntonjira, Engineering Supervisor

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MEMORANDUM

TO: Kim Portillo / Byron Toy
DRC Coordinator / Principal Planner

FROM: Martin Ntonjira P.E, CDT / Troy Shaw P.E
Engineering Supervisor / County Engineer

DATE: September 15, 2020

SUBJECT: Urban Outfitters – COZ 3236- Preliminary Development Plan Review, Preliminary PLAT, MP-2020-7
10901 State Avenue
Street Review No. 1 (of the civil plans not sealed & Traffic Impact Analysis sealed 08/27/2020, received 08/31/2020)

Prior to the issuance of a building permit for the above-named project, the preliminary construction drawings must be revised to address the following comments from the Engineering Division of the Urban Planning and Land Use Department. These comments refer to street design standards and requirements of the Unified Government that were not met in this submittal. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed a cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) Comprehensive Traffic Engineering comments shall be forthcoming from UG Public Works. However, based on a preliminary review of the proposed site layout with UG Public Works, please address the following comments from the County Engineer: -

    a) This stretch of State Avenue has been designed and laid out as an access controlled Arterial Roadway with full access planned every ½ mile. The TIS and proposed plan shows a full access with a Signal at Nazareth Drive which splits the ½ mile segment and proposes a signal at the ¼ mile mark. As originally discussed, consideration was given to allow full access at this location. However, after further review and analysis of the traffic impact to State Ave., it appears in the best interest for the long-term benefit of this corridor to stick with the original ½ mile configuration for full access. This is the same approach that has been taken with proposed surrounding developments on the NE and SW corners of 118th and State Ave.

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MEMORANDUM

TO: Tony Sabljak / Byron Toy
DRC Coordinator / Principal Planner

FROM: Martin Ntonjira P.E, CDT
Engineering Supervisor

DATE: September 15, 2020

SUBJECT: Urban Outfitters – COZ 3236- Preliminary Development Plan Review, Preliminary PLAT, MP-2020-7
10901 State Avenue
Erosion Control Review No. 1 (of the civil plans not sealed, Storm Drainage Study sealed 08/28/2020 & Preliminary Sanitary Sewer Memorandum sealed 08/28/2020, received 08/31/2020)

Prior to engineering approval on the above-named project, the preliminary construction drawings must be revised to address the following comments from the Engineering Division of the Urban Planning and Land Use Department. These comments refer to Erosion Control design standards and requirements of the Unified Government that were not met in this submittal. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) As discussed with UG staff on 09.14.2020, please revise the plans to indicate construction entrance on Talladega Drive. Remove the construction entrance proposed on State Avenue.
2) Proposed grading work outside the project boundary shall require construction easement(s).
3) All items used in the erosion control plan that have a Standard UG Detail, shall be referred to by the standard UG Detail Number in the written erosion control plan and the construction sequence. (See UG checklists, standards and criteria)
4) Final erosion control plan shall include all construction details and calculations as necessary in accordance with the UG standards and criteria, at an appropriate scale. Call out UG standard detail numbers (for example, UG 1400-A, 1400-C, 1400-E, and 1400-K) and provide details where the UG does not have any, e.g., APWA curb inlet protection.
5) With final development plans, provide notes on the erosion control plans and stormwater quality BMP plans regarding cleaning sediment from the basins after use as ESC features and prior to final restoration as post construction stormwater quality BMPs.

6) Applicant will need to identify and acquire all necessary permits including local, state and federal jurisdictions for all work including land disturbance.

7) Final development plans / plat will have to be approved before going to planning commission with approval to obtain permits. These will need to include construction notes, separate drawings and references covering the phases of construction with leaders and notes that describe when EC BMPs are placed on site and removed. Only preliminary engineering drawings are required at this time.

Note: For future reference, this project contains land disturbance of 1.0 acre or more (i.e., approx. 94 Acres), which will require a Land Disturbance permit through the Public Works Department (and KDHE). Contact Mr. John Pack (913-573-5421) or Jack Xiong (913-573-5789) in Public Works to obtain all applicable Public Works permits, prior to obtaining a grading permit through the Building Inspections Department.

Reviewer: Martin Ntonjira

Digitally signed by Martin Ntonjira
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Date: 2020.09.15 09:12:28 -05'00'

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Email: planninginfo@wycokck.org

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

MEMORANDUM

TO: Tony Sabljak / Byron Toy
DRC Coordinator / Principal Planner

FROM: Martin Ntonjira P.E, CDT
Engineering Supervisor

DATE: September 15, 2020

SUBJECT: Urban Outfitters – COZ 3236- Preliminary Development Plan Review, Preliminary PLAT, MP-2020-7
10901 State Avenue
Storm Drainage Study No. 1 (of the civil plans not sealed & Storm Drainage Study sealed 08/28/2020, received 08/31/2020)

Prior to the issuance of a building permit for the above-named project, the preliminary construction drawings and/or report must be revised to address the following comments from the Engineering Division of the Urban Planning and Land Use Department. These comments refer to Storm Drainage design standards and requirements of the Unified Government that were not met in this submittal. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) With final plans illustrate settlement forebay areas for the proposed detention / infiltration ponds in accordance with UG standards and criteria and / or the MARC BMP Manual.
2) With final development plans, provide hydrology data table for the 10 and 100-year storm events. Provide all data as necessary for review including but not limited to pipe size, pipe material, flows, capacity, velocity, slope, rim elevation, HGL, EGL, etc.
3) With final development plans, provide plan and profile drawings of the storm infrastructure which shall include all utility crossings, appropriate clearances, HGL, EGL, etc. Verify that the 100-year HGLs and EGLs will not exceed the rim elevations of the structures in accordance with UG standards and criteria.
4) With final development plans, identify UG standard detail numbers on the plans by call out or reference and provide details for any that are not covered by UG technical provisions. Verify proposed improvements meet UG standards and criteria.
5) For future reference, if this project includes public storm sewer improvements; the public storm sewer improvement plans shall meet the UG standards and criteria and shall be a separate plan set with a separate cover sheet with applicable information, i.e., vicinity map, sheet index, benchmark, utility

contacts, floodplain note, etc. The public storm sewer improvement plans shall include erosion control. This set of plans is not required at this time but will be required for final development plans.

6) All public storm sewers will need to be in an easement meeting the UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater). Illustrate proposed easements on the plat/plans, if applicable.

7) All public storm sewer will need to be accessible by vehicle for maintenance purposes. The layout, topography / slopes and ground cover shall be considered and identified on the plans where the storm sewer is proposed.

8) Applicant will need to identify and acquire all necessary permits including local, state and federal jurisdictions for all work that may be under the applicable jurisdictions.

9) Final Development Plans / Plat will have to be approved before going to planning commission with approval to obtain permits. This will include complete drawings of the pipe systems, and drainage areas with 5-year and 100-year tables, outlet structures and rip rap, plan and profile views with HGLs and EGLs (per UG standards, energy grade lines shall not exceed ground surface), final calculations, and all details necessary for review. Final Development Plans must meet the requirements of UG standards. Only preliminary drawings are required at this time.

Reviewer: Martin Ntonjira

Digitally signed by Martin Ntonjira
DN: cn=Martin Ntonjira, o=Unified Government of Wyandotte County and Kansas City Kansas, ou=Urban Planning and Land Use, email=mntonjira@wycokck.org, c=US
Date: 2020.09.15 09:20:00 -05'00'

Martin Ntonjira, Engineering Supervisor

Urban Planning and Land Use

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

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

MEMORANDUM

TO: Tony Sabljak / Byron Toy
DRC Coordinator / Principal Planner

FROM: Martin Ntonjira P.E, CDT
Engineering Supervisor

DATE: September 15, 2020

SUBJECT: Urban Outfitters – COZ 3236- Preliminary Development Plan Review, Preliminary PLAT, MP-2020-7
10901 State Avenue
Stormwater Quality Review No. 1 (of the civil plans not sealed & Storm Drainage Study sealed 08/28/2020, received 08/31/2020)

Prior to engineering approval on the above-named project, the preliminary construction drawings must be revised to address the following comments from the Engineering Division of the Urban Planning and Land Use Department. These comments refer to Stormwater Quality design standards and requirements of the Unified Government that were not met in this submittal. **Reference the Electronic Document Review (EDR) guidelines for submittal requirements; www.wycokck.org/Planning. Your paperless plan submittal shall also include a detailed cover letter with the next submittal that explains how each of the following comments has been addressed. Subsequent review of the plans will not proceed until such letter is received.**

1) The stormwater facilities shall be accessible by vehicle for maintenance and inspection purposes. The layout, topography/slopes and ground cover shall be considered and identified on the plans where the storm facilities are proposed.
2) With final development plans, provide an Operation and Maintenance Manual and inspection checklists for the post-construction stormwater quality BMPs in accordance with the MARC BMP Manual. This document should be formatted to be provided to the owner and include the site address, owner's contact information, description of BMPs on site, relevant plan sheets, operation and maintenance information, inspection calendar, inspection log, sample inspection form, etc. In this regard, the O & M shall include inspections frequency, sediment removal, corrective maintenance measures, etc. Include a statement that the UG may request inspection reports.
3) With final development plans, provide construction level detailed drawings of the proposed BMPs i.e. extended wet detention basins (including dimensions, contours, inlet and outlet elevations and details, etc.).

4) Final Development Plans will have to be approved before going to planning commission with approval to obtain permits. These will need to include final engineering, calculations, and complete drawings with construction notes and details. Final Development Plans must meet the requirements of the MARC BMP manual, UG standards, criteria, and checklists. Only preliminary plans are required at this time.

Reviewer: Martin Ntonjira

Digitally signed by Martin Ntonjira
DN: cn=Martin Ntonjira, o=Unified Government of Wyandotte County and Kansas City Kansas, ou=Urban Planning and Land Use, email=mntonjira@wycokck.org, c=US
Date: 2020.09.15 09:22:27 -05'00'

Martin Ntonjira, Engineering Supervisor

Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 29, 2020

Re: **Petition #PR-2020-26**

GENERAL INFORMATION

Applicant:
David Eickman

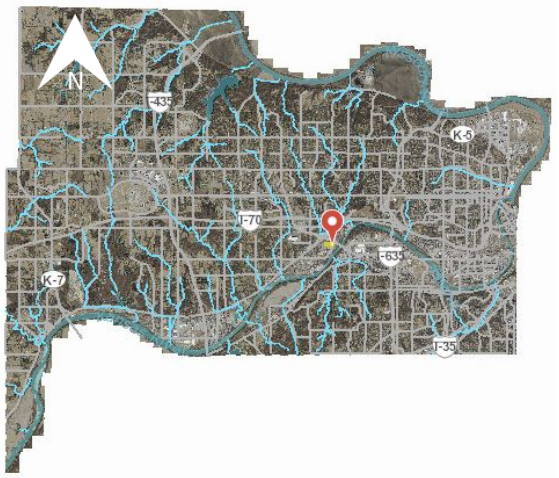
Status of Applicant:
Representative:
Olsson
1301 Burlington Street
North Kansas City, MO 64116

Requested Action:
The approval of a Preliminary and Final Plan.

Date of Application:
August 28, 2020

Purpose:
Preliminary and Final Plan Review for a parking
lot for storage trailers.

Property Location:
6063 Speaker Road
Kansas City, Kansas 66111



Existing Zoning: M-2 General Industrial District

Commission Districts:	Commissioner At Large:	Melissa Bynum
	District Commissioner:	Dr. Jane Winkler Philbrook
Existing Zoning:	M-2 General Industrial District	
Adjacent Zoning:	**North:**	M-3 Heavy Industrial District
	South:	M-2 General Industrial and M-3 Heavy Industrial Districts
	East:	M-3 Heavy Industrial District
	West:	M-2 General Industrial District
Adjacent Uses:	**North:**	Mobile Homes
	South:	Industrial Uses
	East:	Industrial Uses
	West:	Industrial
Total Tract Size:	8.53 Acres	
Master Plan Designation:	The City-Wide Master Plan designates this area as Employment.	
Major Street Plan:	The Major Street Plan classifies Speaker Road as a Local Street.	
Parking Requirements:	Section 27-469(e) states that uses in this district require paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 50,000 square feet, the unified government board of commissioners shall make the final determination upon recommendation of the planning commission. Commercial uses shall provide parking as would be required in the C-3 district. One (1) out of every 25	

spaces must be ADA accessible. One (1) out of every six (6) ADA spaces must be van accessible.

Advertisement: Property Owner Letters – September 17, 2020
Wyandotte Echo – September 16, 2020 and October 23, 2020

Public Hearings: October 12, 2020 and October 29, 2020.

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, David Eickman, is seeking a plan review for a parking lot for the storage of truck trailers.

There have been two (2) Notices of Violation issued on the property. One for tree trimming in August of 2020 and one for weeds in 2017.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. ***Neighborhood character.***

   The neighborhood is both industrial and residential in nature. The neighboring properties are used for industrial purposes and there is a mobile home park to the North.

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

   The proposed use will increase vehicular traffic, but the streets are designed to accommodate the prospective traffic as determined by existing and probable future land uses.

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

   The City-Wide Master Plan designates this area as Employment. The proposed use conforms to the Master Plan because it is creating a business.

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

   a. ***Water service***

Municipal water service available.

b. Sanitary sewer service

Municipal sanitary sewer service available.

c. Storm water control

Designed to meet City Code.

d. Police

Police service is provided by the Midtown Patrol, District #441.

e. Fire

Fire service is provided by Station #16.

f. Transit

Public transportation is provided by KCATA Route 115. The nearest stop is near the intersection of Speaker Road and 59th Lane.

g. Schools

Public education is provided by Turner USD 202.

5. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed use is capable of meeting all requirements.

PREVIOUS ACTIONS

This application is being heard simultaneously with the Hart Industrial Park Final Plat, which encompasses 6063 and 5900 Speaker Road.

NEIGHBORHOOD MEETING

In lieu of an in-person neighborhood meeting, a letter was sent to neighboring property owners detailing the proposal. The letter included the applicant's contact information. No responses were received.

KEY ISSUES

Light Pollution
Lack of Landscape and Architectural Buffering
Grading
Traffic
Stormwater Management

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Preliminary and Final Plan Review #PR-2020-26, subject to:

1. **No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored, or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;**
2. **Trees provided at not less than one (1) per 10,000 square feet of the site area;**
3. **Six (6) foot high architectural screening is to be provided along the perimeter of the storage parking lot;**
4. **Six (6) foot high architectural screening in combination with a buffer area that is 15 feet in width is to be provided alongside property lines used for residential purposes;**
5. **An architectural and landscape buffer is to be placed along the edge of the property adjacent to the public right-of-way;**
6. **One (1) row of shade trees spaced not more than 40 feet on center and one (1) row of large shrubs spaced not more than eight (8) feet on center;**
7. **Lights used to illuminate the parking area shall be so arranged, located or screened as to direct light away from any adjoining or abutting residential district. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light cast on adjacent residential property shall not exceed one (1) foot candle as measured from said property line;**
8. **All parking surfaces must be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel; and,**
9. **All signage must be properly permitted.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **#PR-2020-26** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

October 12, 2020 City Planning Commission Minutes
Aerial Map
Zoning Map
Fire Department Comments
Site Plans
Photographs Provided by Staff, Dated September 16, 2020
Photographs, Provided by Applicant
Conservation District Comments

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	October 14, 2020	October 29, 2020
P&F Plan	Approval	

STAFF CONTACT: **Shana Shanteau**
sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#PR-2020-26** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#PR-2020-26,** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 12, 2020 City Planning Commission Minutes:

Hearing starts at 2:57:04:

PLAN REVIEW APPLICATION #PR-2020-26 – DAVID EICKMAN WITH OLSSON – SYNOPSIS: Preliminary and Final Plan Review for a parking lot for storage trailers at 5900 Speaker Road. **Detailed Outline of Requested Action:** The applicant, David Eickman, is seeking a plan review for a parking lot for the storage of truck trailers. There have been two (2) Notices of Violation issued on the property. One for tree trimming in August of 2020 and one for weeds in 2017.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 12, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

Present in Support:

- David Eickman, Olson, 1301 Burlington, North Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:59:46: Planning Director Hand stated the request is for the storage of trailers. They are associated with the overall plat that was approved earlier this evening as there are three (3) lots created in that replat. One will be for a common detention area, one for the existing business and the third for this proposed use. The staff is asking that a landscaping and buffer screen be provided along the northern boundary along the mobile home park and along Speaker Road right-of-way. Staff is also requesting an architectural fence along the east and west property lines. This is not a screening fence along the east and west property line as the applicant proposes to set back the trailers 25' from the property lines. If, however, the business had inoperable vehicles on the property in the future, they would need a screening fence. He further stated that there was a common maintenance agreement for the common detention pond on the plat that was approved. The staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 3:01:45:

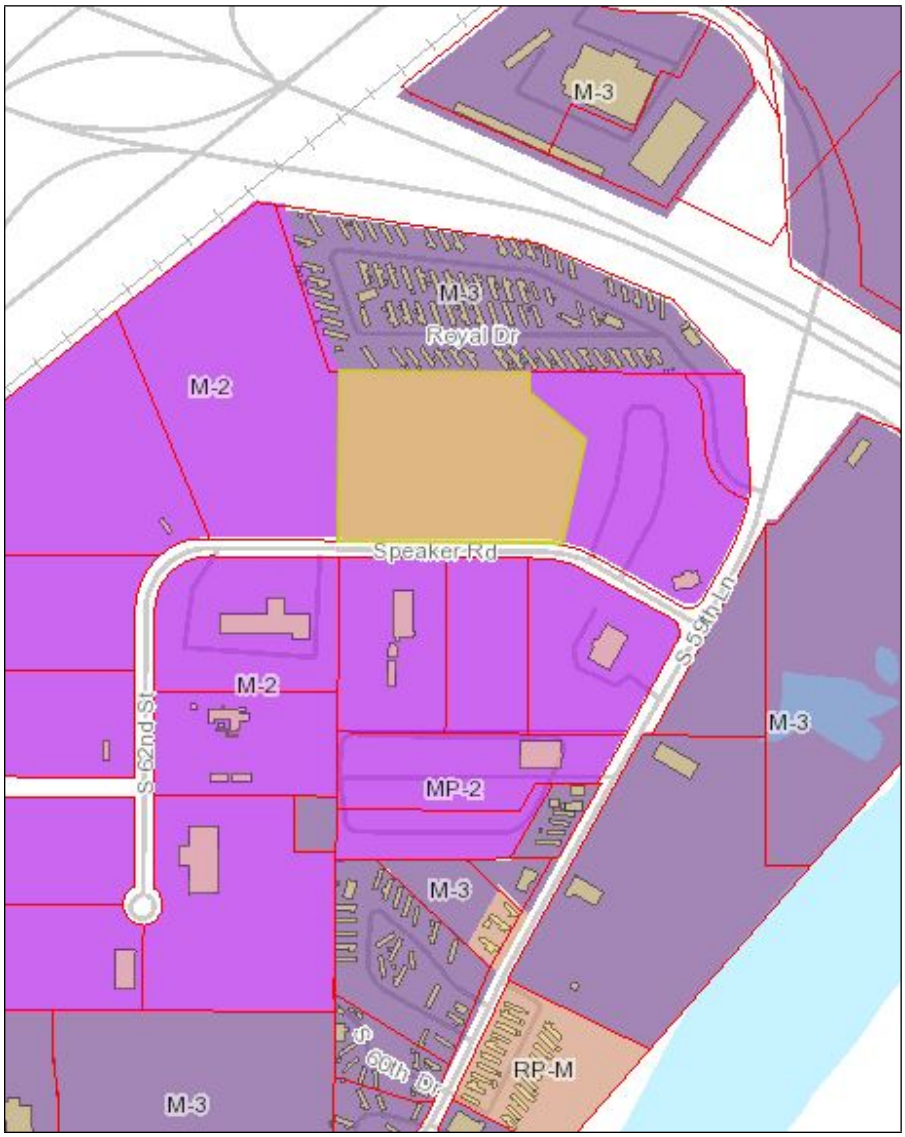
On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Plan Review Application #PR-2020-26**:**

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

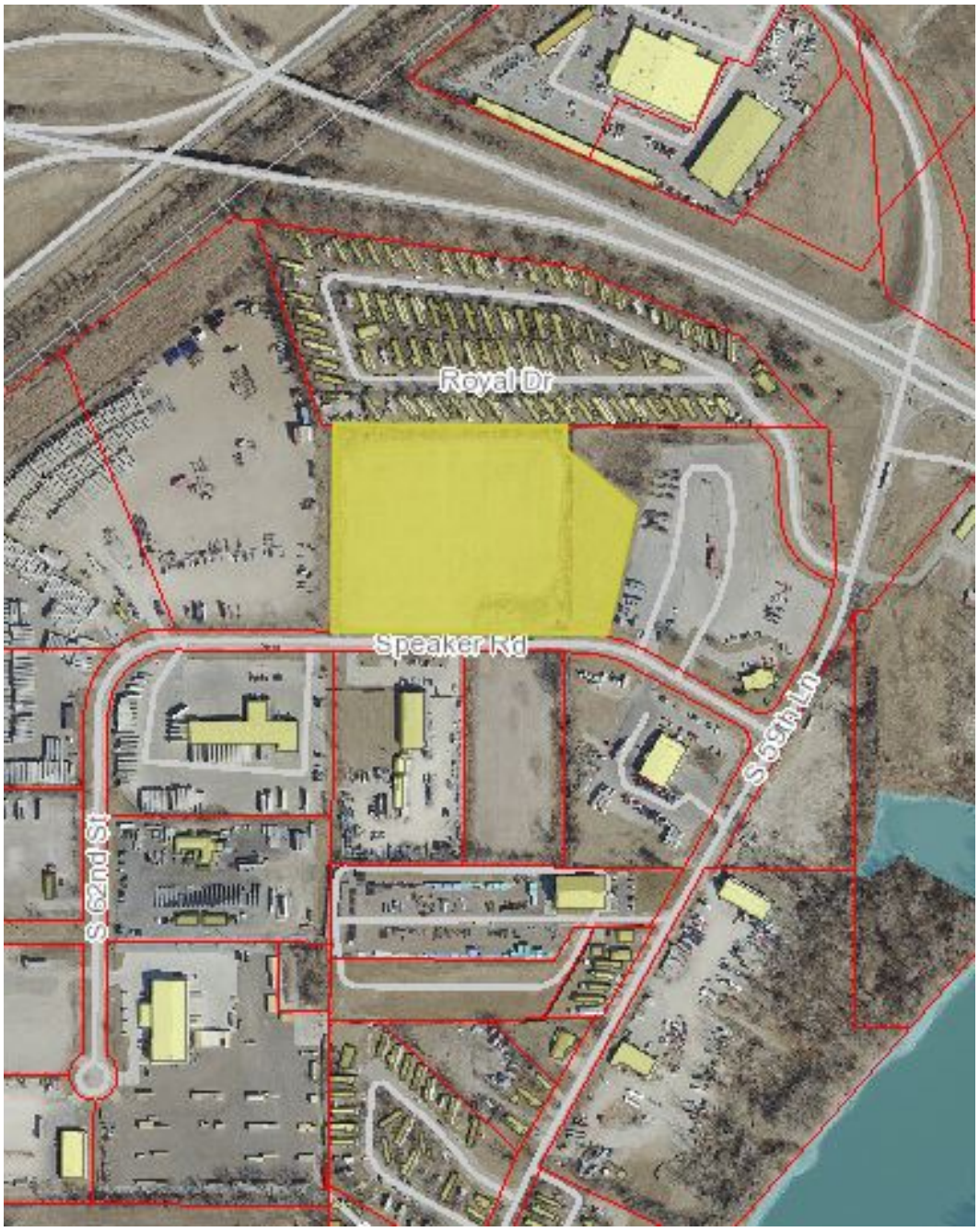
Motion to RECOMMEND APPROVAL Passed: 8 to 0
Subject to:

1. **No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored, or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line and not less than three (3) feet in height;**
2. **Trees provided at not less than one (1) per 10,000 square feet of the site area;**
3. **Six (6) foot high architectural screening is to be provided along the perimeter of the storage parking lot;**
4. **Six (6) foot high architectural screening in combination with a buffer area that is 15 feet in width is to be provided alongside property lines used for residential purposes;**
5. **An architectural and landscape buffer is to be placed along the edge of the property adjacent to the public right-of-way;**
6. **One (1) row of shade trees spaced not more than 40 feet on center and one (1) row of large shrubs spaced not more than eight (8) feet on center;**
7. **Lights used to illuminate the parking area shall be so arranged, located or screened as to direct light away from any adjoining or abutting residential district. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light cast on adjacent residential property shall not exceed one (1) foot candle as measured from said property line;**
8. **All parking surfaces must be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel; and,**
9. **All signage must be properly permitted.**

Zoning Map:


M-3
M-3
Royal Dr
M-2
Speaker Rd
S 62nd St
S 64th Ln
M-2
M-3
MP-2
M-3
S 66th Dr
RP-M
M-3

Aerial Map:



Fire Department Comments:

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas

FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St. (913) 573-5550
Kansas City, Kansas 66101 (913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENTDATIONS

DRC No. #PR-2020-26 Address: 5900 Speaker Rd

Development Name: Hart Industrial Park Description: car parking lot

STAFF ONLY : ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

1) Compliance with the International Building Code -2012 Edition
2) Compliance with the International Fire Code – 2012 Edition
3) Compliance with current NFPA 101® Life Safety Code
4) Compliance with existing fire codes, all applicable City ordinances, State rules and regulations
Submit automatic fire sprinkler/fire alarm plans and calculations for approval prior to installation.

*Provide code compliant emergency water supply (hydrants) per Sec.507 2012 IFC
*Provide emergency gate access per Sec. 503.6, 2012 IFC

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields II Digitally signed by Harvey Fields II Date: 2020.09.04 16:43:55 -05'00' 9/4/2020

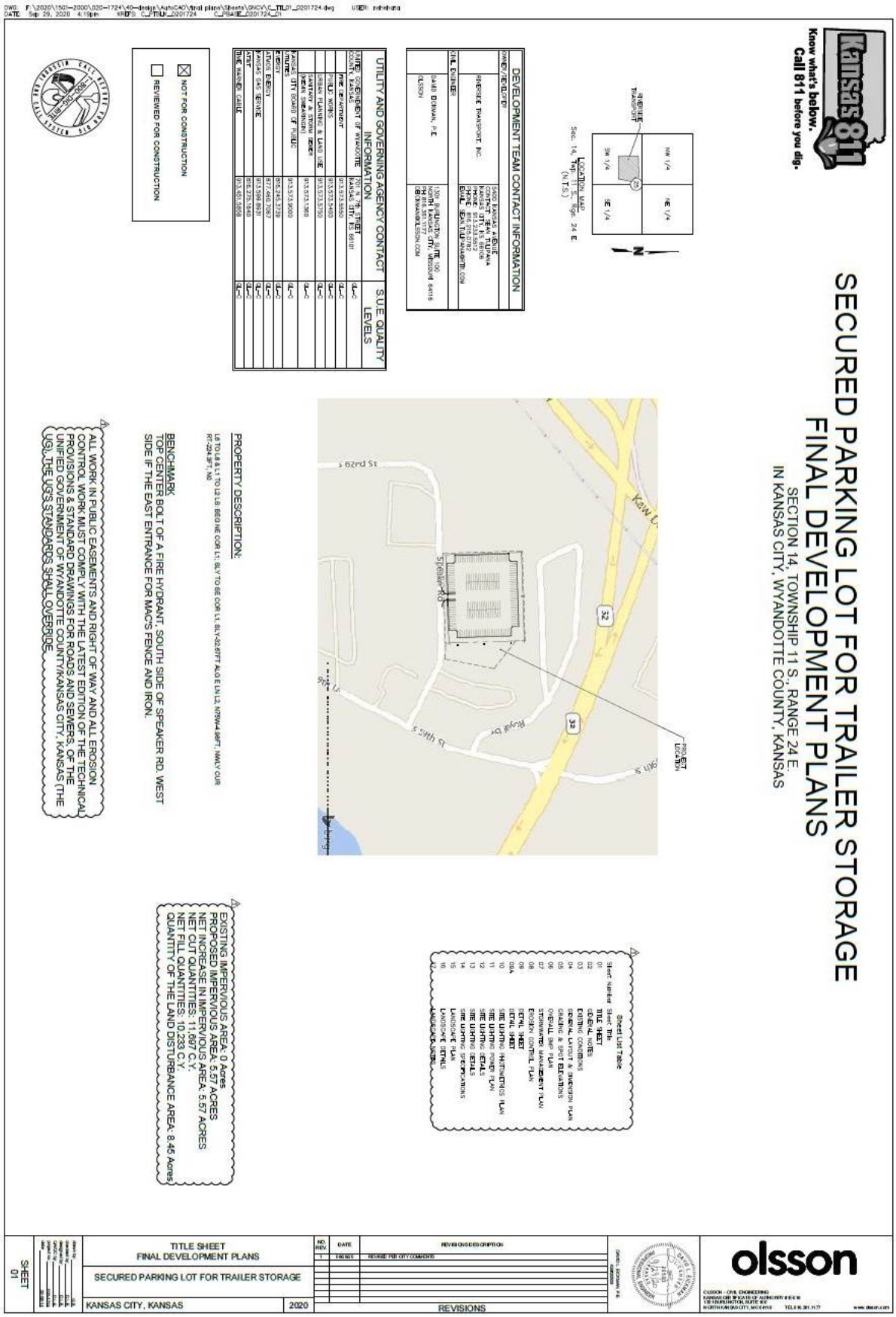
Attending DRC Member: Date

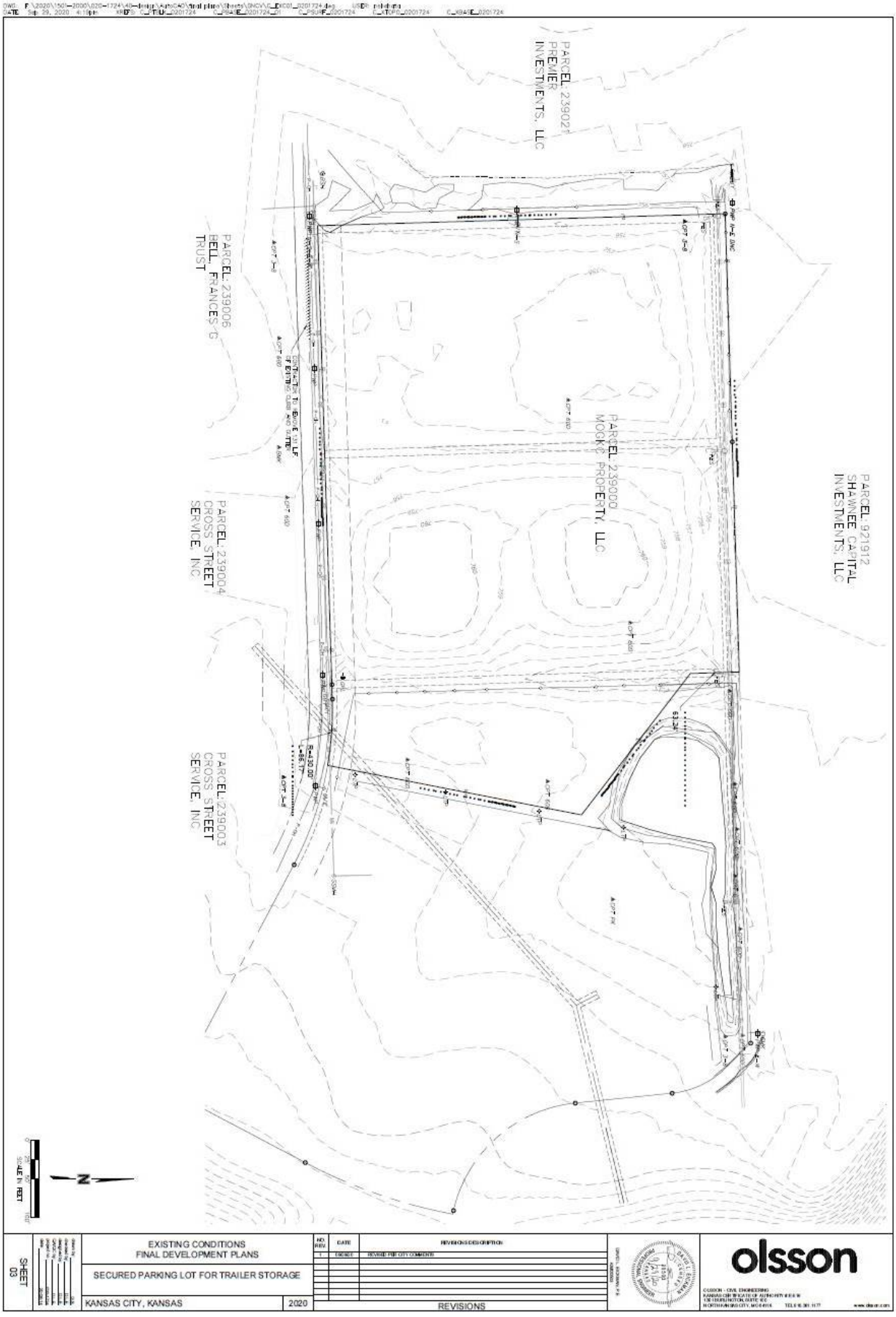
I, _____, as _____ of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Signature and Date Contact Phone Number and Email Address

Mailing Address, City, State, and Zip Code

Site Plans:


SECURED PARKING LOT FOR TRAILER STORAGE
FINAL DEVELOPMENT PLANS
SECTION 14, TOWNSHIP 11 S., RANGE 24 E.
IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS
Know what's below.
Call 811 before you dig.
DEVELOPMENT TEAM CONTACT INFORMATION
UTILITY AND GOVERNING AGENCY CONTACT INFORMATION
S.U.E. QUALITY LEVELS
NOT FOR CONSTRUCTION
REVIEWED FOR CONSTRUCTION
PROPERTY DESCRIPTION:
BENCHMARK
TOP CENTER BOLT OF A FIRE HYDRANT, SOUTH SIDE OF SPEAKER RD. WEST SIDE IF THE EAST ENTRANCE FOR MAC'S FENCE AND IRON.
ALL WORK IN PUBLIC EASEMENTS AND RIGHT OF WAY AND ALL EROSION CONTROL WORK MUST COMPLY WITH THE LATEST EDITION OF THE TECHNICAL PROVISIONS & STANDARD DRAWINGS FOR ROADS AND SEWERS, OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS (THE UG), THE UG'S STANDARDS SHALL OVERRIDE.
EXISTING IMPERVIOUS AREA: 0 Acres
PROPOSED IMPERVIOUS AREA: 5.57 ACRES
NET INCREASE IN IMPERVIOUS AREA: 5.57 ACRES
NET CUT QUANTITIES: 11,697 C.Y.
NET FILL QUANTITIES: 10,233 C.Y.
QUANTITY OF THE LAND DISTURBANCE AREA: 8.45 Acres
Sheet List Table
TITLE SHEET
FINAL DEVELOPMENT PLANS
SECURED PARKING LOT FOR TRAILER STORAGE
KANSAS CITY, KANSAS
2020
REVISIONS
SHEET 01
olsson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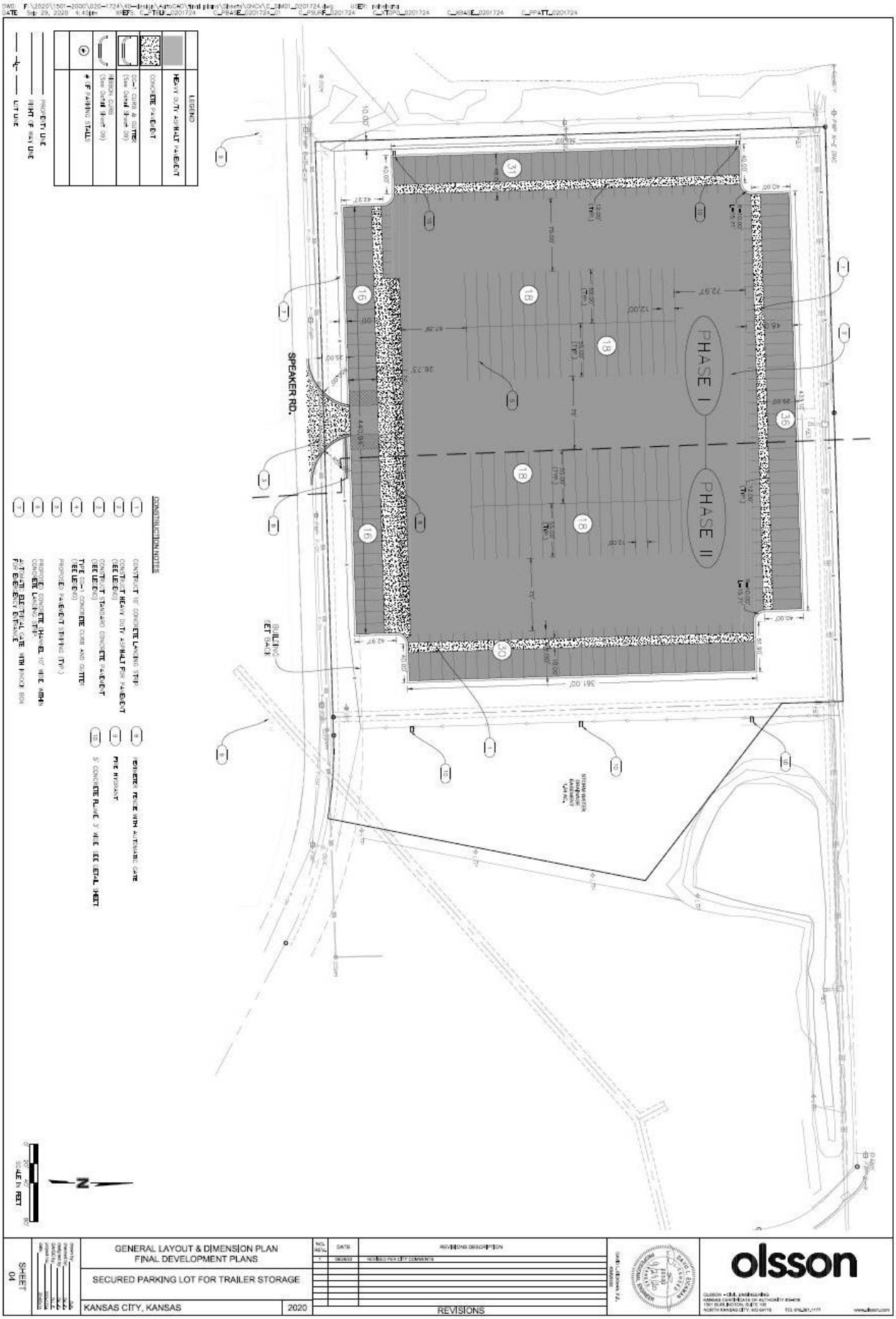
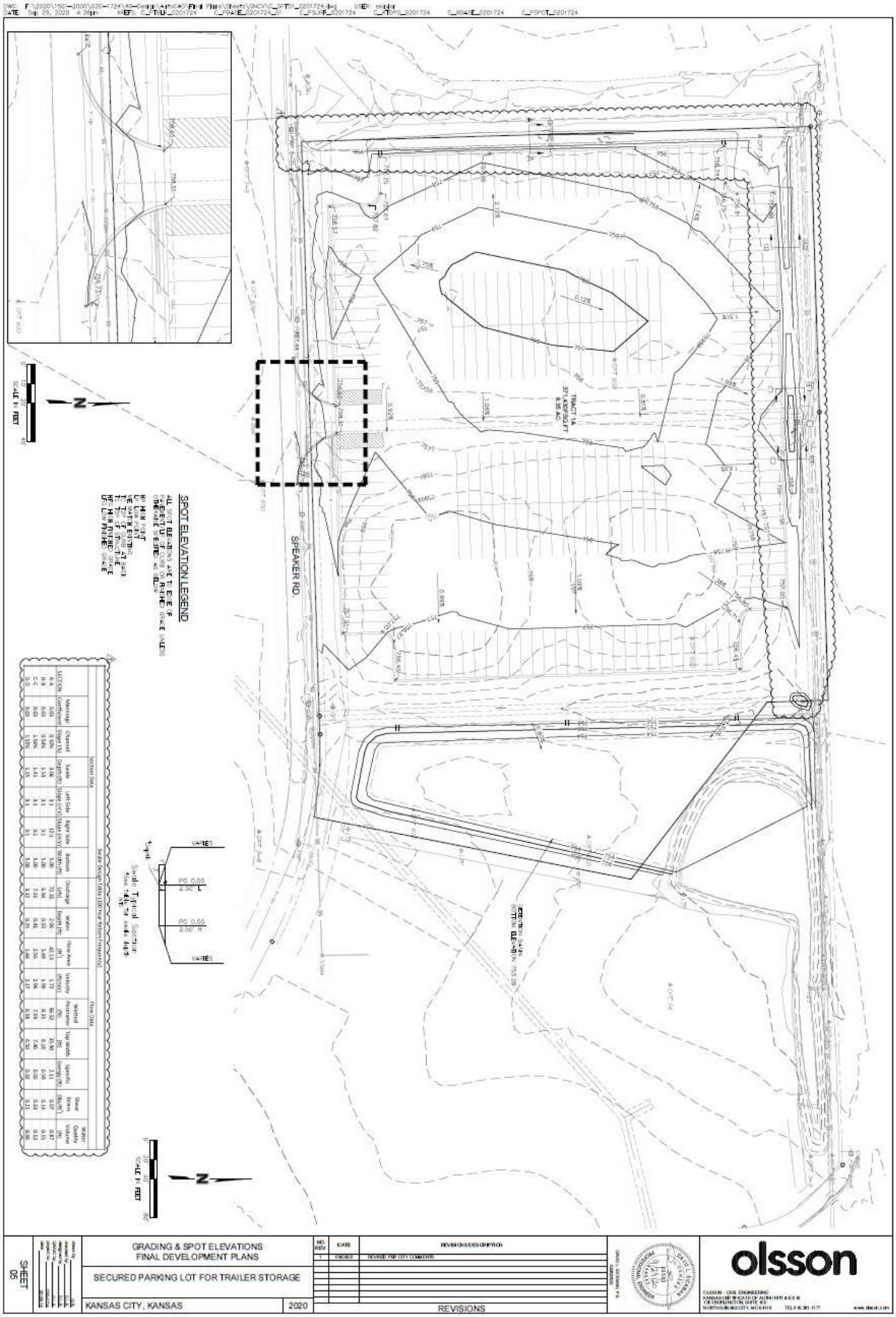
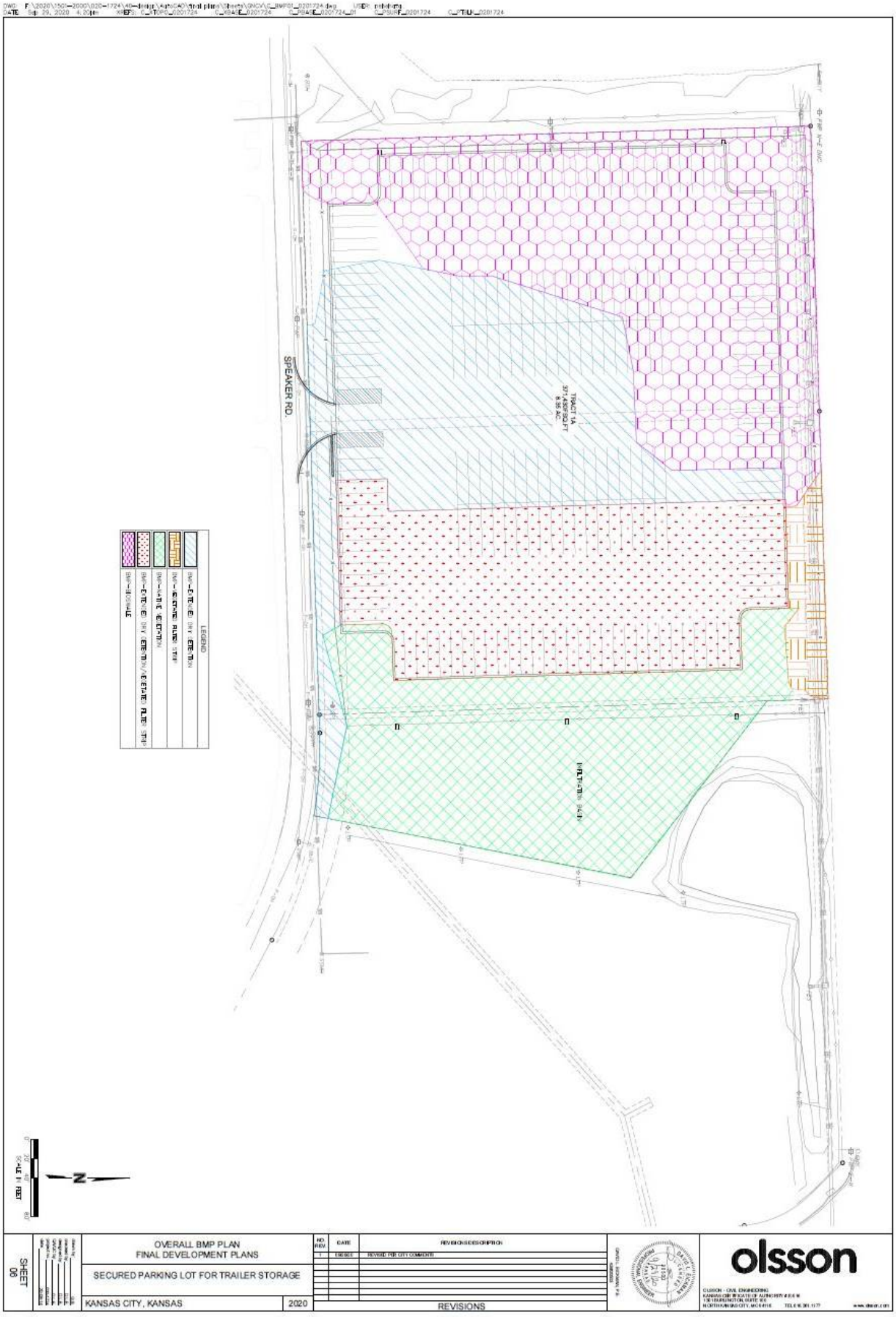
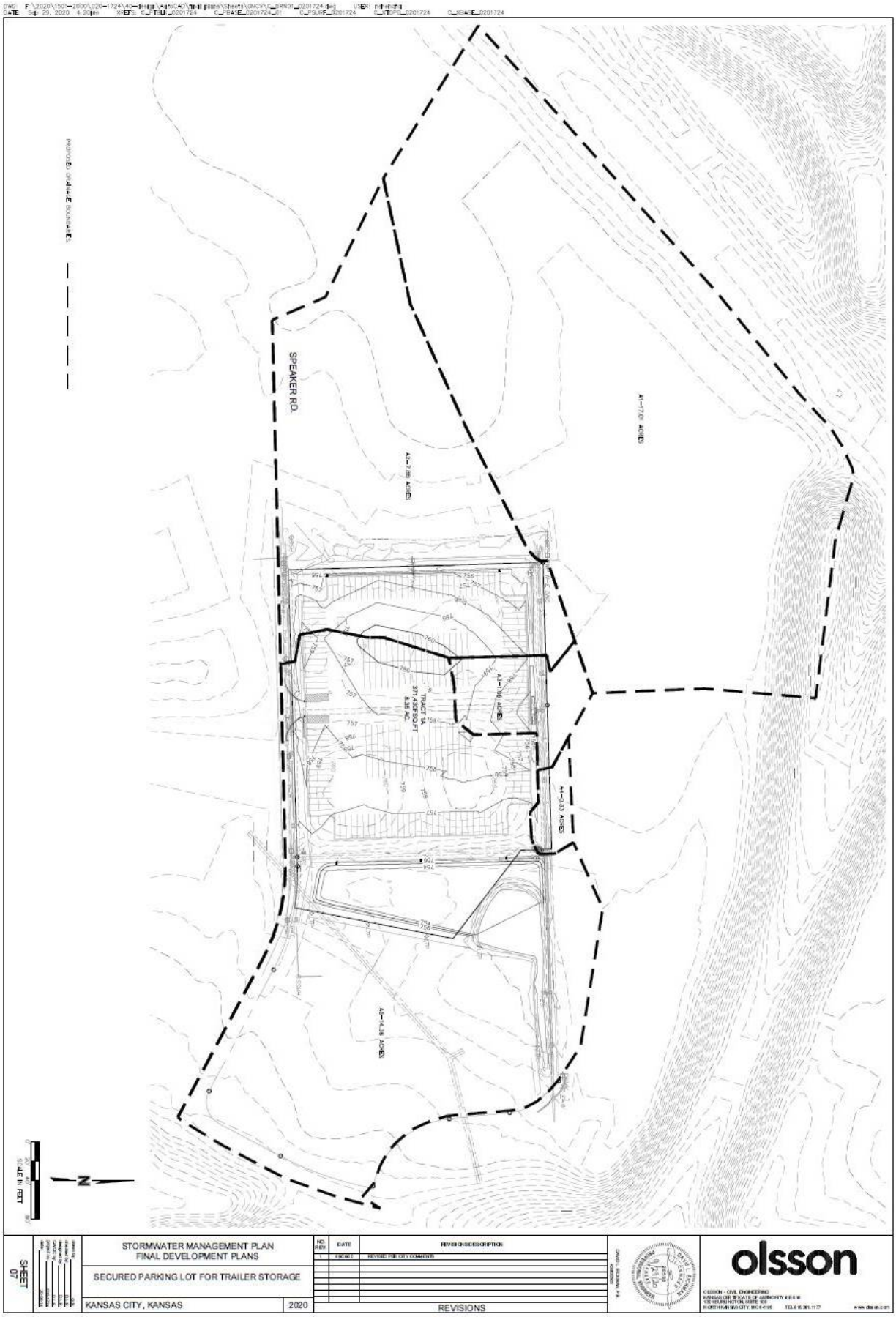
PREMIER INVESTMENTS, LLC
PARCEL: 239006
BELL, FRANCES G
TRUST
PARCEL: 239004
CROSS STREET
SERVICE, INC
PARCEL: 239003
CROSS STREET
SERVICE, INC
PARCEL: 239000
MOCK PROPERTY, LLC
PARCEL: 921912
SHAWNEE CAPITAL
INVESTMENTS, LLC
SCALE IN FEET
EXISTING CONDITIONS
FINAL DEVELOPMENT PLANS
SECURED PARKING LOT FOR TRAILER STORAGE
KANSAS CITY, KANSAS
2020
SHEET
03
REVISIONS
olsson


PHASE I
PHASE II
SPEAKER RD.
GENERAL LAYOUT & DIMENSION PLAN
FINAL DEVELOPMENT PLANS
SECURED PARKING LOT FOR TRAILER STORAGE
KANSAS CITY, KANSAS
2020
SHEET 04
REVISIONS
olsson


SPEAKER RD.
SPOT ELEVATION LEGEND
GRADING & SPOT ELEVATIONS
FINAL DEVELOPMENT PLANS
SECURED PARKING LOT FOR TRAILER STORAGE
KANSAS CITY, KANSAS
2020
REVISIONS
SHEET 05
olsson


SPEAKER RD.
TRACT 1A
371,439SQ.FT
8.55 AC
LEGEND
SCALE IN FEET
N
OVERALL BMP PLAN
FINAL DEVELOPMENT PLANS
SECURED PARKING LOT FOR TRAILER STORAGE
KANSAS CITY, KANSAS
2020
SHEET
06
REVISIONS
olsson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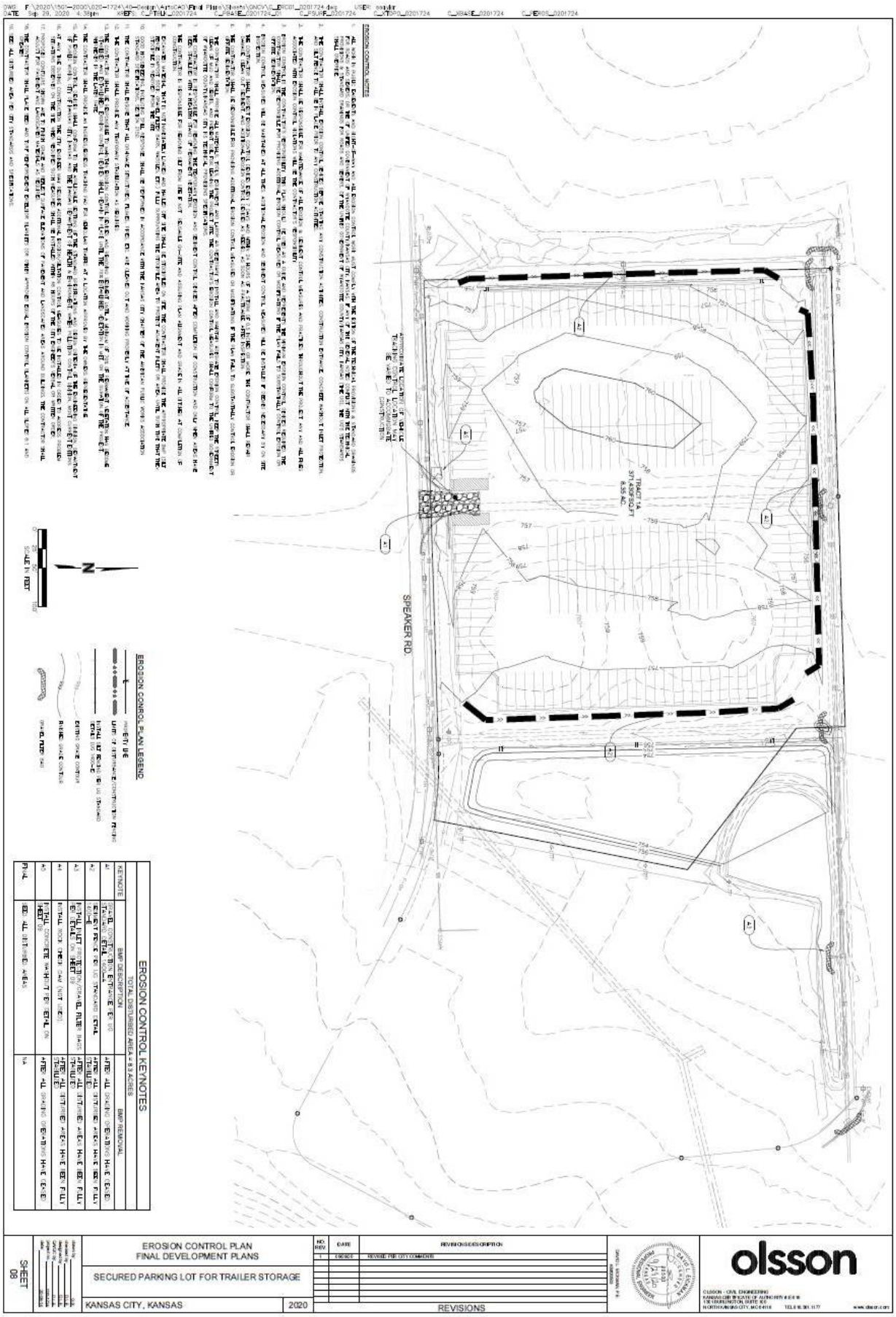
A1-17.01 ACRES
A2-7.88 ACRES
A3-14.36 ACRES
A4-0.33 ACRES
TRACT 1A
371,430 SQ FT
8.35 AC
SCALE IN FEET
N
STORMWATER MANAGEMENT PLAN
FINAL DEVELOPMENT PLANS
SECURED PARKING LOT FOR TRAILER STORAGE
KANSAS CITY, KANSAS
2020
SHEET 07
REVISIONS
REVISIONS DESCRIPTION
REVISE PER CITY COMMENTS
olsson


EROSION CONTROL KEYNOTES
EROSION CONTROL PLAN
FINAL DEVELOPMENT PLANS
SECURED PARKING LOT FOR TRAILER STORAGE
KANSAS CITY, KANSAS
2020
REVISIONS
SHEET 08
olsson
SPEAKER RD.
TRACT 1A
371,430 SQ.FT.
8.35 AC.
EROSION CONTROL PLAN LEGEND
SCALE IN FEET

CONCRETE WASHOUT AREA
NOT TO SCALE
CONCRETE WASHOUT AREA INSTALLATION NOTES:
CONCRETE WASHOUT AREA INSPECTION AND MAINTENANCE NOTES:
GRAVEL FILTER BAGS
NOT TO SCALE
PLAN VIEW
FRONT VIEW
CHECK DAM DETAIL
NOT TO SCALE
CONCRETE RIBBON CURB
NOT TO SCALE
ASPHALT PAVEMENT SECTION
NOT TO SCALE
PCC PAVEMENT WITH AGGREGATE SECTION
NOT TO SCALE
DETAIL SHEET
FINAL DEVELOPMENT PLANS
SECURED PARKING LOT FOR TRAILER STORAGE
KANSAS CITY, KANSAS
2020
REVISIONS
olsson
SHEET
09

TYPICAL FENCE & FLUME
NOT TO SCALE

CONCRETE FLUME DETAIL
NOT TO SCALE

DETAIL SHEET
FINAL DEVELOPMENT PLANS

SECURED PARKING LOT FOR TRAILER STORAGE

KANSAS CITY, KANSAS 2020

NO.	DATE	REVISION DESCRIPTION
1	09/29/20	REVISED PER CITY COMMENTS

REVISIONS

olsson

SHEET
09A

PLANT SCHEDULE
LANDSCAPE REQUIREMENTS
NOTES:
SPEAKER RD.
STEEL EDGE
BUILDING SET BACK
POND
SCALE IN FEET
N
LANDSCAPE PLAN
FINAL DEVELOPMENT PLANS
SECURED PARKING LOT FOR TRAILER STORAGE
KANSAS CITY, KANSAS
2020
SHEET 15
REVISIONS
olsson

Deciduous Tree Planting Detail
Shrub Planting Detail
Steel Edging Detail
Typical Utility Screen
UTILITY BOX
EVERGREEN SHRUB
LANDSCAPE DETAILS
FINAL DEVELOPMENT PLANS
SECURED PARKING LOT FOR TRAILER STORAGE
KANSAS CITY, KANSAS
2020
REVISIONS
olsson
SHEET
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Photographs Provided by Staff, Dated September 16, 2020:

Photographs, Provided by Applicant:

Panoramic view of the property from the South side, on Speaker Rd.
Speaker Rd

Panoramic, all over view of the property from the South side, on Speaker Rd.

South West corner of the property

Conservation District Comments:

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

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

September 15, 2020

RE: PR-2020-26 Hart Industrial Second Plat 3 commercial lots 5900 Speaker Road

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the Subdivision Plat for: PR-2020-26 Hart Industrial Second Plat 3 commercial lots 5900 Speaker Road.

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

MAPS AND REPORTS

Soils Map
- Soils Inventory Report
- Map Unit Description (Brief)

Dwellings and Small Commercial Buildings
- Water Features
- Soil Features

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

- There are two major soil types identified Eudora-Bismarckgrove silt loams, occasionally flooded and Eudora- Urban land complex, rarely flooded. These soil types are considered erodible when the surface is denuded of a protective cover.
- If the surfacing of the area can't be done immediately after grading, the area will need to have a temporary seeding completed.
- Wind erosion potential has been identified as a limiting factor for the development.
- The erosion control concerns can be solved with the Best Management Practices in this report.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the Protecting *Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

***Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

Sediment Trap -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the Water Quality Field Guide pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

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

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

Map Unit Name—Wyandotte County, Kansas
(Hart Industrial Second Plat 5900 Speaker Rd)
PR-2020-26
39° 5' 44" N
94° 43' 14" W
94° 42' 47" W
39° 5' 31" N
Driveway
7036
7119
Royal Dr
59th
S 59th Ln
32
Ramp
Soil Map may not be valid at this scale.
Map Scale: 1:3,000 if printed on A landscape (11" x 8.5") sheet.
Meters
Feet
Map projection: Web Mercator Corner coordinates: WGS84
Natural Resources
Conservation Service
Web Soil Survey
National Cooperative Soil Survey
9/8/2020
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- Eudora-Bismarckgrove silt loams, occasionally flooded
- Eudora-Urban land complex, rarely flooded
- Not rated or not available

Soil Rating Lines
- Eudora-Bismarckgrove silt loams, occasionally flooded
- Eudora-Urban land complex, rarely flooded
- Not rated or not available

Soil Rating Points
- Eudora-Bismarckgrove silt loams, occasionally flooded
- Eudora-Urban land complex, rarely flooded
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

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

Date(s) aerial images were photographed: Jul 17, 2019—Sep 25, 2019

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

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October 29, 2020
#PR-2020-26

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7036	Eudora-Bismarckgrove silt loams, occasionally flooded	Eudora-Bismarckgrove silt loams, occasionally flooded	15.5	99.9%
7119	Eudora-Urban land complex, rarely flooded	Eudora-Urban land complex, rarely flooded	0.0	0.1%
Totals for Area of Interest			**15.6**	**100.0%**

Description

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

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Soil Features

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

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

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

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

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

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

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

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October 29, 2020

#PR-2020-26

Report—Soil Features

Soil Features–Wyandotte County, Kansas									
Map symbol and soil name	Restrictive Layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		Low-RV-High	*Range*		*Low-High*	*Low-High*			
		In	*In*		*In*	*In*			
7036—Eudora-Bismarckgrove silt loams, occasionally flooded									
Eudora, occasionally flooded		—	—		0	0	High	Low	Low
Bismarckgrove, occasionally flooded		—	—		0	0	High	High	Low
7119—Eudora-Urban land complex, rarely flooded									
Eudora, rarely flooded		—	—		0	0	High	Low	Low
Urban land, rarely flooded		—	—		0	0			

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

Map Unit Description (Brief, Generated)

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

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

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

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

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7036—Eudora-Bismarckgrove silt loams, occasionally flooded

Component: Eudora, occasionally flooded (50%)

The Eudora, occasionally flooded component makes up 50 percent of the map unit. Slopes are 0 to 1 percent. This component is on flood plains on river valleys. The parent material consists of alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is low. This soil is occasionally flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R106XY013KS Loamy Lowland (pe 30-37) ecological site. Nonirrigated land capability classification is 2w. Irrigated land capability classification is 3w. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 2 percent. There are no saline horizons within 30 inches of the soil surface.

Component: Bismarckgrove, occasionally flooded (25%)

The Bismarckgrove, occasionally flooded component makes up 25 percent of the map unit. Slopes are 0 to 1 percent. This component is on terraces on river valleys. The parent material consists of silty alluvium over sandy alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is low. This soil is occasionally flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R106XY013KS Loamy Lowland (pe 30-37) ecological site. Nonirrigated land capability classification is 2w. Irrigated land capability classification is 3w. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 1 percent. There are no saline horizons within 30 inches of the soil surface.

Component: Bourbonais, occasionally flooded (15%)

Generated brief soil descriptions are created for major soil components. The Bourbonais, occasionally flooded soil is a minor component.

Component: Kimo, occasionally flooded (5%)

Generated brief soil descriptions are created for major soil components. The Kimo, occasionally flooded soil is a minor component.

Component: Stonehouse, occasionally flooded (4%)

Generated brief soil descriptions are created for major soil components. The Stonehouse, occasionally flooded soil is a minor component.

Component: Aquolls, occasionally ponded (1%)

Generated brief soil descriptions are created for major soil components. The Aquolls, occasionally ponded soil is a minor component.

Map Unit: 7119—Eudora-Urban land complex, rarely flooded

Component: Eudora, rarely flooded (45%)

The Eudora, rarely flooded component makes up 45 percent of the map unit. Slopes are 0 to 1 percent. This component is on flood plains on river valleys. The parent material consists of alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is low. This soil is rarely flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R106XY013KS Loamy Lowland (pe 30-37) ecological site. Nonirrigated land capability classification is 2w. Irrigated land capability classification is 3w. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 2 percent. There are no saline horizons within 30 inches of the soil surface.

Component: Urban land, rarely flooded (40%)

Generated brief soil descriptions are created for major soil components. The Urban land is a miscellaneous area.

Component: Bismarckgrove, rarely flooded (14%)

Generated brief soil descriptions are created for major soil components. The Bismarckgrove, rarely flooded soil is a minor component.

Component: Aquolls, occasionally ponded (1%)

Generated brief soil descriptions are created for major soil components. The Aquolls, occasionally ponded soil is a minor component.

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

Dwellings and Small Commercial Buildings

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. This table shows the degree and kind of soil limitations that affect dwellings and small commercial buildings.

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

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

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Small commercial buildings are structures that are less than three stories high and do not have basements. The foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (which is inferred from the Unified classification). The properties that affect the ease and amount of excavation include flooding, depth to a water table, ponding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

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

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

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

Report—Dwellings and Small Commercial Buildings

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

Dwellings and Small Commercial Buildings–Wyandotte County, Kansas							
Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7036—Eudora-Bismarckgrove silt loams, occasionally flooded							
Eudora, occasionally flooded	50	Very limited		Very limited		Very limited	
		Flooding	1.00	Flooding	1.00	Flooding	1.00
Bismarckgrove, occasionally flooded	25	Very limited		Very limited		Very limited	
		Flooding	1.00	Flooding	1.00	Flooding	1.00
		Shrink-swell	0.01			Shrink-swell	0.01
7119—Eudora-Urban land complex, rarely flooded							
Eudora, rarely flooded	45	Very limited		Very limited		Very limited	
		Flooding	1.00	Flooding	1.00	Flooding	1.00
Urban land, rarely flooded	40	Not rated		Not rated		Not rated	

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

(Published _____) #SP-2020-61

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in #SP-2020-61, commonly known as 2930 South 44th Street, Kansas City, Kansas, legally described as:

> Lot 9 Westside Commercial Center Subdivision, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 2930 South 44th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a used auto dealership.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **No auto repair or servicing is allowed on-site;**
2. **No inoperable vehicles are allowed on-site;**
3. **No more than 10 cars parked on site at a single time;**
4. **Approval for two (2) years;**
5. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made**

payable to the Unified Treasurer) within thirty (30) days following the Unified Government Board of Commissioners meeting. The approval will not go into effect until the ordinance is published in the newspaper; and

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2020.

_____
David Alvey, Mayor/CEO

Attest:

_____
Unified Government Clerk

(First published_____) #3228

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 3100 South 74th Street in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on June 26, 2020, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

TRACT 1: The West 5 acres of The North one-half of the following described property: The South 20.00 acres of the North 60 acres of the East ½ of the Southwest Quarter of Section 33, Township 11 South, Range 24 East of the 6th Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Beginning at appoint on the East line of the Southwest Quarter of said Section 33, said Point being North 658.85 feet from the Southeast corner of the Southwest Quarter of the said Section 33, thence North 89 degrees 34 minutes 10 seconds West 1321.42 feet; thence North 0 degrees 03 minutes 50 seconds East 659.72 feet; thence South 89 degrees 32 minutes 42 seconds East 1320.68 feet to a point on the said East line, to the point of beginning, less that part taken or used for road purposes.

TRACT 2: The Southeast Quarter of the Southwest Quarter of Section 33, Township 11 South, Range 24 East, in Kansas City, Wyandotte County, Kansas, except that part in the public roads, and excepting those portions thereof now described as follows: a.) The South 20 acres of the East half of the Southwest Quarter of Section 33, Township 11 South, Range 24 East in Kansas City, Wyandotte County, Kansas;

AND

b.) The North one-half of the following described property: The South 20.00 acres of the North 60 acres of the East ½ of the Southwest Quarter of Section 33, Township 11 South, Range 24 East, of the 6th Principal Meridian in Kansas City, Wyandotte County, Kansas being more particularly described as follows: Beginning at a point on the East line of the Southwest Quarter of said Section 33, said point being North 658.58 feet from the Southeast corner of the Southwest Quarter of the said Section 33; thence North 89 degrees 34 minutes 10 seconds West 1321.42 feet; thence North 0 degrees 03 minutes 50 seconds East 659.72 feet; thence South 89 degrees 32 minutes 42 seconds East 659.21 feet, along said East line, to the point of beginning.

Located at approximately 3100 South 74th Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_____ DAY OF_____, 2020.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY:_____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

(Published _____) #SP-2020-78

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in #SP-2020-78, commonly known as 2947 North 83rd Street, Kansas City, Kansas, legally described as:

Lot 4, Westdale, now in and part of Kansas City, Wyandotte County, Kansas, located at approximately 2947 North 83rd Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a home occupation single customer salon.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **All parking is to be parked in the six (6) spaces on the driveway, No parking on streets;**
2. **No signs are allowed on site;**
3. **Materials that are stored on site must be done safely, such as in approved containers, away from food, out of the reach of children, etc.;**
4. **Must maintain a business license with the Business Licensing Department;**
5. **No employees are allowed other than members of the immediate family residing on the premises;**

6. **Hours of operation Monday-Sunday are to be between the hours of 8AM and 5PM;**
7. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;**
8. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and**
9. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2020.

_____
David Alvey, Mayor/CEO

Attest:

_____
Unified Government Clerk

(Published _____) #SP-2020-80

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in #SP-2020-80, commonly known as 3716 Springfield Street, Kansas City, Kansas, legally described as:

> Marty's Park, a subdivision of land in Kansas City, Wyandotte County, Kansas, Block 3, Lot 16, located at approximately 3716 Springfield Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental/AirBNB.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **The maximum number of guests allowed is seven (7).**
2. **The maximum number of vehicles allowed is three (3). These all must be parked off-street.**

3. **If approved, applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.**

4. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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 is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.**

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2020.

_____
David Alvey, Mayor/CEO

Attest:

_____
Unified Government Clerk

(Published _____) #SP-2020-71

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in #SP-2020-71, commonly known as 601 Central Avenue, Kansas City, Kansas, legally described as:

WHIPPLES ADD, S10, T11, R25, ACRES 0.06, E 25FT L38 LS N 10FT & E 25FT L39 TO L41, located at approximately 601 Central Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a microbrewery and drinking establishment.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **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 staring at 10 PM. After 10 PM the business operates primarily as a night club with live entertainment;**
4. **Must comply with City Codes related to security;**
5. **If live entertainment (karaoke, comedy, bands) is ever added, a Special Use Permit for live entertainment must be obtained prior to events;**
6. **Must maintain business license with Business Licensing Department;**
7. **Must obtain a sign permit for all signage;**
8. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and**
9. **The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2020.

_____
David Alvey, Mayor/CEO

Attest:

_____
Unified Government Clerk

Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 29, 2020

Re: **Vacation Petition #A-2020-11**

GENERAL INFORMATION

Applicant:
Scojo's Property Management, LLC

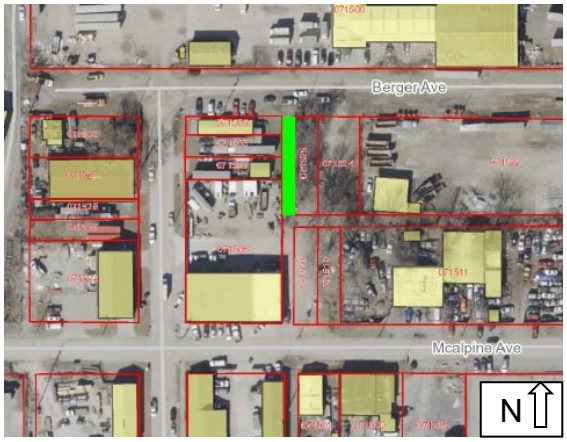
Status of Applicant:
Owners
Scott and Rebecca Johnson
20103 Nall Avenue
Stillwell, KS 66085

Requested Action:
To approve an alley vacation.

Date of Application:
August 31, 2020

Purpose:
To consolidate parcels together on either side of the alley to prevent illegal activity from occurring.

Property Location:
1041 Berger Avenue
Kansas City, KS 66105



Commission District: Commissioner At Large: Tom Burroughs
District Commissioner: Brian McKiernan

Existing Zoning: M-3 Heavy Industrial District

Adjacent Zoning:
North: M-3 Heavy Industrial District
South: M-3 Heavy Industrial District
East: M-3 Heavy Industrial District
West: M-3 Heavy Industrial District

Adjacent Uses:
North: Contractor business
South: Industrial business, vacant lot and salvage operation
East: Vacant land
West: Salvage operation (current Special Use Permit) and warehouse

Neighborhood Characteristics: The character of the neighborhood is comprised of industrial businesses ranging from warehousing to storage lots. The site is one (1) block south of the Union Pacific Railway railyard.

Total Tract Size: 0.07 Acre

Master Plan Designation: The Armourdale Master Plan designates this property as Heavy Industrial.

Major Street Plan: The Major Street Plan classifies 11th Street, Berger Avenue and McAlpine Avenue as Local Streets.

Required Parking: Not applicable.

Advertisement: Wyandotte Echo – September 17, 2020
Letters to Property Owners – September 16, 2020 and October 23, 2020

Public Hearings: October 12, 2020 and October 29, 2020

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Scott and Rebecca Johnson with Scojo's Property Management, LLC operates a salvage operation with a Special Use Permit at 521, 523, and 525 South 11th Street where vehicles are brought to the site, parts removed and the vehicles are loaded on a hauler and recycled at Advantage

Metals at 7th Street and Osage Avenue in Armourdale. The applicants want to vacate a portion of the alley because they own the parcel on the east side of the alley (1041 Berger Avenue) and they want to consolidate the properties together if vacated.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

1. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.

Development is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive nose or other adversity.

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

a. Water service

Available

b. Sanitary sewer service

Available

c. Storm water control

To be designed to meet City Code.

d. Police

Police service provided by the South Patrol, District #333.

e. Fire

Fire service provided by Station #3.

f. Transit

Kansas City ATA provides transit service along 10th Street southeast approximately one-third (1/3) mile, Route #104.

g. Schools

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

3. ***Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.***

   Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probably future land and building uses.

   Armourdale is unique because the character of the residential, commercial and industrial uses are served by alleys. The street grid with alleys has remained in place since 1901.

4. ***Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.***

   Buildings are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values. The applicant does not intend on constructing new buildings on the property.

5. ***Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.***

   Development patterns are existing, and no changes are planned as part of this proposal. The majority of parcels along South 11th Street and Berger Avenue are also existing structures.

6. ***Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

   This is not applicable.

7. ***Vacation will not create utility conflicts.***

   The Unified Government retains a sanitary sewer easement in the alley. Water Pollution Control objects to the vacation of the alley.

KEY ISSUES

Water Pollution Control and the sanitary sewer within the alley.
Loss of future redevelopment opportunities if alley is vacated
Traffic Circulation
Parcel Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 3 to recommend **DENIAL** of Alley Vacation Application #A-2020-11 as **Water Pollution Control does not support this vacation application due to the existing sanitary line in the alley and the staff recommendation.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Vacation Petition **#A-2020-11** subject to all comments and suggestions outlined in this staff report and the reasons by the City Planning Commission.

ATTACHMENTS

October 12, 2020 City Planning Commission Minutes
Aerial Map / Zoning Map / Land Use Map
Email from Water Pollution Control
Applicant Letter
Vacation Exhibit
Photographs provided by the applicant dated August 13, 2020

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 12, 2020	October 29, 2020
Vacation	Denial	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **#A-2020-11**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **#A-2020-11** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

October 12, 2020 City Planning Commission Minutes:

Hearing starts at 2:19:35:

ALLEY VACATION APPLICATION #A-2020-11 – SCOTT AND REBECCA JOHNSON WITH SCOJO'S PROPERTY MANAGEMENT, LLC – SYNOPSIS: Vacation of an alley at 1041 Berger Avenue, 1044 McAlpine Avenue and 522, 523 and 525 South 11th Street. **Detailed Outline of Requested Action:** The applicant, Scott and Rebecca Johnson with Scojo's Property Management, LLC operates a salvage operation with a Special Use Permit at 521, 523, and 525 South 11th Street where vehicles are brought to the site, parts removed and the vehicles are loaded on a hauler and recycled at Advantage Metals at 7th Street and Osage Avenue in Armourdale. The applicants want to vacate a portion of the alley because they own the parcel on the east side of the alley (1041 Berger Avenue) and they want to consolidate the properties together if vacated.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 12, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Scott and Rebeca Johnson, Scojo's Property Management LLC, 20103 Nall Avenue, Stillwell, Kansas 66085

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:23:10: Planning Director Hand stated that this is the vacation of a "leg" of what is called a "T" alley in an older industrial area in Armourdale. There is currently a sanitary sewer line that goes down that entire "T" alley, and Public Works' Water Pollution Control Division has requested denial of this alley vacation and staff concurs.

The Planning Commission directed questions to the staff concerning the recommendation of Water Pollution for denial and if the overgrown area can be maintained by the City and prevent dumping from occurring.

Planning Commissioner Connelly asked if the Commission can be assured that the City will maintain that alley. Ms. Sarah White, Public Works, stated that if there are active utilities in an alley, they prefer to not vacate the right-of-way as they need to have access to the utility. She further stated that they need to be able to maintain or repair the utility. Mr. Connelly asked if Public Works would be agreeable if the applicant put up a fence and gave them a key. Ms. White stated that Public Works' stance is that if they already have right-of-way, they prefer to keep it as public right-of-way. Mr. Connelly further asked if Public Works will maintain this alley and make sure it is clear and clean. Ms. White stated that if that is right-of-way, it should be maintained by the City and she will send a memorandum to the Street Department and make sure it is on the maintenance list. She stated that all the City right-of-way is kept on a list and checked to make sure it is maintained. She further stated that she will request "No Dumping Signs" are installed as per the applicant's comments. She stated that if someone has a fence across right-of-way and Public Works needs to get to the utility and takes down the fence, then they have to replace the fence at cost. There have also been instances that a shed was put over an easement and it had to be removed (and replaced) to access the utility. She further stated that if there is illegal dumping that occurs, it does take the property owner to report it the 311 Center because the Street Division does not have the resources to drive all alleys every day. The cutting of the trees and removal of the weeds is a routine maintenance. Director Hand stated that the alley is 15 feet wide and the pictures could be misleading as some of the overgrowth is also on the applicant's property on the other side of the alley.

The Commission asked if someone makes a "hot line" call, what is the turnaround. Ms. White stated that it responded to between 24 to 48 hours. She stated that she will put in the work order and request that they come out within 48 hours.

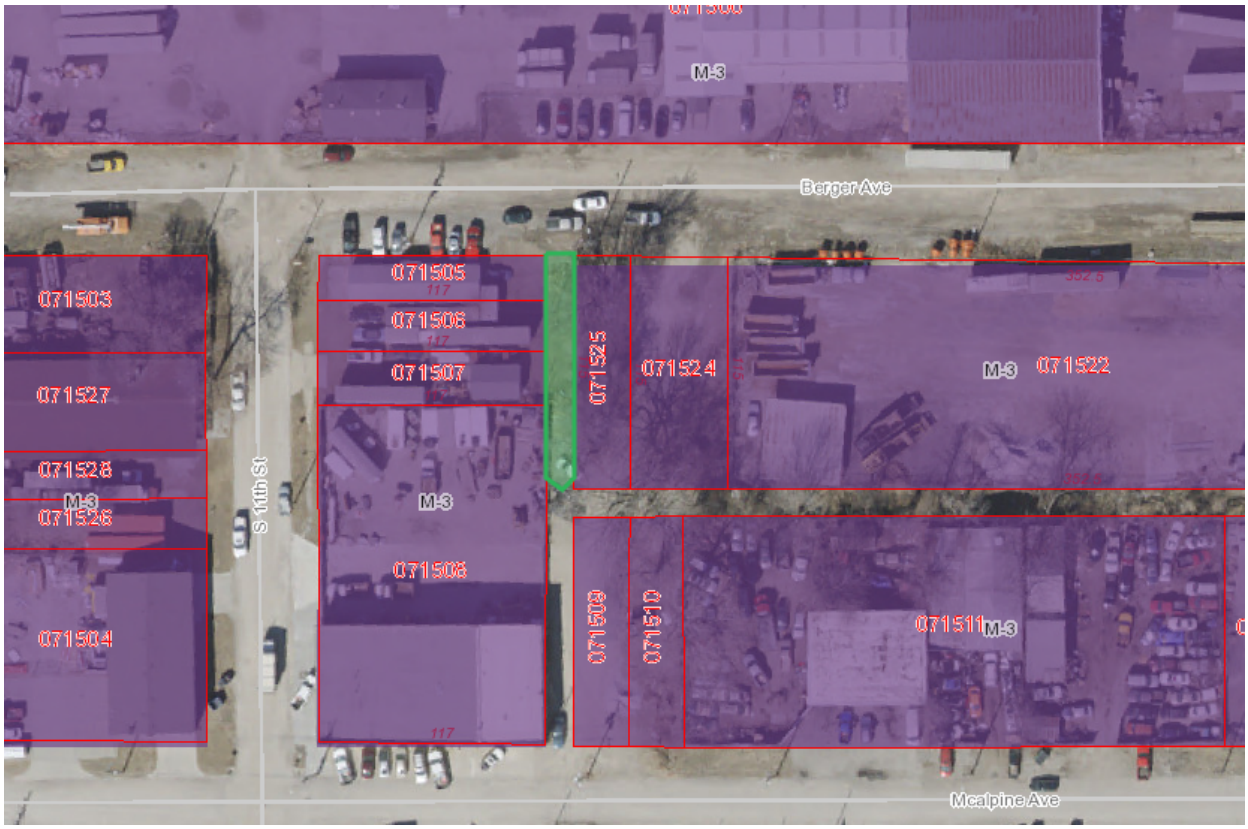
Chairman Carson asked Senior Counsel Waters if he had any legal input regarding a fence being erected at this site. Counsel Waters stated that if there was an emergency with a break in the utility line, the Unified Government would need immediate access to the property and he is not sure a fence is feasible.

Motion and Vote starts at 2:54:37:

On motion by Mr. Reasons, seconded by Ms. Jones, the Planning Commission voted as follows to recommend **DENIAL** of Alley Vacation Application #A-2020-11 as **Water Pollution Control does not support this vacation application due to the existing sanitary line in the alley and the staff recommendation:**

Carson	**Chairman**
Armstrong	**No**
Cho	**Aye**
Connelly	**Aye**
Ernst	**Aye**
Huey	**Not Present**
Jones	**Aye**
Miller	**No**
Mohler	**No**
Pauley	**Not Present**
Reasons	**Aye**

Motion to RECOMMEND DENIAL Passed: 5 to 3


M-3
Berger Ave
071503
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M-3
071508
071525
071524
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071511
M-3
Mcalpine Ave

Toy, Byron

From: Finger, Kristofer S,
Sent: Tuesday, September 08, 2020 3:52 PM
To: Foglesong, Trenton; Ntonjira, Martin M.
Subject: RE: Alley vacation request

Martin,

As we discussed in the meeting today, WPC is not in support of the vacation due to the existing sanitary line in the alley.

Best Regards,

Kristofer Finger, P.E.
Project Engineer
Public Works Dept.- Water Pollution Control Division
Unified Government of
Wyandotte County / Kansas City, Kansas
50 Market St
Kansas City, KS 66118
913-573-5422

From: Foglesong, Trenton <tfoglesong@wycokck.org>
Sent: Friday, September 4, 2020 3:01 PM
To: Finger, Kristofer S, <kfinger@wycokck.org>; Foglesong, Trenton <tfoglesong@wycokck.org>
Subject: Alley vacation request

#A-2020-11 SCOTT AND REBECCA JOHNSON, Vacation of an alley at 1041 Berger Avenue, 1044 McAlpine Avenue, and 521, 523 and 525 South 11th Street.

Scott and Rebecca Johnson
Scojo's Recycling, LLC
1041 Berger Ave
Kansas City, KS 66105

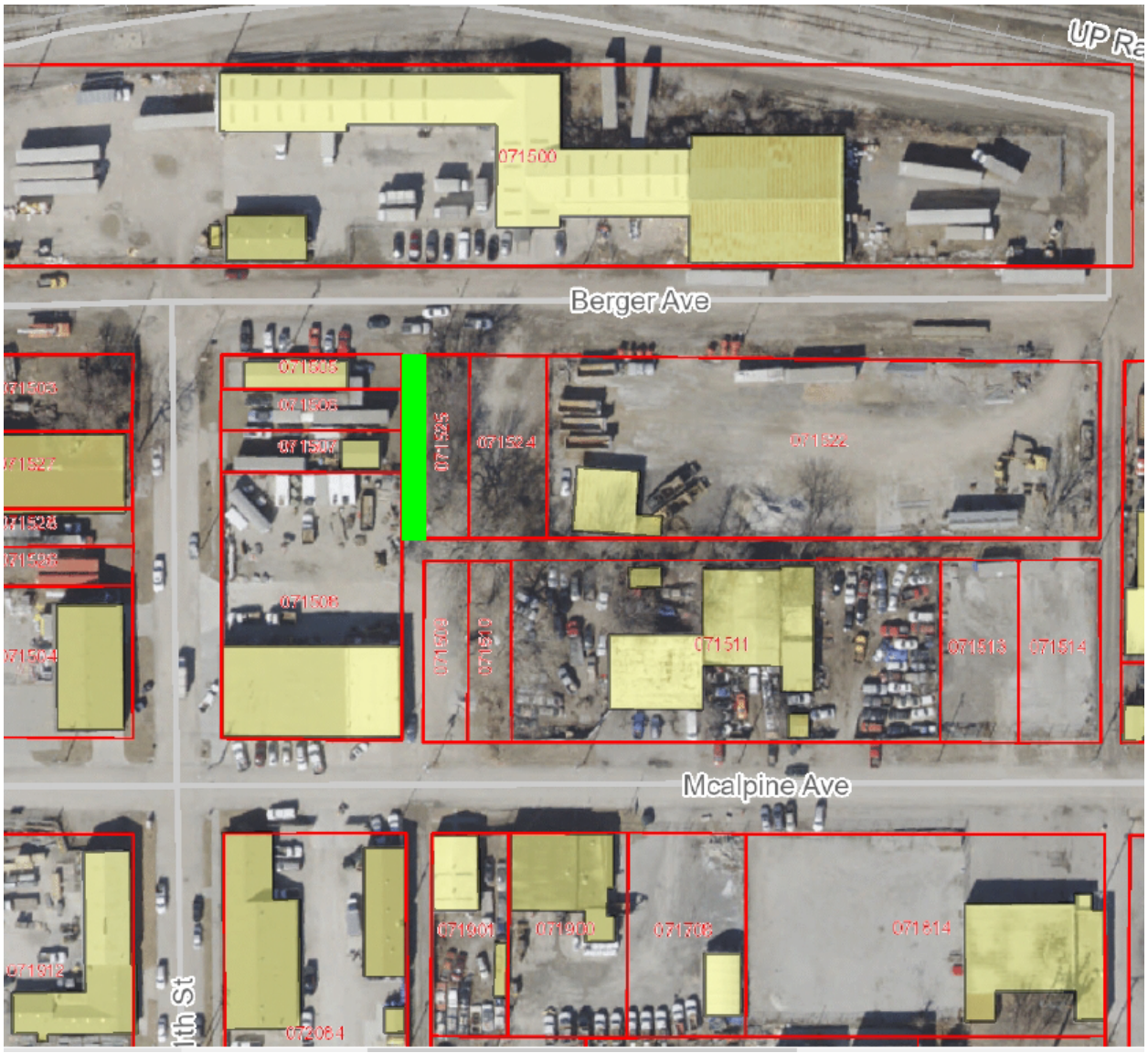
August 12, 2020

Scojo's Property Management, LLC is a property management company that owns a few properties in Kansas City, KS. We would like to vacate the alley that separates our two properties, 1041 Berger Ave and 521 S. 11th Street.

The alley is overgrown with trees that are interfering with power lines and provides access for unwanted activity. We will put up a fence that matches the fence on our 521 S. 11th Street Property.

Mr. Rodriguez currently owns the property connecting to the other end of the alley. He would like to vacate the alley as well.

Best Regards
Scott and Rebecca Johnson
913-206-2784


UP Ra
071500
Berger Ave
071505
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071508
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Mcalpine Ave
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071814
071912
072064

Staff Request for Commission Action

Tracking No. 20477

Full Commission Meeting Date: 10/29/2020
Committee:

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/22/2020	Gunnar Hand	5751	ghand@wycokck.org	Planning and Urban Design

Item Description:
Consideration of the Central Area Master Plan, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751
(RECOMMENDED FOR APPROVAL 8/0 VOTE)

Plan may be viewed at:
https://xfer.wycokck.org/public/file/HjHPdwbrGkupL1rZko2YJg/10.23.20Central%20Area%20Master%20Plan_DRAFT%20REPORT_100720.pdf

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:

Staff Request for Commission Action

Tracking No. 20457

Full Commission Meeting Date: 10/29/20
Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: Yes 10/29/2020

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/19/2020	James Bain	x5077	jbain@wycokck.org	Legal

Item Description:

Project Name: 31st and Kimball Ave Sanitary Stream Crossing Improvement Project – CMIP 6301

The Commission adopted Resolution No. R-47-17, declaring the project to be necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired. This project is for construction, maintenance, operation, and access for rehab and repair of the sanitary sewer infrastructure North 31st – 34th South of Kimball Avenue, submitted by E. James Bain, Assistant Counsel. The Ordinance directs the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for project.

On November 30, 2017, the Commission adopted R-47-17, declaring the project and authorizing a survey to identify and describe the property to be acquired.

Action Requested:
To approve the ordinance.

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Ordinance.32nd and Kimball

(Published _____)

ORDINANCE NO._____

AN ORDINANCE condemning land for the construction, maintenance, operation, reconstruction, and improvements of the **31st and Kimball Ave Sanitary Stream Crossing Improvement Project – CMIP 6301**, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE COUNTY/KANSAS CITY KANSAS

Section 1. The following described land is hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas for the construction, maintenance, operation, reconstruction and improvements, also tree clearing and access for rehab and repair of the sanitary sewer infrastructure North 31st – 34th South of Kimball , all in Wyandotte County, Kansas to-wit:

Tract No. 4 – Parcel ID No. 099814
Fee Owner: Charlie R. & Betty M. Wells
3237 Kimball Ave.
Kansas City, Kansas 66104

Temporary Construction Easement:
All that part of Lots 1, 2, and 3, LELAND PLACE ANNEX, a subdivision being part of the Northeast Quarter of Section 31, Township 10 South, Range 25 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Kansas State Plane Coordinate System NAD 83.)

COMMENCING at the Southeast corner of Lot 8, Block 3, HAYNES' SUBDIVISION, a subdivision in the City of Kansas City, Wyandotte County, Kansas, said point also being on the North Right-of-Way line of Longwood Avenue, as now established;

Thence North 01°18'37" West, along the East line of said Lot 8, a distance of 316.88 feet, to the POINT OF BEGINNING, said point also being the Northeast corner of said Lot 8, said point also being on the South line of said Lot 3;

Thence South 88°03’45” West, departing said East Lot line, along said South Lot line and along the South line of said Lot 2, a distance of 55.13 feet;

Thence North 53°28’58” West, departing said South Lot line, a distance of 116.51 feet;

Thence North 70°48’18” West, a distance of 29.72 feet;

Thence North 01°18’37” West, a distance of 53.38 feet, to a point on the South line of an Existing Storm Sewer Easement recorded in Book 2892, Page 619;

Thence South 70°48’18” East, along said South Easement line, a distance of 56.04 feet;

Thence South 53°28’58” East, departing said South Easement line, a distance of 187.08 feet, to a point on the South line of said Lot 3;

Thence South 88°03’45” West, along said South line of Lot 3, a distance of 25.27 feet, to the POINT OF BEGINNING, containing 9,734 square feet or 0.22 acres, more or less.

Subject to all easements and restrictions of record.

Section 2. It is hereby found that the costs of this project will be paid from CMIP 6301.

Section 3. The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.

Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official County, newspaper, The Wyandotte Echo.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF _____, 2020.

_____
Mayor David Alvey

_____
Unified Government Clerk

_____
Approved as to form:
E. James Bain
Assistant Counsel

Staff Request for Commission Action

Tracking No. 20393

Full Commission Meeting Date: 10/29/20
Committee: Economic Development & Finance

Date of Standing Committee Action:
(If none, please explain): 9/28/20

Publication Required: Yes

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/23/2020	Kathleen VonAchen	x5186	kvonachen@wycokck.org	Finance

Item Description:
An ordinance amending the 2020-2025 CMIP; amending prior authorization of certain public improvements related to the Police Tow Lot project (CMIP 8212); and authorizing the issuance of general obligation bonds and/or temporary notes to finance all or a portion of the costs of such improvements.

Action Requested:
Approval

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Police Tow Lot Amending Ordinance (UG 2020)

(Published in the *Wyandotte Echo* on _____ __, 2020)

ORDINANCE NO. O-__-20

AN ORDINANCE AMENDING THE 2020-2025 CMIP; AMENDING PRIOR AUTHORIZATION OF CERTAIN PUBLIC IMPROVEMENTS RELATED TO THE POLICE TOW LOT PROJECT (CMIP 8212); AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR TEMPORARY NOTES TO FINANCE ALL OR A PORTION OF THE COSTS OF SUCH IMPROVEMENTS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is authorized and empowered pursuant to Charter Ordinance No. CO-03-09 to issue general obligation bonds and/or temporary notes for the purpose of paying for a variety of improvements; and

WHEREAS, pursuant to Resolution No. R-46-20 and Ordinance No. O-36-20 (the "2020-2025 CMIP Ordinance"), the Unified Government has previously approved the 2020-2025 Capital Maintenance Improvement Program (the "2020-2025 CMIP"); and

WHEREAS, pursuant to Resolution No. R-47-20 and Ordinance No. O-36-20 (the "2020 Financing Ordinance"), the Unified Government previously authorized and approved several public improvements within the Unified Government, particularly including **POLICE TOW LOT (CMIP 8212)** (the "Project"), as more fully described therein; and

WHEREAS, it is necessary to (a) amend the description and scope of work of the Project as provided in the 2020 Financing Ordinance, (b) increase the estimated cost of the Project as provided in the 2020-2025 CMIP Ordinance and the 2020 Financing Ordinance and (c) increase the amount of general obligation bonds and/or temporary notes authorized to be issued for the Project as provided in the 2020 Financing Ordinance, all as further provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. The Unified Government is authorized and empowered pursuant to Charter Ordinance No. CO-03-09 to undertake the Police Tow Lot (CMIP 8212) Project and to issue general obligation bonds therefore, all as more specifically set forth below:

POLICE TOW LOT 8212

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorizing Resolution: R-80-16; R-47-20/O-36-20

Prior Authorization Amount Approved: $5,000,000 plus capitalized interest on any temporary financing and costs of issuance.

New General Obligation Bond Authorization Amount: $6,000,000 plus capitalized interest on any temporary financing and costs of issuance.

Project Description: The governing body hereby determines that it is necessary to acquire land, design, engineer, construct, repair, or improve a Police Tow Lot, to be located at 626 N 47th.

Section 2. The Unified Government expects to make capital expenditures in connection with the Project and intends to reimburse itself for such expenditures with the proceeds of general obligation bonds and/or temporary notes in an amount not to exceed **$6,000,000**, plus capitalized interest and costs of issuance. The Unified Government expects to make expenditures prior to the issuance of such general obligation bonds and/or general obligation temporary notes, and any such tax-exempt general obligation bonds and/or general obligation temporary notes issued under the authority of this Resolution may be used to reimburse expenditures made on or after the date that is 60 days before the date of passage of this Resolution pursuant to U.S. Treasury Regulation §1.150-2.

Section 3. The Mayor/CEO, Unified Government Clerk, County Administrator, Unified Government Chief Financial Officer and Unified Government Chief Counsel and other appropriate officers and agents of the Unified Government are hereby authorized and directed to take such action, expend such funds and execute such documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 4. The provisions of this Ordinance amend any contrary provisions related to the Police Tow Lot (CMIP 8212) contained in the 2020-2025 CMIP Ordinance and/or the 2020 Financing Ordinance.

Section 5. This Ordinance shall be in full force and effect following its adoption by the governing body of the Unified Government and publication (or a summary thereof) in the official newspaper of the Unified Government.

ADOPTED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, and **APPROVED AND SIGNED** by the Mayor/CEO this ____ day of September, 2020.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: _____
Mayor/Chief Executive Officer

(SEAL)

ATTEST:

_____
Unified Government Clerk

Approved as to form:

_____
Office of Chief Counsel

Staff Request for Commission Action

Tracking No. 20478

Full Commission Meeting Date: 10/29/20
Committee:

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/22/2020	Alley Porter	x5101	aporter@wycokck.org	Commission Liaison

Item Description:
Murrel Bland (Reappointment) to the Landmarks Commission, 10/29/20 - 12/11/23, submitted by Commissioner Bynum

Anne McDonald (Reappointment) to the Housing Authority, 10/29/20 - 12/11/23, submitted by Commissioner McKiernan

Tamika McClain to the Kansas City Area Transportation Authority (KCATA), 11/1/20 - 10/31/24, Submitted by Mayor Alvey

Action Requested:

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Murrel Bland (Landmaks Commission), Anne McDonald (HA), Tamika McClaine (KCATA Board)

County Administrator's Office
Douglas G. Bach, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: October 29, 2020

BOARD POSITION: Landmarks Commission

INCUMBENT REPLACED: Murrel Bland

ADDRESS:

TERM EXPIRATION DATE: 5/31/2020

APPOINTING COMMISSIONER: Melissa Bynum

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: REAPPOINTMENT

TERM OF OFFICE: 10/29/2020-12/11/2023

Melissa Bynum

SIGNATURE OF APPOINTING COMMISSION MEMBER

County Administrator's Office
Douglas G. Bach, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: October 29, 2020

BOARD POSITION: Housing Authority

INCUMBENT REPLACED: Anne McDonald

ADDRESS:

TERM EXPIRATION DATE: 3/31/2020

APPOINTING COMMISSIONER: Brian McKiernan

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: REAPPOINTMENT

TERM OF OFFICE: 10/29/2020-12/11/2023

Brian McKiernan

SIGNATURE OF APPOINTING COMMISSION MEMBER

Unified Government of
Wyandotte County/Kansas City, Kansas
David Alvey, Mayor/CEO

October 5, 2020

Dear Ms. Janet Leverich,

I would like to appoint Tamika McClaine to the KCATA Board. Based on experience, I feel she will prove to be an asset to the KCATA.

Ms. McClaine is eager to serve and may be reached at .

Sincerely,

David Alvey
Mayor/CEO

701 North 7th Street, Suite 926
Kansas City, Kansas 66101
(913) 573-5010 Phone
(913) 573-5020 Fax

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT

ONE McDOWELL PLAZA 701 NORTH 7TH STREET, 66101 (913) 573-5400
FAX (913) 573-5435

September 10, 2020

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for TURNER LOGISTICS CENTER SECOND PLAT

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of TURNER LOGISTICS CENTER SECOND PLAT located at 69th & College Parkway and being developed by NP Turner Industrial LLC.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and ten (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

TK

FILED
OCT 08 2020
UNIFIED GOVERNMENT CLERK

Brent E. Thompson, P.L.S.
County Surveyor

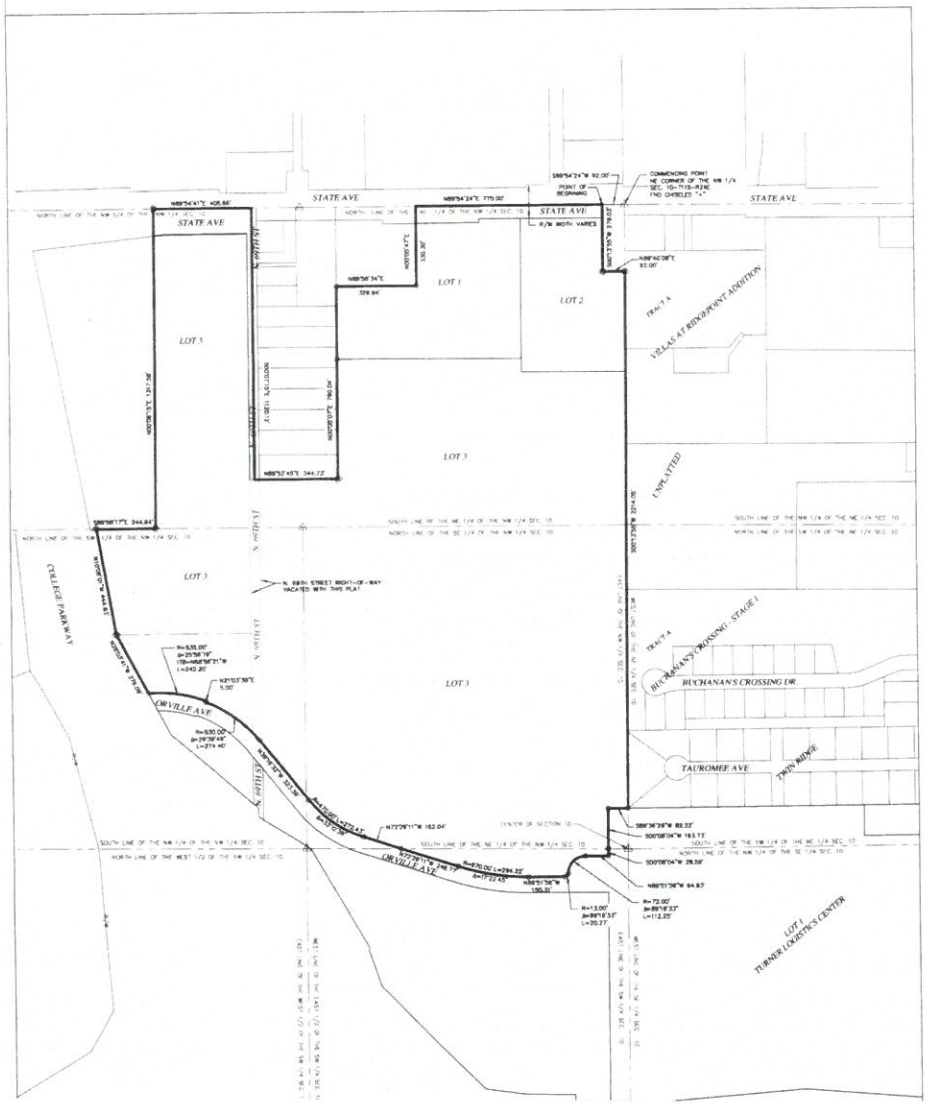
Troy Shaw, P.E.
County Engineer

Attachments

FINAL PLAT

TURNER LOGISTICS CENTER SECOND PLAT

PART OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 24 EAST
IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS



PROPERTY DESCRIPTION

All that part of Section 10, Township 11 South, Range 24 East, in the City of Kansas City, Wyandotte County, Kansas being more particularly described as follows the bases of bearing for the following real property description is the Kansas Regional Coordinate System, Zone 11; commencing at the northeast corner of the Northwest Quarter of said Section 10; thence South 89 degrees 54 minutes 24 seconds West, with the north line of the Northeast Quarter of the Northwest Quarter of said Section 10, a distance of 92.00 feet to the point of beginning; thence South 00 degrees 13 minutes 55 seconds West, a distance of 279.03; thence North 89 degrees 40 minutes 08 seconds East, a distance of 92.00 feet to a point on the east line of the Northwest Quarter of said Section 10; thence South 00 degrees 13 minutes 55 seconds West, with the east line of the Northwest Quarter of said Section 10, and the east line of Villas at Ridge Pointe Addition, and the east line of Buchanan's Crossing Subdivision - Stage 1, and the west line of Twin Ridge, all subdivisions in the City of Kansas City, Wyandotte County, Kansas, a distance of 2214.05 feet to the southwest corner of Lot 12 Twin Ridge; thence South 89 degrees 36 minutes 29 seconds West a distance of 82.22 feet; thence South 00 degrees 08 minutes 04 seconds West, a distance of 163.73 feet to a point on the south line of the Northwest Quarter of said Section 10; thence continuing South 00 degrees 08 minutes 04 seconds West a distance of 28.59 feet; thence North 89 degrees 51 minutes 56 seconds West a distance of 94.93 feet to a point of curvature; thence on a curve to the left having a radius of 72.00 feet, a central angle of 89 degrees 19 minutes 33 seconds and an arc length of 112.25 feet to a point of reverse curvature; thence on a curve to the right having a radius of 13.00 feet, a central angle of 89 degrees 19 minutes 33 seconds and an arc length of 20.27 feet; thence North 89 degrees 51 minutes 56 seconds West a distance of 150.31 feet to a point of curvature; thence on a curve to the right having a radius of 870.00 feet, a central angle of 17 degrees 22 minutes 45 second and an arc length of 264.22 feet; thence North 72 degree 29 minutes 11 seconds West a distance of 248.77 feet to a point on the south line of the Southeast Quarter of the Northwest Quarter of said Section 10; thence continuing North 72 degrees 29 minutes 11 seconds West a distance of 162.04 feet to a point of curvature; thence on a curve to the right having a radius of 470.00 feet, a central angle of 33 degrees 12 minutes 36 seconds and an arc length of 272.43 feet; thence North 39 degree 16 minutes 32 seconds West a distance of 162.04 feet to a point of curvature; thence on a curve to the left having a radius of 530.00 feet, a central angle of 29 degree 39 minutes 48 seconds and an arc length of 274.40 feet; thence North 21 degrees 03 minutes 39 seconds East a distance of 323.78 feet to a point of curvature; thence on a curve to the left having a radius of 530.00 feet, a central angle of 29 degree 39 minutes 48 seconds and an arc length of 274.40 feet; thence North 21 degrees 03 minutes 39 seconds East and on arc length of 242.20 feet to a point on the a distance of 5.00 feet; thence on a curve to the left having a radius of 535.00 feet, a central angle of 25 degree 56 minutes 19 seconds, an initial tangent bearing of north 68 degrees 56 minutes 21 seconds East and on arc length of 242.20 feet to a point on the east line of College Parkway; thence North 28 degrees 03 minutes 41 seconds West with the east line of College Parkway a distance of 278.09 feet; thence North 10 degrees 08 minutes 01 second West continuing with the east line of College Parkway a distance of 444.63 feet to a point on the south line of the Northwest Quarter of the Northwest Quarter of said Section 10; thence South 89 degrees 58 minutes 17 seconds East with the south line of the Northwest Quarter of the Northwest Quarter of said Section 10 a distance of 244.84 feet; thence North 00 degrees 06 minutes 15 seconds East a distance of 1317.58 feet to a point on the north line of the Northwest Quarter of the Northwest Quarter of said Section 10; thence North 89 degrees 54 minutes 41 seconds East with the north line of the Northwest Quarter of the Northwest Quarter Section 10 a distance of 405.66 feet; thence South 00 degree 07 minutes 15 seconds East a distance of 1320.12 feet; thence North 89 degrees 52 minutes 45 seconds East a distance of 344.73 feet; thence North 00 degrees 05 minutes 07 seconds East a distance of 780.04 feet; thence North 89 degrees 58 minutes 34 seconds East a distance of 329.84 feet; thence North 00 degrees 05 minutes 47 seconds East, a distance of 330.30 feet to a point on the north line of the Northeast Quarter of the Northwest Quarter of said Section 10; thence North 89 degrees 54 minutes 24 seconds East with the north line of the Northeast Quarter of the Northwest Quarter of said Section 10, a distance of 770.00 feet to the point of beginning. The above description contains 4,448,216 square feet or 102.11 acres.

OWNERS CERTIFICATION AND DEDICATION

We, the undersigned, certify that we are the owners of the above described land, and that we have caused these tracts of land to be subdivided as shown on this plat that it shall hereafter be known as "TURNER LOGISTICS CENTER SECOND PLAT"

An easement is hereby granted to the City of Kansas City, Wyandotte County, Kansas, and all public utility companies duly licensed to do business in the City of Kansas City, Wyandotte County, Kansas, to enter upon, construct and maintain poles, wires, anchors, etc. upon, over and under those areas outlined and designated on this plat as "Utility Easement" (U/E), "Drainage Easement" (D/E) and "Sanitary Sewer Easement" (SS/E).

The undersigned owner of the above described tract of land hereby consent and agree that the Governing Body of any special assessment district shall have the power to release land herein before dedicated for streets and public ways, or parts thereof, for public use, from the lien and effect of any special assessment shall be reapportioned.

That portion reserved for public use as roads and utility easements, the easements, extent and direction of which are shown on this plat, are hereby dedicated to the public use forever.

The subject property lies in Zone X, areas determined to be outside the 0.2% chance annual floodplain, as shown on Flood Insurance Rate Map 20209C0151E, revised September 2, 2015.

The bases of bearing for the following real property description is the Kansas Regional Coordinate System, Zone 11.

The error of closure for this plat is 1: 2,457,191.

The use of all Lots and Tracts of land in this subdivision shall hereafter be subject to the covenants and restrictions which are recorded in the Office of the Register of Deeds of Wyandotte County, Kansas in Book _____ at page _____ on the ___ day of ____, 2020 and which covenants and restrictions hereby become a part of the dedication of this plat as though set forrear.

OWNER LOT 1

In testimony whereof, Apex American Holdings, LLC, a Kansas limited liability company, has caused these presents to be signed by Jeffrey Steinberg, President, this _____ day of _____ 2020

By _____
Jeffrey Steinberg, President

STATE OF Kansas)ss.
COUNTY OF Wyandotte)

BE IT REMEMBERED that on the 14th day of August 2020, before me, the undersigned, a notary public in and for the County and State aforesaid, came Jeffrey Steinberg, to me personally known, who being by me duly sworn did say that he is the President of Apex American Holdings, LLC, and that said instrument was signed on behalf of said company and that Jeffrey Steinberg acknowledged said instrument to be the free act and deed of said company. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

May 7, 2023 Matthew Matthias

My commission expires

The dedications shown hereon, if any, are accepted this
___ day of _____ 2020

_____, Mayor /CEO
David Alvey

_____, Unified Clerk
Bridgette D. Cobbins

Recommended for approval by the Unified Government of Wyandotte County/Kansas City, Kansas Engineer, this
10th day of September 2020.

_____ County Engineer
Trey Shaw, P.E.

This plat of TURNER LOGISTICS CENTER SECOND PLAT, has been submitted to and approved by the Unified Government of Wyandotte County/Kansas City, Kansas Planning Commission.

Dated this 16th day of August 2020.

Wyandotte County/ Kansas City, Kansas Planning Commission

By _____ Chairman
Jeff Davison

_____ Secretary
Gunnar Rand, AICP

COUNTY SURVEYOR

This survey has been reviewed for filing, pursuant to KSA 58-2003, 58-2005, and 58-2011 for content only and is in compliance with those provisions. No other warranties are extended or implied.

Reviewed by _____ Date _____
Brent E. Thompson, KS. PLS #1277

SURVEYOR'S CERTIFICATE

I hereby certify that I am a duly Registered Land Surveyor under the laws of the State of Kansas, and that to the best of my knowledge this survey meets or exceeds the current minimum standards for property boundary surveys, and that said survey was conducted under my direct supervision.
Samuel J. DeHaan, Kansas R.L.S. No. 1351
Continental Consulting Engineers, Inc.
9200 State Line Road
Suite 100 Parallel Parkway
Leawood, Kansas 66206
913-642-8642

SAMUEL J. DEHAAN LS-1351 KANSAS LAND SURVEYOR

OWNER LOT 2

In testimony whereof, Salvation Army, An Illinois Corporation, has caused these presents to be signed by Bramwell E. Higgins, Secretary, this 7th day of August 2020.

By _____
Bramwell E. Higgins, Secretary

STATE OF Illinois)ss.
COUNTY OF Cook)

BE IT REMEMBERED that on the 7th day of August 2020, before me, the undersigned, a notary public in and for the County and State aforesaid, came Bramwell E. Higgins, to me personally known, who being by me duly sworn did say that he is the Secretary of ASalvation Army, and that said instrument was signed on behalf of said company and that Bramwell E. Higgins acknowledged said instrument to be the free act and deed of said company. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Nov. 6, 2022 Janet F. Glunter

My commission expires

OFFICIAL SEAL
JANET F GLUNTER
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 11/6/2022

OWNER LOT 3

In testimony whereof, NP Turner Industrial, LLC, a Delaware limited liability company,

By _____ Authorized Person
Nathaniel Hogedorn

STATE OF Missouri)ss.
COUNTY OF Platte)

BE IT REMEMBERED that on the 12th day of August 2020, before me, the undersigned, a notary public in and for the County and State aforesaid, came Nathaniel Hogedorn, to me personally known, who being by me duly sworn did say that he is an Authorized Person for NP Turner Industrial, LLC, and that said instrument was signed on behalf of said corporation and that Nathaniel Hogedorn acknowledged said instrument to be the free act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

2.24.23 _____ Notary Public
My commission expires

AREA TABLE	SQUARE FEET	ACRES
LOT 1	343,708	7.89
LOT 2	253,159	5.81
LOT 3	3,740,692	85.87
RIGHT OF WAY	110,818	2.54
TOTAL	4,448,218	102.11

OWNER / DEVELOPER
NP Turner Industrial, LLC
4825 NE 41st Street Suite 500
Riverside, MO 64150
Nathaniel Hogedorn
816.888.7580

State of Kansas, County of Wyandotte, SS.

This is to certify that this instrument was filed for record in the Register of Deeds Office, on this ___ day of _____ 2020, at _____ o'clock and is duly recorded.

Nancy M. Burns, Register of Deeds

Suzie Nelson, Deputy

LEGEND

- ○ MONUMENT FOUND AS NOTED
- ● SET 1/2" X 24" REBAR W/ CAP CCE 1351
- △ PLSS LAND CORNER FOUND AS NOTED
- U/E UTILITY EASEMENT
- SS/E SANITARY SEWER EASEMENT

N

GRAPHIC SCALE
(IN FEET)
1 INCH = 200 FT.

No	Yes	Date	Notes/Comments	By	Appr.

FINAL PLAT
TURNER LOGISTICS CENTER SECOND PLAT
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

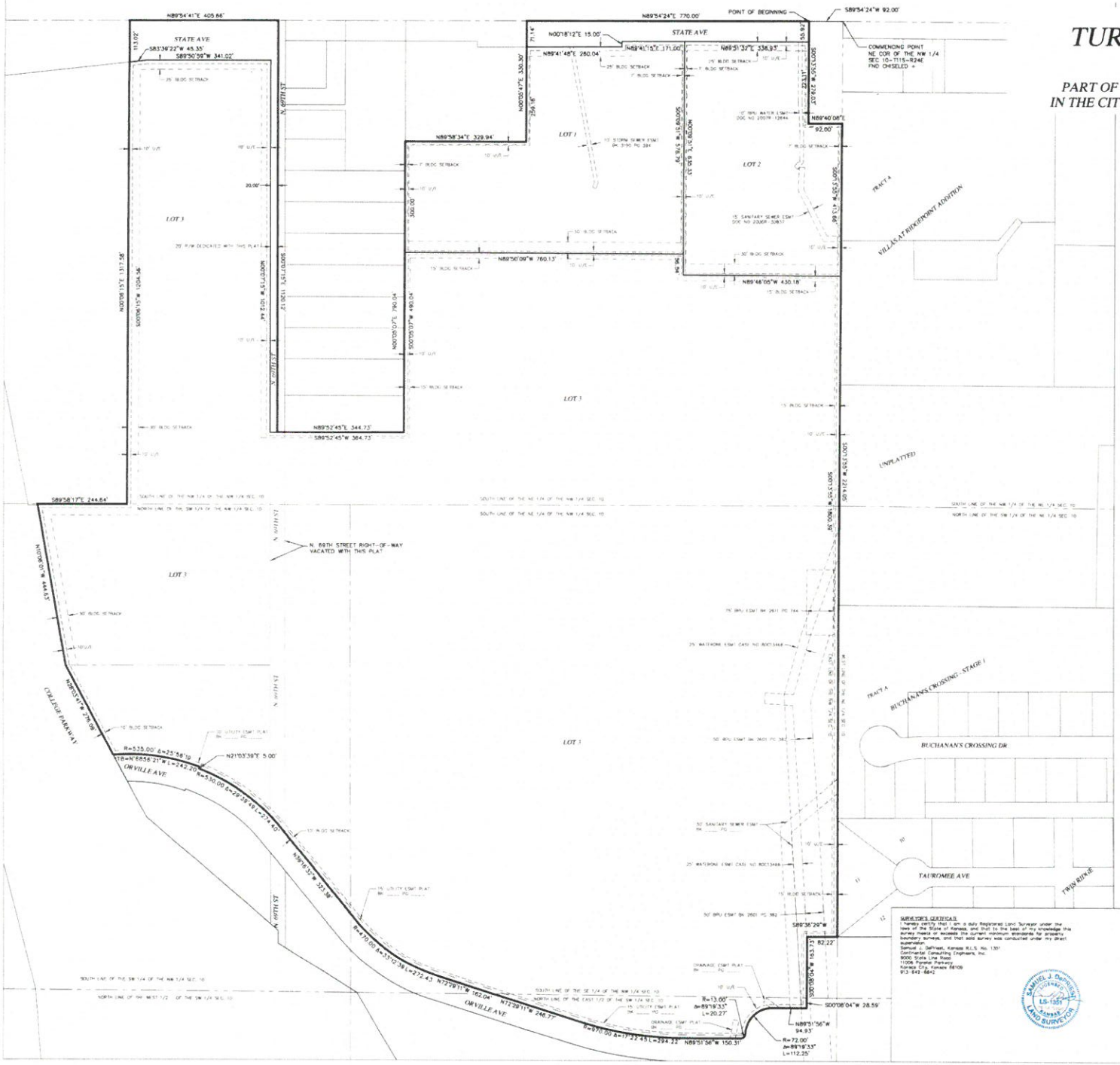
Continental CONSULTING ENGINEERS INC. SINCE 1976

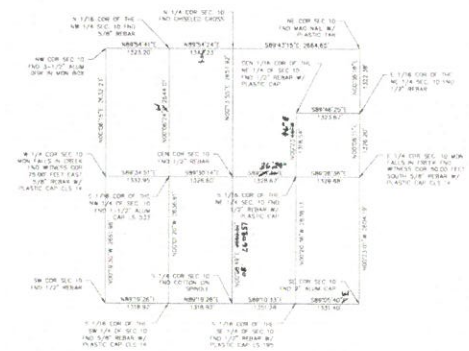
9200 STATE LINE ROAD
LEAWOOD, KANSAS 66206
100B PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
TEL: (913) 642-8642
FAX: (913) 642-8647
www.ccengineers.com

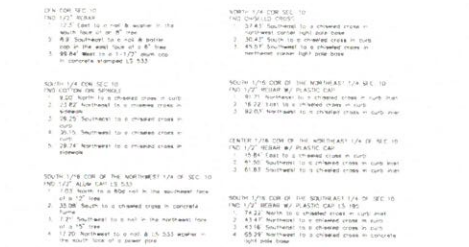
Drafter:	HB
Reviewed:	SB/AS
Approved:	SD
Date:	03/10/20
Proj.#	

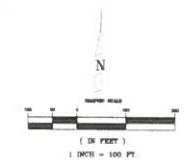
FINAL PLAT
TURNER LOGISTICS CENTER SECOND PLAT

PART OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 24 EAST
IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS









SURVEYOR'S CERTIFICATE

I hereby certify that I am a duly Registered Land Surveyor under the laws of the State of Kansas, and that to the best of my knowledge this survey meets or exceeds the current minimum standards for property boundary surveys, and that said survey was conducted under my direct supervision.

Samuel J. DePriest, Kansas R.L.S. No. 1351
Continental Consulting Engineers, Inc.
9000 State Line Road
11006 Parallel Parkway
Kansas City, Kansas 66109
913-642-6642

SAMUEL J. DePRIEST LS-1351 KANSAS LAND SURVEYOR

No.	Iss. Date	Notes/Comments	By	App.

FINAL PLAT
TURNER LOGISTICS CENTER SECOND PLAT
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

SINCE 1978
Continental CONSULTING ENGINEERS, INC.
9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11006 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
TEL. (913) 642-6642
FAX (913) 642-6641
www.coengineers.com

Drafted:	HD
Reviewed:	SD/DS
Approved:	SD
Date:	05/29/20
Proj.#	1710-33

SHEET 2 OF 2

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT

ONE McDOWELL PLAZA 701 NORTH 7TH STREET, 66101 (913) 573-5400
FAX (913) 573-5435

October 7, 2020

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for LOT 1, PRIME INDUSTRIAL DEVELOPMENT II

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of LOT 1, PRIME INDUSTRIAL DEVELOPMENT II located 1101 South 5th Street and being developed by Premier Investments LLC.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and ten (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

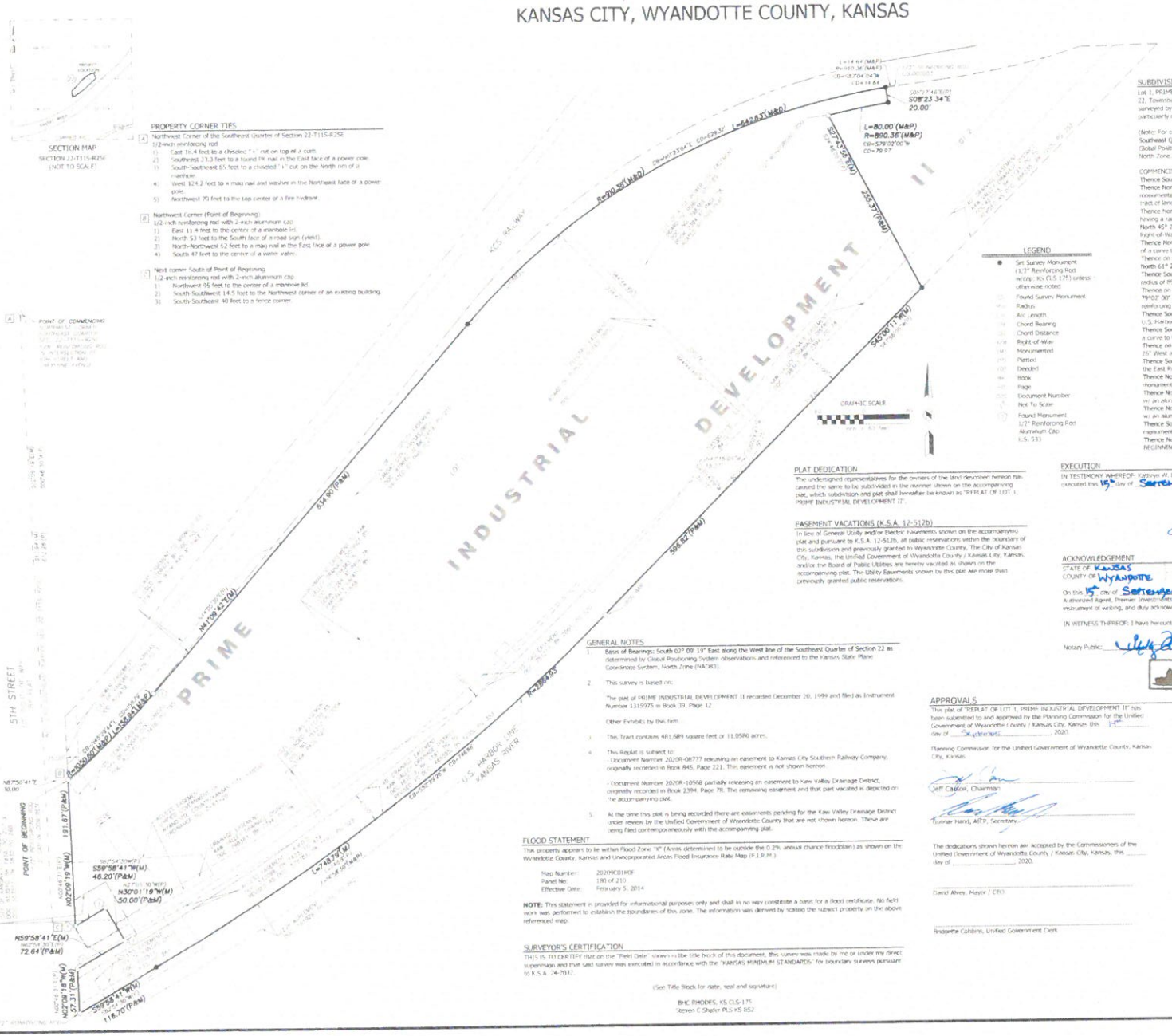
FILED TK
OCT 08 2020
UNIFIED GOVERNMENT CLERK

Brent E. Thompson, P.L.S.
County Surveyor

Troy Shaw, P.E.
County Engineer

Attachments

REPLAT OF LOT 1, PRIME INDUSTRIAL DEVELOPMENT II
KANSAS CITY, WYANDOTTE COUNTY, KANSAS



SUBDIVISION DESCRIPTION

Lot 1, PRIME INDUSTRIAL DEVELOPMENT II, a subdivision lying and situated in the East half of Section 22, Township 11, Range 25 in the city of Kansas City, Wyandotte County, Kansas, said Tract as surveyed by Steven C. Shafer PLS-852 of BHC RHODES, KS CLS 175, on March 17, 2020, being more particularly described as follows:

(Note: For course orientation the bearings in the description are based on the West line of the Southeast Quarter of said Section 22 having a bearing of South 02° 09' 19" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Northwest Corner of the Southeast Quarter of said Section 22;
Thence South 02° 09' 19" East, 631.94 feet, along the West line of said Southeast Quarter;
Thence North 87° 50' 41" East, 30.00 feet, to a point on the East Right-of-Way of 5th Street, monumented by a 1/2-inch reinforcing rod w/ a 2-inch cap, being the POINT OF BEGINNING of the tract of land to be herein described;
Thence Northeasterly along said Southeasterly Right-of-Way along a non-tangent curve to the left, having a radius of 1050.60 feet, an arc distance of 158.94 feet, said curve having a chord bearing of North 45° 29' 44 East, and a chord distance of 158.79 feet, to a point on said Southeasterly Right-of-Way monumented by a found 1/2-inch reinforcing rod w/ an aluminum cap marked L.S. 533;
Thence North 41° 09' 42" East, 634.90 feet, along said Southeasterly Right-of-Way line to the beginning of a curve to the right, having a radius of 910.36 feet;
Thence on said curve to the right an arc length of 642.63 feet, said curve having a chord bearing of North 61° 23' 04" East and a chord distance of 629.37 feet;
Thence South 08° 23' 34" East, 20.00 feet, to the beginning of a non-tangent curve to the left, having a radius of 890.36 feet, monumented by a 1/2-inch reinforcing rod w/ a cap marked KS CLS 175;
Thence on said curve to the left, an arc length of 80.00 feet, said curve having a chord bearing of South 79°02' 00" West and a chord distance of 79.87 feet, to a point monumented by a found 1/2-inch reinforcing rod;
Thence South 27° 43' 55" East, 255.37 feet to a point of intersection with the Northwesterly line of the U.S. Harbor line 1/2-inch reinforcing rod w/ a cap marked KS CLS. 175;
Thence South 45° 00' 11" West , 596.87 feet, along said Northwesterly Harbor line, to the beginning of a curve to the right having a radius of 2864.93 feet, monumented by a found iron bar;
Thence on said curve, an arc length of 748.79 feet, said curve having a chord bearing of South 52° 29' 26" West and a chord distance of 746.66 feet;
Thence South 59° 58' 41" West, 116.70 feet, along said U.S. Harbor line, to its point of intersection with the East Right-of-Way line, monumented by a found 1/2-inch reinforcing rod;
Thence North 02° 09' 18" West, 57.31 feet, to a point on the East Right-of-Way line of 5th Street, monumented by a found 1/2-inch reinforcing rod w/ an aluminum cap marked L.S. 533;
Thence North 59° 58' 41" East, 72.64 feet, to a point monumented by a found 1/2-inch reinforcing rod w/ an aluminum cap marked L.S. 533;
Thence North 30° 01' 19" West, 50.00 feet to a point monumented by a found 1/2-inch reinforcing rod w/ an aluminum cap marked L.S. 533;
Thence South 59° 58' 41" West, 46.20 feet, to a point on the East Right-of-Way line of said 5th street, monumented by a found 1/2-inch reinforcing rod w/ an aluminum cap marked L.S. 533;
Thence North 02° 09' 19" West, 191.67 feet, along said East Right-of-Way line, to the POINT OF BEGINNING. Said Tract containing 481,689 square feet or 11.0580 acres.

PLAT DEDICATION

The undersigned representatives for the owners of the land described hereon has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "REPLAT OF LOT 1, PRIME INDUSTRIAL DEVELOPMENT II".

EASEMENT VACATIONS (K.S.A. 12-512b)

In lieu of General Utility and/or Electric Easements shown on the accompanying plat and pursuant to K.S.A. 12-512b, all public reservations within the boundary of this subdivision and previously granted to Wyandotte County, The City of Kansas City, Kansas, the Unified Government of Wyandotte County / Kansas City, Kansas, and/or the Board of Public Utilities are hereby vacated as shown on the accompanying plat. The Utility Easements shown by this plat are more than previously granted public reservations.

EXECUTION

IN TESTIMONY WHEREOF, Kathryn W. Butler, Authorized Agent, Premier Investments, LLC, has caused this instrument to be executed this 15th day of September, 2020.

Premier Investments, LLC

Kathryn W. Butler, Authorized Agent

ACKNOWLEDGEMENT

STATE OF Kansas
COUNTY OF Wyandotte

On this 15th day of September, 2020, before me, a Notary Public, personally appeared Kathryn W. Butler, Authorized Agent, Premier Investments, LLC, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same.

IN WITNESS THEREOF: I have hereunto set my hand and affixed my Notorial Seal on the date last above written.

Notary Public:

GENERAL NOTES

1. Basis of Bearings: South 02° 09' 19" East along the West line of the Southeast Quarter of Section 22 as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone (NAD83).
2. This survey is based on:
   The plat of PRIME INDUSTRIAL DEVELOPMENT II recorded December 20, 1999 and filed as Instrument Number 1315975 in Book 39, Page 12.
   Other Exhibits by this firm.
3. This Tract contains 481,689 square feet or 11.0580 acres.
4. This Replat is subject to:
   - Document Number 2020R-08777 releasing an easement to Kansas City Southern Railway Company, originally recorded in Book 845, Page 221. This easement is not shown hereon.
   - Document Number 2020R-10568 partially releasing an easement to Kaw Valley Drainage District, originally recorded in Book 2394, Page 78. The remaining easement and that part vacated is depicted on the accompanying plat.
5. At the time this plat is being recorded there are easements pending for the Kaw Valley Drainage District under review by the Unified Government of Wyandotte County that are not shown hereon. These are being filed contemporaneously with the accompanying plat.

FLOOD STATEMENT

This property appears to lie within Flood Zone "X" (Areas determined to be outside the 0.2% annual chance floodplain) as shown on the Wyandotte County, Kansas and Unincorporated Areas Flood Insurance Rate Map (F.I.R.M.):

Map Number: 20209C0110F
Panel No: 180 of 210
Effective Date: February 5, 2014

NOTE: This statement is provided for informational purposes only and shall in no way constitute a basis for a flood certificate. No field work was performed to establish the boundaries of this zone. The information was derived by scaling the subject property on the above referenced map.

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY that on the "Field Date" shown in the title block of this document, this survey was made by me or under my direct supervision and that said survey was executed in accordance with the "KANSAS MINIMUM STANDARDS" for boundary surveys pursuant to K.S.A. 74-7017.

(See Title Block for date, seal and signature)

BHC RHODES, KS CLS-175
Steven C Shafer PLS KS-852

APPROVALS

This plat of "REPLAT OF LOT 1, PRIME INDUSTRIAL DEVELOPMENT II" has been submitted to and approved by the Planning Commission for the Unified Government of Wyandotte County / Kansas City, Kansas this 17th day of September, 2020.

Planning Commission for the Unified Government of Wyandotte County, Kansas City, Kansas.

Jeff Castoe, Chairman

Tanmar Hand, AICP, Secretary

The dedications shown hereon are accepted by the Commissioners of the Unified Government of Wyandotte County / Kansas City, Kansas, this _____ day of _____, 2020.

David Alvey, Mayor / CEO

Finderette Cobbins, Unified Government Clerk

This survey has been reviewed for filing, pursuant to K.S.A. 58-2003, 58-2005 and 58-2011, for content only and is in compliance with those provisions. No other warranties are expressed or implied.

BRENT E. THOMPSON 1302 LICENSED KANSAS LAND SURVEYOR

9-18-2020

Brent E. Thompson, PS #1302
County Surveyor

Recommended for approval by the County Engineer, this 18th day of September, 2020.

Troy Shaver, P.E., Wyandotte County Engineer

STATE OF KANSAS
COUNTY OF WYANDOTTE

This is to certify that this instrument was filed for record in the Register of Deeds Office on this _____ day of _____, 2020, at _____ o'clock and is duly recorded.

Nancy Burns, Register of Deeds

Susie Nelson, Deputy Register of Deeds

BHC RHODES
Civil Engineering • Surveying • Utilities
7101 College Blvd, Suite 400
Kansas City, Kansas 66101
p. (913) 371-3300 f. (913) 371-2677

Client:
PREMIER INVESTMENTS
801 ARMOURDALE PARKWAY
KANSAS CITY, KANSAS, 66105

Project:
REPLAT OF LOT 1,
PRIME INDUSTRIAL DEVELOPMENT II
KANSAS CITY, WYANDOTTE COUNTY
KANSAS

Project No.	3288
Field Crew:	SS/JT
Field Date:	3/17/20
Drawn By:	AC
Issue Date:	9/15/20
Sheet	1 OF 1

Rev	Date	Description	Drawn	Checked

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT

ONE McDOWELL PLAZA 701 NORTH 7TH STREET, 66101 (913) 573-5400
FAX (913) 573-5435

September 10, 2020

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for HONEY CREEK ESTATES REPLAT

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of HONEY CREEK ESTATES REPLAT located at 115th and Parkview Ave and being developed by Colbert Family Living Trust.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and ten (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.L.S.
County Surveyor

Troy Shaw, P.E.
County Engineer

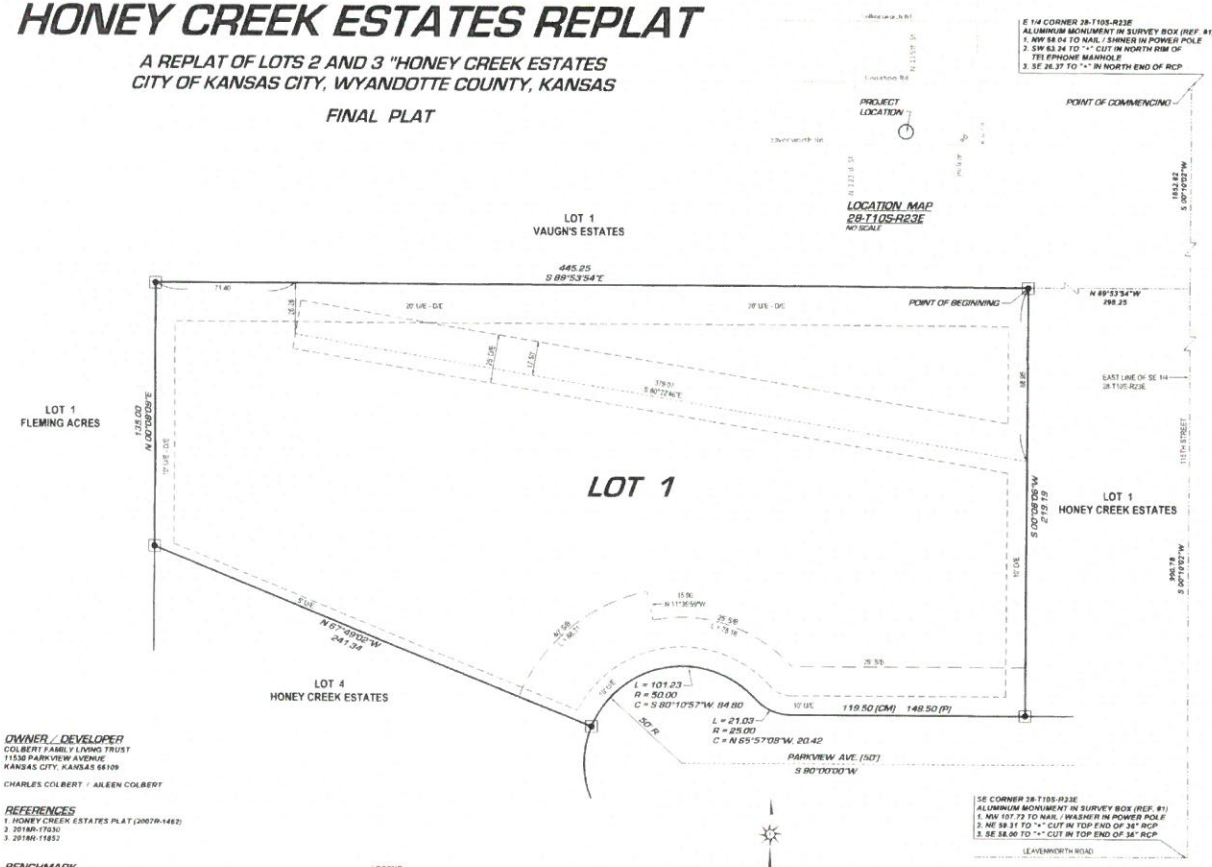
FILED TK
OCT 08 2020
UNIFIED GOVERNMENT CLERK

Attachments

HONEY CREEK ESTATES REPLAT

A REPLAT OF LOTS 2 AND 3 "HONEY CREEK ESTATES CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS

FINAL PLAT



OWNER / DEVELOPER

COLBERT FAMILY LIVING TRUST
11530 PARKVIEW AVENUE
KANSAS CITY, KANSAS 66109

CHARLES COLBERT / AILEEN COLBERT

REFERENCES

1. HONEY CREEK ESTATES PLAT (2007P-1462)
2. 2018R-17030
3. 2018R-11852

BENCHMARK

TOP OF SANITARY SEWER MANHOLE
AT THE SOUTH LINE OF LOT 5, HONEY CREEK ESTATES.
EL. 905.45 (NAVD - REF. #1)

RESTRICTIONS

1. ALL PROPOSED STRUCTURES WITHIN THIS PLAT SHALL COMPLY WITH THE WYANDOTTE COUNTY ZONING AND SUBDIVISION REGULATIONS OR ZONING REGULATION JURISDICTION.
2. NO STRUCTURES, INCLUDING FENCES ARE TO BE ERECTED THAT WILL IMPEDE THE NATURAL FLOW OF WATER WITHIN THE AREAS LABELED "D/E OR DRAINAGE EASEMENT".
3. THIS REPLAT SHALL BE SUBJECT TO THE EXISTING COVENANTS AND RESTRICTIONS OF HONEY CREEK ESTATES.

NOTES

1. THIS PLAT IS NOT WITHIN A 100 YEAR FLOOD ZONE.
   FEMA MAP 20209C0030D, DATED SEPTEMBER 2, 2011
2. WYANDOTTE COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF THE APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.

LEGEND

●	1/2" x 24" REBAR SET WITH #1349 CAP IN CONCRETE
(CM)	CALCULATED FROM MEASUREMENT
(P)	PLATTED
U/E	UTILITY EASEMENT
D/E	DRAINAGE EASEMENT
S/B	BUILDING SETBACK
○	SURVEY MONUMENT FOUND (AS NOTED)

(TRAVERSE SUMMARY)
CLOSED LOOP - 8 POINTS
HORIZONTAL DISTANCE: 1382.53 FEET
AREA: 90235.17 SQ. FT. / 2.07 ACRES

RELATIVE: 1:804483 (CLOSED LOOP). LINEAR: 0.002 FEET. DIRECTION: S 49°45'45"W
NORTHING: 0.001 FEET. EASTING: 0.001 FEET

DESCRIPTION

LOTS 2 AND 3, HONEY CREEK ESTATES, CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SECTION 28-T10S-R23E OF THE 6TH P.M.; THENCE, S 00°10'02"W, 1852.82 FEET ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 28; THENCE, N 89°53'54"W, 398.25 FEET TO THE NORTHEAST CORNER OF SAID LOT 2 AND THE POINT OF BEGINNING; THENCE, S 00°06'06"W, 210.19 FEET ALONG THE EAST LINE OF SAID LOT 2; THENCE, S 90°00'00"W, 148.50 FEET (PLATTED); 119.50 FEET (CALCULATED); THENCE, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A ARC LENGTH OF 21.03 FEET, SAID CURVE HAVING A CHORD OF N 65°57'08"W, 20.42 FEET; THENCE, ON A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET AND A ARC LENGTH OF 101.23 FEET, SAID CURVE HAVING A CHORD OF S 80°10'57"W, 84.80 FEET TO THE SOUTH LINE OF SAID LOT 3; THENCE, N 67°49'02"W, 241.34 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF SAID LOT 3; THENCE, N 00°06'06"E, 135.00 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF LOT 3; THENCE, S 89°53'54"E, 445.25 ALONG THE NORTH LINE OF LOTS 2 AND 3 TO THE POINT OF BEGINNING. CONTAINS 90235.17 SQ. FT. 2.07 ACRES, MORE OR LESS.

DEDICATION

THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED TRACT OF LAND STATE THAT ALL TAXES HAVE BEEN PAID AND THAT THEY HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT WHICH HEREAFTER SHALL BE KNOWN AS "HONEY CREEK ESTATES REPLAT". ALL STREETS, DRIVES, TERRACES, AND OTHER WAYS SHOWN HEREON AND NOT HERETOFORE DEDICATED TO THE PUBLIC ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED ALL PUBLIC UTILITY COMPANIES, THEIR SUCCESSORS OR ASSIGN OR RURAL WATER DISTRICTS DULY IN CORPORATED AND AUTHORIZED TO DO BUSINESS IN WYANDOTTE COUNTY, KANSAS, TO ENTER UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS "UTILITY EASEMENT" OR "U/E" FOR PURPOSES OF UTILITY INSTALLATIONS AND MAINTENANCE THEREOF. THE USE OF SAID EASEMENT BY ANY SUCH ENTITY SHALL OBLIGATE SUCH ENTITY TO RETURN SAID EASEMENT TO ITS CONDITION PRIOR TO ANY INSTALLATION, MAINTENANCE OR REPAIR PERFORMED ON SAID EASEMENT.

IN TESTIMONY WHEREOF

WE, THE UNDERSIGNED OWNERS OF "HONEY CREEK ESTATES REPLAT", HAVE SET OUR HANDS THIS 30th DAY OF August, 2019.

COLBERT FAMILY TRUST
CHARLES COLBERT

COLBERT FAMILY TRUST
AILEEN COLBERT

STATE OF KANSAS / COUNTY OF WYANDOTTE

BE IT REMEMBERED THAT ON THIS 30th DAY OF August, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE CAME CHARLES COLBERT AND AILEEN COLBERT, TO ME PERSONALLY KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

JULIE A. HAGAN
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 3/20/2023

NOTARY PUBLIC

MY COMMISSION EXPIRES

APPROVALS

THIS PLAT OF "HONEY CREEK ESTATES" HAS BEEN SUBMITTED AND APPROVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS. DATED THIS 10 DAY OF September, 2019.

KANSAS CITY, KANSAS PLANNING COMMISSION

BY _____ CHAIRPERSON
JEFF CARSON

BY _____ SECRETARY
GUNNAR HAND, AICP

COUNTY ENGINEER APPROVAL

RECOMMENDED FOR APPROVAL BY THE COUNTY ENGINEER THIS 10 DAY OF September, 2019.

TROY SHAW, PE
COUNTY ENGINEER

COUNTY SURVEYOR APPROVAL

THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO K.S.A. 58-2003, 58-2005 AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

BRENT E. THOMPSON LICENSED KANSAS LAND SURVEYOR

REVIEWED BY _____ DATE: 9-4-2019
BRENT E. THOMPSON, KDPLS #1277

THE DEDICATION SHOWN HEREON, IF ANY, ARE ACCEPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS THIS _____ DAY OF _____, 2019.

DAVID ALVEY
U.G. MAYOR / CEO

BRIDGETTE D. COBBINS
U.G. CLERK

STATE OF KANSAS / COUNTY OF WYANDOTTE

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THIS _____ DAY OF _____, 2019 AT _____ O'CLOCK ____ AND IS DULY RECORDED.

NANCY BURNS
REGISTER OF DEEDS

SUSIE NELSON
DEPUTY

LARRY T. HAHN, JR. LICENSED LS-1349 KANSAS LAND SURVEYOR

LARRY T. HAHN, LS 1349

THIS IS TO CERTIFY THAT IN THE MONTH OF AUGUST, 2019, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74-7037.

HAHN SURVEYING
PO BOX 41
LANSING, KANSAS 66043
(913) 547-3405
hahnsurveying@gmail.com

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT

ONE McDOWELL PLAZA 701 NORTH 7TH STREET, 66101 (913) 573-5400
FAX (913) 573-5435

FILED
OCT 20 2020
UNIFIED GOVERNMENT CLERK

October 20, 2020

Mrs. Bridgette D. Cobbins
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for LOWELL BURNE ELEMENTARY

Dear Mrs. Cobbins:

Please be advised that the Engineering Division has reviewed the attached plat of LOWELL BURNE ELEMENTARY located at 91ST and Parallel Parkway and being developed by The Board of Education of Rural High School District #2 of Wyandotte County Kansas.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

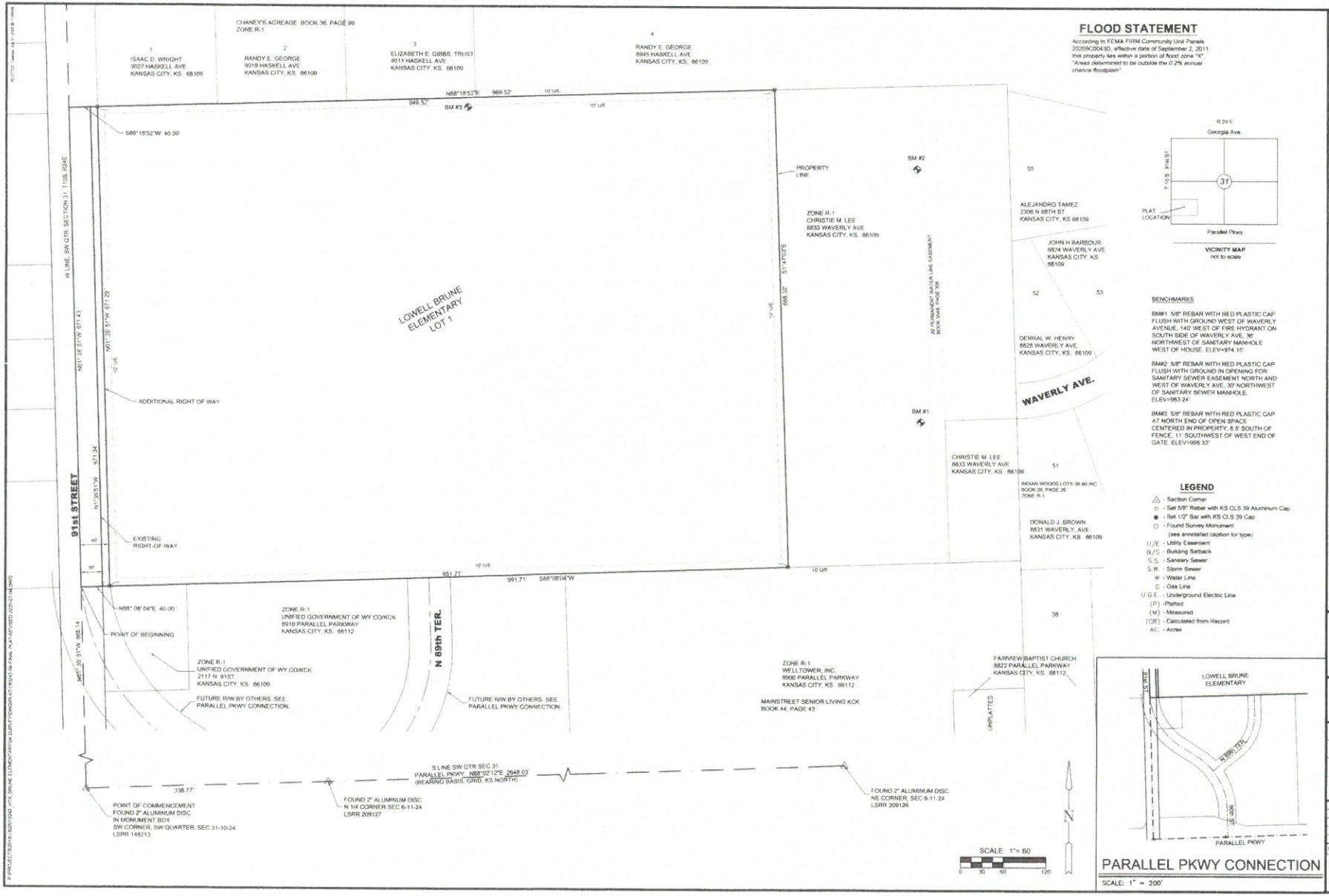
After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.L.S.
County Surveyor

Troy Shaw, P.E.
County Engineer

Attachments



FLOOD STATEMENT

According to FEMA FIRM Community Unit Panels 20209C0043D, effective date of September 2, 2011: this property lies within a portion of flood zone "X". *"Areas determined to be outside the 0.2% annual chance floodplain"*

R 24 E

Georgia Ave.

T 11 S

91st ST

31

PLAT LOCATION

Parallel Pkwy

VICINITY MAP
not to scale

BENCHMARKS

BM#1 5/8" REBAR WITH RED PLASTIC CAP FLUSH WITH GROUND WEST OF WAVERLY AVENUE, 140' WEST OF FIRE HYDRANT ON SOUTH SIDE OF WAVERLY AVE, 36' NORTHWEST OF SANITARY MANHOLE WEST OF HOUSE. ELEV=974.15'

BM#2 5/8" REBAR WITH RED PLASTIC CAP FLUSH WITH GROUND IN OPENING FOR SANITARY SEWER EASEMENT NORTH AND WEST OF WAVERLY AVE, 30' NORTHWEST OF SANITARY SEWER MANHOLE. ELEV=983.24'

BM#3 5/8" REBAR WITH RED PLASTIC CAP AT NORTH END OF OPEN SPACE CENTERED IN PROPERTY, 6.5' SOUTH OF FENCE, 11' SOUTHWEST OF WEST END OF GATE. ELEV=986.33'

LEGEND

- △ - Section Corner
- □ - Set 5/8" Rebar with KS CLS 39 Aluminum Cap
- ● - Set 1/2" Bar with KS CLS 39 Cap
- ○ - Found Survey Monument (see annotated caption for type)
- U/E - Utility Easement
- B/S - Building Setback
- S.S. - Sanitary Sewer
- S.W. - Storm Sewer
- W - Water Line
- G - Gas Line
- U.G.E. - Underground Electric Line
- (P) - Platted
- (M) - Measured
- (CR) - Calculated from Record
- AC. - Acres

PARALLEL PKWY CONNECTION

SCALE: 1" = 200'

MKEC
Overland Park, KS • 913.317.9393

FINAL PLAT

LOWELL BRUNE ELEMENTARY

KANSAS CITY, KS

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MKEC Engineering
All Rights Reserved
xxxx xxxx xxxx
These drawings and their contents, including, but not limited to, all manuscripts, designs, & ideas are the exclusive property of MKEC Engineering, INC(E), and may not be used or reproduced in any way without the express consent of MKEC.

FINAL PLAT

PROJECT NO.	1802010242
DATE	07-06-2020
SCALE	1"=60'
DESIGNED	DRAWN CHECKED

NO.	REVISION	DATE
1	80TH ST R/W	7/09/20

SHEET NO.

1 OF 2

FINAL PLAT

LOWELL BRUNE ELEMENTARY

A SUBDIVISION IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS

an unplatted tract lying in a portion of the Southwest Quarter of
Section 31, Township 10 South, Range 24 East, of the 6th Principal Meridian

CERTIFICATE OF SURVEY

I, James W. Sincox, a Professional Surveyor in Kansas, do hereby certify that I have been in responsible charge of surveying and platting of "LOWELL BRUNE ELEMENTARY" a Subdivision in Kansas City, Wyandotte County, Kansas, into a Lot, a Block, and Street right-of-way, the same being accurately set forth in the accompanying plat and described herein:

PROPERTY DESCRIPTION:

PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 10 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

LOT 1:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE ALONG THE WEST LINE THEREOF, N01°35'51"W A DISTANCE OF 665.14' TO THE POINT OF BEGINNING OF THE SUBJECT TRACT; THENCE CONTINUING ALONG SAID WEST LINE N01°35'51"W A DISTANCE OF 671.43'; THENCE DEPARTING SAID LINE N88°18'52"E A DISTANCE OF 989.52' ALONG THE SOUTH LINE OF "CHANEY'S ACREAGE" A SUBDIVISION OF RECORD AT BOOK 36, PAGE 99 IN WYANDOTTE COUNTY, KS.; THENCE DEPARTING SAID LINE S01°47'03"E A DISTANCE OF 668.32' TO A POINT ON THE NORTH LINE OF "MAINSTREET SENIOR LIVING KCK" A SUBDIVISION OF RECORD AT BOOK 44, PAGE 43 IN SAID WYANDOTTE COUNTY; THENCE ALONG SAID NORTH LINE AND ITS WESTERLY PROLONGATION S88°08'04"W A DISTANCE OF 991.71' TO THE POINT OF BEGINNING, RESERVING THE FOLLOWING TRACT TO BE USED FOR STREET RIGHT OF WAY: FROM THE ABOVE POINT OF BEGINNING; THENCE N88°08'04"E A DISTANCE OF 40.00'; THENCE PARALLEL WITH SAID WEST SECTION LINE N01°35'51"W A DISTANCE OF 671.29' TO A POINT ON THE SOUTH LINE OF SAID "CHANEY'S ACREAGE"; THENCE ALONG SAID LINE S88°18'52"W A DISTANCE OF 40.00' TO A POINT ON SAID QUARTER SECTION LINE; THENCE ALONG SAID LINE S01°35'51"E A DISTANCE OF 671.43' TO THE POINT OF BEGINNING; CONTAINING 26,854 SQUARE FEET, OR 0.62 ACRES; RESULTING IN A NET LOT AREA OF 616,374 SQUARE FEET OR 14.15 AC., MORE OR LESS, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

CONTAINS: 14.77 acres of land, more or less gross area, 14.15 acres net of right of way.

I hereby certify that the details of this plat are correct to the best of my knowledge and belief this ____ day of ____, 2020. Field work performed 1-10-2018.

James W. Sincox, PS-1234
MKEC Engineering (KS LS 39)
11627 [illegible], Suite 200
Overland Park, Kansas 66210

OWNER'S CERTIFICATE AND DEDICATION

Know all men by these presents that we the undersigned property owners of the land above set forth in the Professional Surveyor's Certificate, have caused the same to be surveyed and platted into a Lot, a Block, and Street right-of-way, the same to be known as "LOWELL BRUNE ELEMENTARY", a Subdivision in Kansas City, Wyandotte County, Kansas.

Easements for the construction and maintenance of drainage and utilities, as indicated hereon (Page 1 of 2), are hereby granted to the public. The WaterOne easement is exclusive and is hereby platted for the purpose of construction and maintenance of waterline facilities.

North 91st Street right-of-way, shown hereon (Page 1 of 2) is hereby dedicated to and for the use of the public.

THE BOARD OF EDUCATION OF RURAL HIGH SCHOOL DISTRICT #2 OF WYANDOTTE COUNTY, KANSAS

Dennis Covington, Chief Operating Officer
The Board of Education of Rural High School
District #2 of Wyandotte County, Kansas

STATE OF KANSAS, WYANDOTTE COUNTY) ss:
Be it remembered that on this 26th day of June, 2020, before me, a notary public in and for said County and State, came Dennis Covington, Chief Operating Officer, The Board of Education of Rural High School District #2 of Wyandotte County, Kansas, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Jamie J. Woods
Notary Public
State of Kansas
My Appointment Expires

Notary Public

My Term Expires 2/02/2022

PLANNING COMMISSION CERTIFICATE

This plat of "LOWELL BRUNE ELEMENTARY" has been submitted to and approved by the Wyandotte County / Kansas City, Kansas Planning Commission.

Dated this 20 day of October, 2020.

WYANDOTTE COUNTY / KANSAS CITY, KANSAS PLANNING COMMISSION

By _____
Gunnar Hand, AICP, Director

Attest:

Jeff Chan, Chairman

ACCEPTANCE OF DEDICATIONS

The dedications shown hereon, if any, are accepted this ____ day of ____, 2020.

CITY OF KANSAS CITY, KANSAS

David Alvey, Mayor

Attest:

Bridgette Cobbins, Unified Clerk

CERTIFICATE OF ENGINEER

Recommended for approval by the Wyandotte County, Kansas, Engineer, this ____ day of ____, 2020.

Troy Shaw, P.E., Wyandotte County Engineer

REGISTER OF DEEDS' CERTIFICATE

STATE OF KANSAS, WYANDOTTE COUNTY) ss:

This is to certify that this instrument was filed for record in the Register of Deeds office this ____ day of ____, 2020, at ____ o'clock ____ M. and is duly recorded.

Nancy W. Rums, Register of Deeds

By _____
Susie Nelson, Deputy

COUNTY SURVEYOR

STATE OF KANSAS, WYANDOTTE COUNTY) ss:

This survey has been reviewed for filing, pursuant to K.S.A. 58-2003, 58-2005, and 58-2011, for content only and is in compliance with those provisions. No other Warranties are extended or implied.

Reviewed by _____ Date: _____
Brent E. Thompson, PS PLS #1277

MKEC
Overland Park, KS • 913.317.9390

FINAL PLAT
LOWELL BRUNE ELEMENTARY

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FINAL PLAT

PROJECT NO.	1802010242
DATE	07-06-2020
SCALE	
DESIGNED	JS
DRAWN	
CHECKED	BH

NO.	REVISION	DATE

SHEET NO.
2 OF 2

STATE OF KANSAS	**)**	**PLANNING & ZONING AND**
WYANDOTTE COUNTY	**)) SS**	**REGULAR SESSION**
CITY OF KANSAS CITY, KS	**)**	**JULY 30, 2020**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, July 30, 2020, with ten members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Markley, Commissioner Sixth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Alan Howze, and Emerick Cross, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gunnar Hand, Director of Planning; Janet Parker, Administrative Assistant; Katherine Carttar, Director of Economic Development; and Kathleen VonAchen, Chief Financial Officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING AND ZONING CONSENT AGENDA

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

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

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

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

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

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

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

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

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

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

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

PLANNING AND ZONING CONSENT AGENDA

CHANGE OF ZONE APPLICATION

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

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

Planning and Urban Design Comments:

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

Planning Engineering Comments:

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

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

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

Conditions:

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

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

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

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

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

Planning and Urban Design Comments:

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

Planning Engineering Comments:

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

Conditions:

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

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

SPECIAL USE PERMIT APPLICATIONS

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

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

Planning and Urban Design Comments:

1. Please provide updated pictures of your site and operation.
2. Has your operation changed in any capacity? Hours of operation? Security plan? Live entertainment?
   Applicant Response: Our business has changed since we opened in December of 2018. We have less of an emphasis on late night activities and events, but it is important to maintain the ability to do so in order for Elevate to survive as a special events center.
3. The stipulation per the previous Special Use Permit are as follows; what actions have been taken to come into compliance?
   a. Approval will be for two years.
   b. Hours of operation shall not exceed 11 AM-2 AM M-F and 9 AM-2 AM Saturday and Sunday.
   c. The parking areas indicated on attached survey on the south and east sides of the building must be painted prior to a business license being issued.
   d. The security plan must always be followed. Security issues, noise complaints, or safety related incidents could be cause for revocation of the Special Use Permit.
   e. The business must use an ID card reader staring at 10 PM. After 10 PM the business operates primarily as a night club with live entertainment.
      Applicant Response: We have not received any noise or nuisance complaints that we know of and Elevate Bar and Grill maintains very good relationships with our corporate neighbors and the shopping center landlord. We pride ourselves on being great citizens and neighbors to our guests and fellow West State tenants.
      Our hours of operation are dictated by the needs of our customers. Generally, we are open 7 days a week for lunch and dinner although hours of operation may vary.
      Sundays: 12 – 8 PM
      Mon -Thursday: 12 PM – 10 PM Friday
      & Saturday 12 – 2 AM.
      At Elevate Bar and Grill we understand that the comfort of our guests goes hand-in-hand with their security. Our security plan is designed to offer layers of protection for our guests. First, by providing a digital surveillance system with 10 operational cameras and plans to expand to 16 cameras, both indoor and outdoor. Our camera system is equipped with a DVR recorder and also allows for remote monitoring. Secondly, we utilize a driver's license scanner on late nights which allows us to maintain a digital record of

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

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

Planning Engineering Comments: none.

Business License Comments:
Applicant has filed and maintained a current business occupation tax application.

Conditions:

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

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

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

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

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

Planning and Urban Design Comments:

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

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

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

Business License Comments:
Applicant has filed and maintained a current business occupation tax application.

Planning Engineering Comments: none.

Conditions:

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

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

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

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

Planning and Urban Design Comments:

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

   Applicant Response: We removed the excess structure and went through the permitting process for the existing structure back in 2017. We obtained a permit from Animal Control prior to putting the horse on the property.
4. Approval of the Special Use Permit is for five years.
5. Special Use Permit is for one horse.
6. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.
7. The Special Use Permit shall be valid for five years from the publication of the associated ordinance. The applicant is solely responsible for renewing their Special Use Permit. The applicant should contact the Department of Planning and Urban Design no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Planning Engineering Comments: none.

Conditions:

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

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

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

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

Urban Planning and Land Use Comments:

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

4. How often are the trucks on site?
   Applicant Response: The trucks are stored there nightly. They leave at 8 AM and return at 5 PM.
5. Detail how you have complied with conditions of approval from your previous approval:
   Photos and aerial images appear to show that the applicant has paved more than the allowable amount in the rear yard (the north side of the property). Section 27-675 b three states that the rear yard may be improved for parking so long as the improved area includes less than 40 percent of the rear yard and less than 1,000 square feet in area. Staff believes the rear yard has been paved more than 40 percent and 1,000 square feet. To correct this issue, staff discussed with the applicant the possibility of combining the parcel at 3232 Sewell with the adjacent empty lot parcel to the north, 3431 North 33rd Street. This lot combination would provide a larger yard area and thus the 40 percent requirement could be met. The applicant was amenable to this suggestion. The applicant would also need to remove a portion of the paved area to bring it under 1,000 square feet. If the site issues are corrected, staff recommends approval for one year.
   Applicant Response: We have not paved more than 40 percent of our rear yard.
   Staff Response: Provide a scaled site plan to confirm.
6. Approval of the Special Use Permit is for two years.
7. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.
8. The Special Use Permit shall be valid for two years from the publication of the associated ordinance. The applicant is solely responsible for renewing their Special Use Permit. The applicant should contact the Department of Planning and Urban Design no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Planning Engineering Comments: None.

Business License Comments:
We do not find that applicant has filed any application with this office for business activities. Comment was made when they made application for SUP that they would need to file application with this office for business activity.
Staff Response: Applicant was directed to contact Business Licensing.

Conservation District Comments:
1. There is one major soil type identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered erodible when the surface is denuded of a protective cover.
2. Fluid spills need to be cleaned up as soon as they occur. In rainfall events, the contamination can quickly be washed into the soil and end up in the streams.
   Applicant Response: We have had no such problems but will clean up any fluid spills that might occur.

Conditions:

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

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

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

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

Planning and Urban Design Comments:

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

2. Please detail your operation. You may provide a business plan.
   Applicant Response: Kustom Corners is a one-man operation; no employees. No machinery and no chemicals. I assemble steel and aluminum parts with screws to create an 8" x 13" manual tool which rounds the corner of paper products. I sell one or two units a month, dropping them off at the UPS store for shipping.
3. Please detail your intended hours of operation.
   Applicant Response: Hours are sporadic as orders are infrequent and I also work around my part-time bookkeeping position.
4. How and where will the necessary materials and machinery be stored? Will it require off-street parking?
   Applicant Response: The applicant shared a floor plan of the basement where the operation will take place. No off-street parking will be required as there are no employees and no in-person contact with customers.
5. What steps will be taken to minimize noise?
   Applicant Response: The only "machinery" is a battery-operated drill.
6. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30days following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.
7. Approval of the Special Use Permit is for two years.
8. No signs.
9. No employees other than members of the immediate family residing on the premises.
10. Hours of operation being 8:00 AM to 5:00 PM.
11. The Special Use Permit shall be valid for two years from the publication of the associated ordinance. The applicant is solely responsible for renewing their Special Use Permit. The applicant should contact the Department of Planning and Urban Design no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Planning Engineering Comments: none.

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

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

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

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

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

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

Planning and Urban Design Comments:

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

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

7. What is the maximum number of people that will be staying at any one time?
   Applicant Response: We would prefer to list the maximum occupancy at six people.
8. What is the maximum number of vehicles and where will they park?
   Applicant Response: We will request that guests bring no more than two vehicles. We have three parking spaces available in our driveway which would require one vehicle to be parked on the street if the maximum number of vehicles are at the property.
9. How often are guests in the residence?
   Applicant Response: Guests are in the residence several times per week.
10. Do you have a rental license from the Unified Government?
    Applicant Response: Yes
11. Provide a detailed description of the areas rented for Airbnb.
    Applicant Response: The unit at 819 Southwest Boulevard consists of three bedrooms, a kitchen, living room, dining room and entry. Each bedroom has its own closet and each bathroom has a shower and vanity. The interior of the property has been completely remodeled to provide the modern amenities for safety and comfort. The only shared space between the two units is on the exterior including the yard, deck and private parking spaces attached to the home. Each unit has its own private entry with a coded, automatic deadbolt.
12. Describe how you will maintain a safe environment including:
    a. Working smoke detectors in each bedroom plus each level of the unit/house.
    b. GFCI outlets required in bathrooms.
    c. Double keyed locks are not allowed.
    d. Copper cannot be used for gas supply lines.
    e. Windows must be operable, not blocked or boarded.
    f. Handrails are required at sets of four or more stairs/risers.
    g. Hot water tank and furnace must be vented properly and operational.
    h. Electric panel and circuits must be safe

    Applicant Response: This property has undergone a full remodel. Building permits were pulled for the project and the building has been brought up to current building code requirements. Some updates include hardwired smoke detectors and CO2 detectors installed throughout the house per current code. GFCI outlets have been installed in kitchens and bathrooms. Exterior doors are not double keyed. All copper gas lines have been removed from the property and replaced with steel gas lines. All windows throughout the house have been refurbished so that they are operable, and all broken glass has been replaced. Handrails have been installed in appropriate locations. Each hot water tank and furnace have been recently serviced and proper venting has been verified. Each unit has had a brand-new electric service panel installed per current code.
13. Please provide a guest manual that lists rules and regulations, including the language "no parties are allowed."
    Staff Comment: Applicant has provided a guest manual that lists rules and regulations. It is attached below.
14. Describe how you have been in compliance with the conditions outlined in SP-2019-75 which state.

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

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

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

Planning Engineering Comments: none.

Business License Comments:

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

Conditions

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

trucks shall be permitted;

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

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

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

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

Planning and Urban Design Comments:

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

c. On the site plan, indicate the existing and proposed impervious areas in SF, and indicate net increase in impervious area, even if it is zero or negative SF.
d. Any proposed land disturbance activities shall be indicated on the site plan, with the area and SF depicted on the plan or a note indicating no land disturbance activities. If land will be disturbed, indicate applicable erosion control bmp's on the site plan, in accordance with UG standards and criteria.
e. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
f. Please detail your operation and any capacity in which it has changed since your previous approval.
Applicant Response: See engineering plans from previous application.

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

Planning Engineering Comments: none.

Business License Comments:

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

Conditions:

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

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-57 for two years, subject to the stipulations.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

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

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

Planning and Urban Design Comments:

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

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

Planning Engineering Comments: none.

Business License Comments:

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

Conditions:

1. No auto repair or servicing is allowed on-site.
2. No inoperable vehicles are allowed on-site.
3. No more than 10 cars parked on site at a single time.
4. Approval for two years.
5. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper; and
6. The Special Use Permit shall be valid for two years from the publication of the associated ordinance. The applicant is solely responsible for renewing their Special Use Permit. The applicant should contact the Department of Planning and Urban Design no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

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

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

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

Planning and Urban Design Comments:

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

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

Planning Engineering Comments: none.

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

Conditions:
1. If approved, the Special Use Permit will be valid for two years.
2. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
3. Only one client is allowed at a time.
4. Parking must be off-street in the provided driveway.
5. No more than four appointments per day are allowed.
6. The Special Use Permit shall be valid for two years from the publication of the associated ordinance. The applicant is solely responsible for renewing their Special Use Permit. The applicant should contact the Department of Planning + Urban Design no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
7. If approved, applicant must obtain a business license.

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

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

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

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

Urban Planning and Land Use Comments:

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

      Further decontaminate the area as needed with mop or paper towels if appropriate.

   d. Clean up. Wash hands and replace items used out of spill kit (i.e. floor dry, gloves, towels disposable PPE)
   a. Contact Metro Accident Support Services 816-985-1349 to arrange pickup of waste. Notify supervisor of spill, and the clean-up procedure followed.

For Major Spills:

1. Protect yourself and others: Shut off any sources of ignition and stop the sources of the spill, if you can do so without endangering yourself or others.
2. Evacuate the area immediate area.
3. Call the fire department if:
   a. The spill causes a reaction that creates a fire.
   b. Fumes or gasses re causing concern of fire.
   c. Call the Metro Accident Support Services 816-985-1349 to arrange immediate response to the spill. Notify your supervisor of the spill immediately.

   Applicant Response: Yes. We have these procedures displayed in prominent areas throughout the modular office unit and the storage lot so that anyone that is there will know what to do in case of a spill. We have not had a major spill at all, or a minor spill of any OSHA deemed hazardous materials.
4. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer)

immediately following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
Staff Comment: Applicant has agreed to these terms and has agreed to mail a check immediately upon approval.

Planning Engineering Comments: none.

Business License Comments:
Applicant has filed and maintained a current business occupation tax application.

Conditions:
1. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) within 30 days of the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
2. The Special Use Permit shall be valid for two years from the publication of the associated Ordinance. The applicant is solely responsible for renewing their Special Use Permit. The applicant should contact the Department of Planning + Urban Design no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
3. All previous conditions outlined in SP-2018-57, such as the EPA Compliant Spill Clean Up Procedures, are to be adhered to.

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

VACATION APPLICATION

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

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

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

Planning and Urban Design Comments:

1. Please provide pictures of your site and the area you are requesting to vacate.
2. Should your request be denied, what hardship will you as the property owner experience?
   Applicant Response: This will prevent us from zoning out area to agricultural and will cause me to possible sell this property as the main purpose of me purchasing this in the 1st place was to have a place I can raise a few animals to have a place to come and spend some time with the family outdoors.
3. The Unified Government requests that you maintain an easement allowing access to the properties directly to the North. Would you comply?
   Applicant Response: I would be ok with that as long as this does not interfere with me zoning my area to agricultural. I had spoken with Mr. Gunnar Hand who stated he would support this as long as we would be open to allow them to build a road in the future if they needed, which I am okay with. I do would like you to take into consideration that there is only one property to the north and there are other entrance points. If there is another option to just vacate it to combine it with my lot I would prefer this way I could fence the whole thing and there would be no issues with illegal dumping as this has been a problem in the past and I have taken care picking most of it up.
4. Is there a reason the applicant is not requesting a change of zone and plat in conjunction with this vacation? It would make sense to do all application processes as one.
   Applicant Response: The reason for not requesting this as a whole is because I was advised that this would be the best way to start by the planner who was initially helping me. I was informed that a re-plat is highly expensive and there would be no guarantee that the vacation application would be approved. If the application for the vacation is not approved, then I will not be able to zone agricultural as I would not have the 5 acres that the city is requesting. But I would be willing to submit as a whole if you think this is the best route and there is a possibility that both requests would be approved. Please let me know and I could go ahead and get started on the paperwork and see I can find someone to come re-plat this area.
5. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. The approval will not go into effect until the ordinance is published in the newspaper.

Planning Engineering Comments:

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

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

Conditions:

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

S-2020-9

Petitioner: Lorenzo Garcia

Address: 3740 N 35th Street

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

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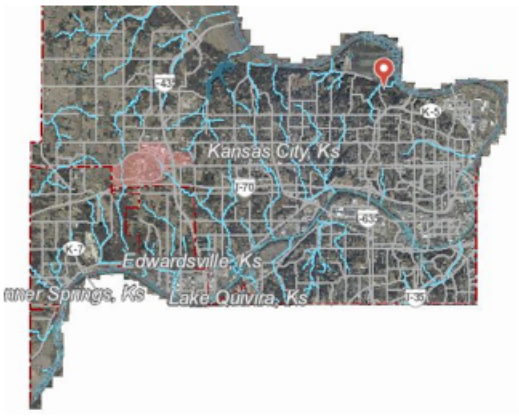
Gunnar Hand, Director of Planning, said, again, as I mentioned earlier, this was recommended for approval by the Planning Commission unanimously. After the meeting, we were in contact Ms. Barnett, who had technical difficulties speaking to that item on the agenda so, we agreed to pull it off today so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

S-2020-9



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S-2020-9

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

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

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

S-2020-9

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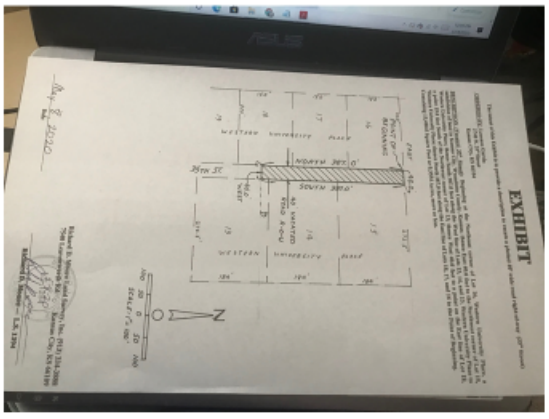
S-2020-9

S-2020-9



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

S-2020-9

Public Comments: None to date

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

Conditions*:

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

** See Staff Report for all conditions*

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

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

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

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

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

Commissioner Townsend said I wanted to—based on what Mr. Hand has said and I have spoken with Ms. Barnett about her concerns and accessing her property. I would move that we would move forward with the vacation, with the condition that a public easement be maintained on 35th St. and that no fencing by the applicant, Mr. Garcia, be allowed. I believe that will take care of the concerns that Ms. Barnett had and grant the vacation that Mr. Garcia wanted.
Mr. Alvey asked, is there anyone else who would like to speak in favor of this application?

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

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

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

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

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

MISCELLANEOUS – ORDINANCES (Final action on previously approved items)
ITEM NO. 1 – 20284…ORDINANCE
Synopsis: An ordinance rezoning property (#3222) at 16 South 23rd Street from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar Hand, Director of Planning.

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

ITEM NO. 2 – 20285…ORDINANCE

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

Action: **ORDINANCE NO. O-39-20, "**An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for property as set forth in #SP-2019-111, commonly known as 7241 Kaw Drive; valid for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 3 – 20286…ORDINANCE

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

Action: **ORDINANCE NO. O-40-20,** "An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for property as set forth in #SP-2020-35, commonly known as 1820 North 90th Street; valid for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 4 – 20291…ORDINANCE

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

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

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

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

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

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

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

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

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

Planning and Urban Design Comments*:*

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

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

Planning Engineering Comments: none.

COZ 3211

Petitioner: Bobbie Jean Thomas

Address: 4520 and 4600 Parkview Avenue

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

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UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

COZ 3211

DEPARTMENT OF PLANNING + URBAN DESIGN
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

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

COZ 3211

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

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

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

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

COZ 3211

COZ 3211

COZ 3211

Public Comments: None to date

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

Conditions*:

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

COZ 3211

Conditions (continued):

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

** See Staff Report for all conditions*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and

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

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

Planning and Urban Design Comments:

General Planning:

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

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

3. Staff discussed with the applicant about constructing a five-foot trail along the north property line along Hurrelbrink Road from North 99th St. to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.
   Applicant Response: Acknowledged, the revised plans include a five-foot trail within the public right-of-way along the south side of Hurrelbrink Road from 99th Street to the east property line on Hurrelbrink Road.
4. A five-foot sidewalk is required to be constructed along 99th Street and a 10-foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).
   Applicant Response: Acknowledged, these trails are shown on the plans and will be provided with the proposed development.
5. No truck traffic on North 99th Street is permitted. Coordination with truck drivers to the distribution center is required. Is the northern most entrance on North 99th Street for employees or emergency vehicles? If the entrance is for KCKFD, the entrance must be gated, and a NOx box installed for access.
   Applicant Response: Acknowledged, as it has been discussed with staff and is noted in the traffic study trucks are not planned to use 99th Street. The north entrance would be for emergency vehicles.
6. The bus stop depicted on the site plan is located between the retail center and the private street leading to North 99th Street. Is this bus stop serving the employee base for the retail center, Building A and all future expansion of the business park?
   Applicant Response: The developer is in discussions with the City and the local transit authority to provide a bus stop within the project site. Currently the stop is shown within the retail area, but this could change based on what the transit authority decides. It is the intent and hope that a bus stop will be provided within the development.
7. What tenants are you trying to attract for the neighborhood retail center that will not only serve the employees, but the surrounding residents?
   Applicant Response: The neighborhood retail center would serve the surrounding community (residents and employees of the development).
   The tenants would be determined by the market, but the thought is the service-related tenants would be provided at this location.
8. How many employees will be working during the largest shift in Building A?
   a. How many shifts?
   b. Is there overlapping?
   c. 24 hours, 7 days a week?
   Applicant Response: There are four shifts. The two shifts combine/overlap into on main day shift, and likewise one main night shift. The main day/night shifts trips will overlap some, but they technically do not overlap by start/end times. See the chart below for reference. The proposed tenant of Building A would be in operation 24 hours a day.
9. What are the proposed hours of operation for this Building A?
   Applicant Response: The proposed tenant of Building A would be in operation 24 hours a day.
10. What phase will the neighborhood retail center begin construction?

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

Building Architecture:

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

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

   Staff Response: At this point in time, the retail area and zoning are placeholders. As The applicant's representative stated, a development plan (preliminary and final) will be submitted. Staff has continually promoted and will continue to push for a more cohesive retail center that is an integrated and walkable with the surrounding neighborhood as well as the office space within Building B for residents and employees alike.
2. A comprehensive Design Criteria Manual shall be submitted to set the standard for design (architectural features, fenestration, building materials and color, etc.), landscaping, screening, on-site amenities, lighting, signage for all future tenants and/or development within the business park and neighborhood retail center.

   Applicant Response: A Design Criteria Manual has been provided with the resubmittal for the M-2 zoning area setting the standard for design of the development. The C-1 design criteria will meet the City's requirements and will be provided at the time the retail area is moving forward within this development.
3. Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public for the industrial buildings and internalized for the commercial buildings.

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

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

Landscaping and Screening:

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

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

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

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

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

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

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

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

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

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

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

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

6. All overstory trees shall be at least two-inch caliper when planted. All ornamental trees shall be at least two-inch caliper when planted. All evergreens shall be at least six feet when planted. All shrubs shall be five gallons when planted.
   Applicant Response: As has been discussed with City staff, the development will meet the City's requirements for plant material. The City Code requires two-inch caliper shade trees, six feet tall ornamental trees and six feet tall evergreen trees, which will be provided within the development.
7. All landscaping shall be irrigated.
   Applicant Response: Landscape beds around buildings will be irrigated, but the areas around the perimeter of the site will be landscaped with native plantings to help conserve water. Irrigation will not be provided in the native areas as has been discussed with staff.
8. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
   All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
   Applicant Response: Acknowledged, the required screening will be provided with the development. Details and notes have been added to the landscape plans.
9. BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback three feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.
   Applicant Response: Acknowledged, details have been added to the landscape plans.
10. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen. This should not be seen from all views as noted in Landscaping and Screening Comment #3.
    Applicant Response: Acknowledged, details have been added to the landscape plans.
11. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of 6' evergreens or an architectural wall constructed from the same materials as the main building.
    Applicant Response: Acknowledged, details have been added to the landscape plans.
12. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.
    Applicant Response: Acknowledged, details have been added to the landscape plans.
13. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures.
    Applicant Response: Acknowledged.

Signage:

Shall comply with the sign ordinance.

Applicant Response: Acknowledged.

Planning Engineering Comments:

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

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

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

Conditions:

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

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

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

COZ 3226 and MP-2020-5

Petitioner: Scannell Properties #436, LLC

Address: 9700 Leavenworth Road

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

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

COZ 3226 and MP-2020-5

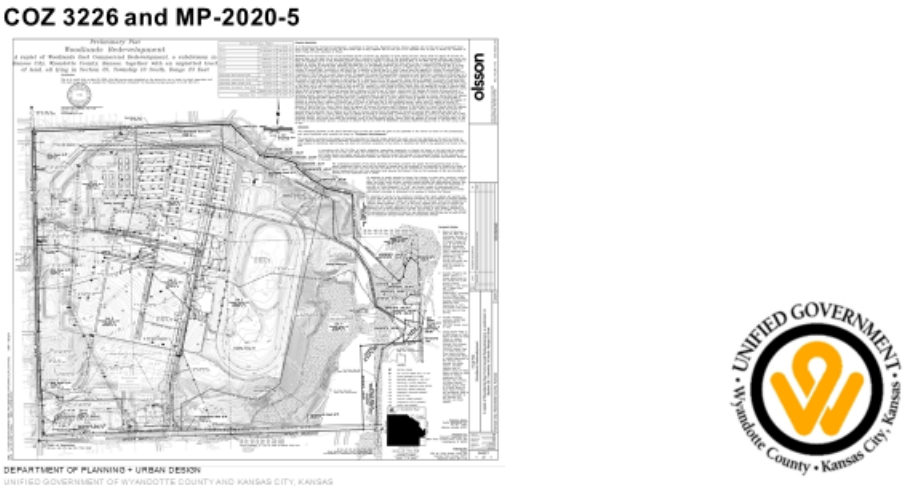
COZ 3226 and MP-2020-5

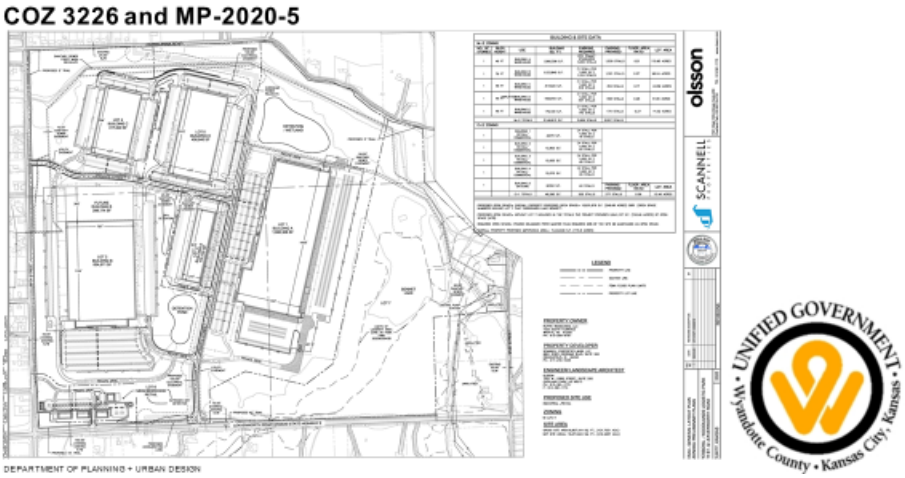
The zoning code is, excuse me the application, again, for a zone change is at the Woodlands, current Woodlands Racetrack site. Again, it's a redevelopment of the property. When staff was doing its review, as well, as through our contacts with the public and other stakeholders, I think you'll read in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

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

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

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





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

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

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

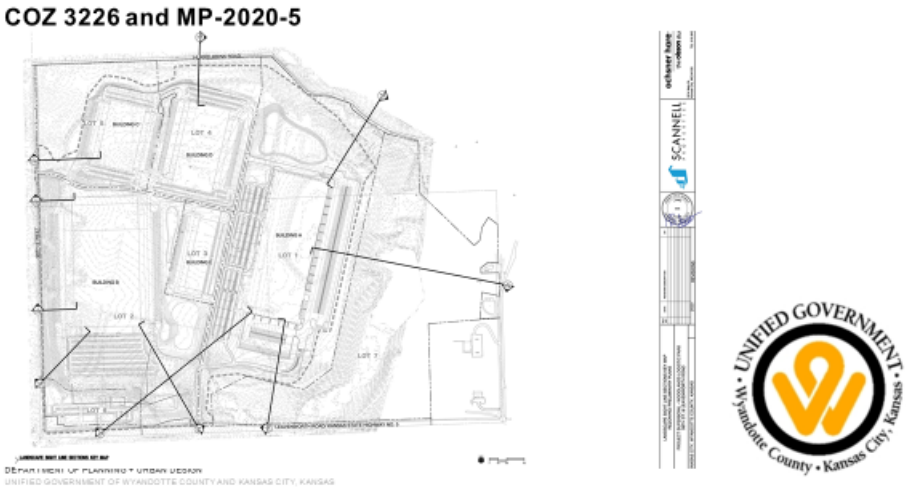
Additionally, as the final plans come in per each building, or series of buildings, we are going to work on a couple of different items to better adhere to both the master plan, the Piper Delaware Masterplan, as well as sort of what we see as issues in eternal stipulation. As currently designed, if you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

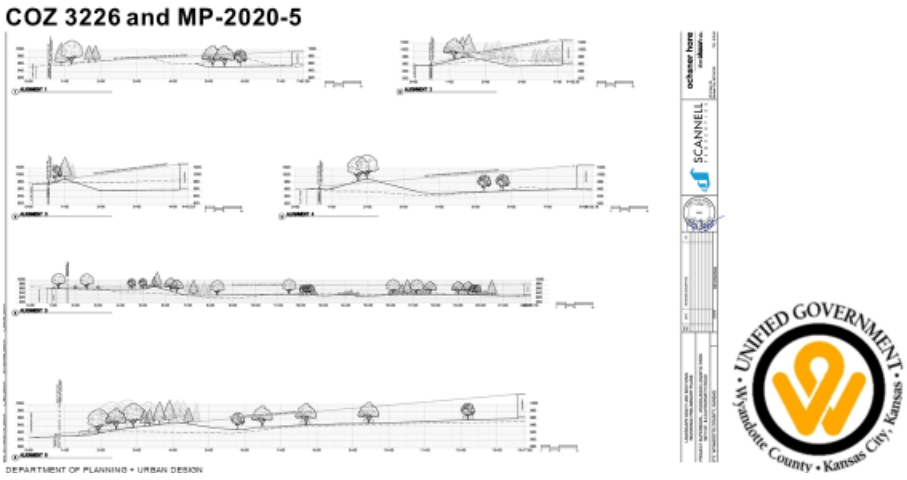
We have also sort of noted, I think it's been said at public meetings, the applicant believes that sort of the retail development node at the southwest corner of the property, which is the northeast corner of the intersection of Leavenworth and 99th, would be one of the later developments in their master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

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

The master plan also specifically notes Hurrelbrink Road all the way up to the county, the entrance to Wyandotte County Lake and Donahoo all the way out to K-7, as a future parkway. The applicant is willed in their first final plan, dedicate that right-of-way so that that future improvement, whenever it is to occur, could be developed and built out.

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

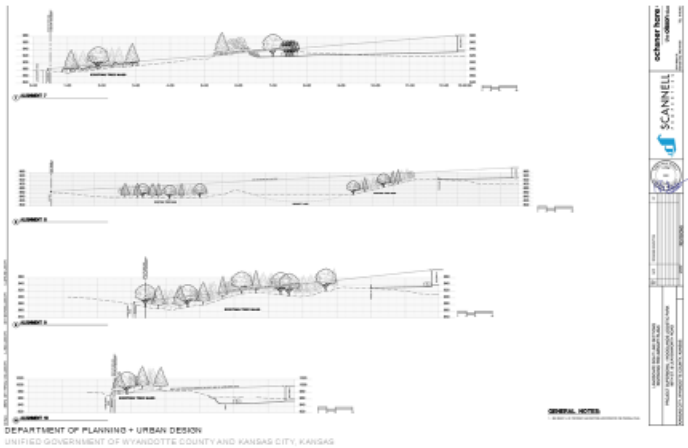




The applicants are here to ask, present, as well as take any questions.

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

COZ 3226 and MP-2020-5



COZ 3226 and MP-2020-5

COZ 3226 and MP-2020-5

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

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

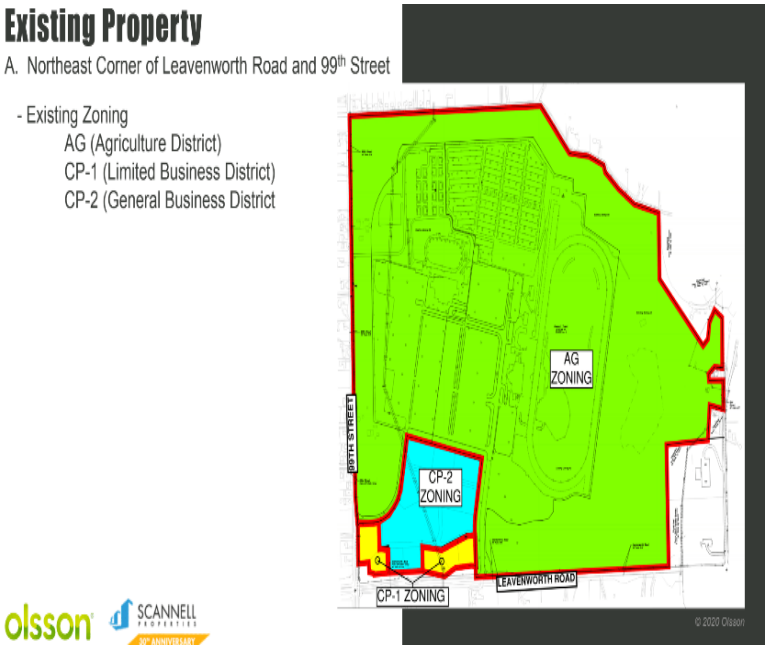
Just quickly go through it. I think everybody is familiar with the existing property, but just want to go through it really quick, the old Woodlands Racetrack. We have a few images just so you can see the general character that it is right now. As Mr. Hand pointed out, it's on the northeast corner of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

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

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

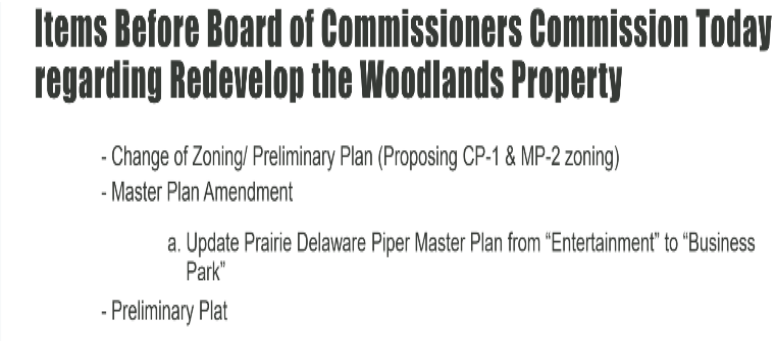
This next one just shows the overall property. Just wanted to make sure that everyone knows it includes the Bennet Lake area. It's the whole entire 400-acre parcel of property at the northeast corner of 99th St., which goes all the way up to Hurrelbrink Road and then all the way over to 91st as well.

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



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

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



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

Proposed Plan

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

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

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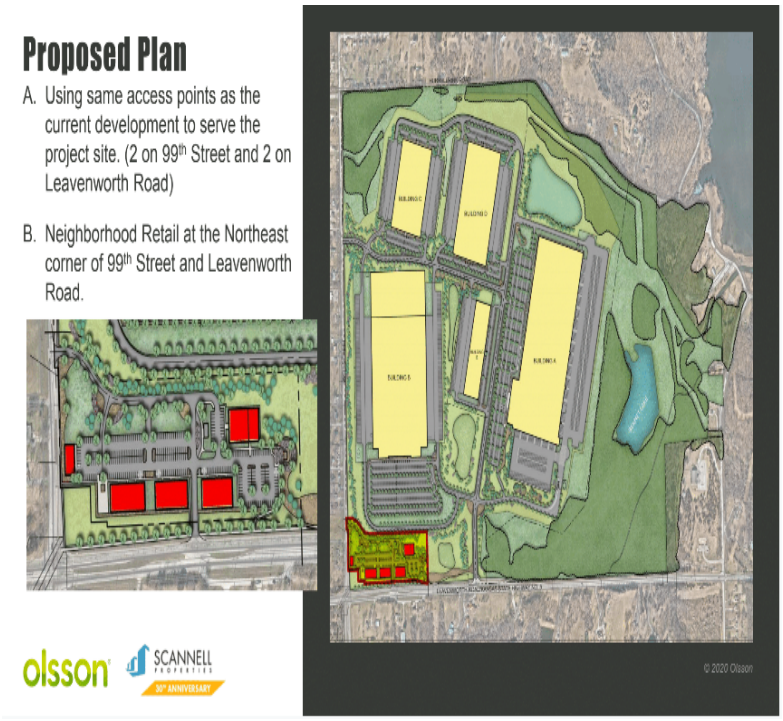
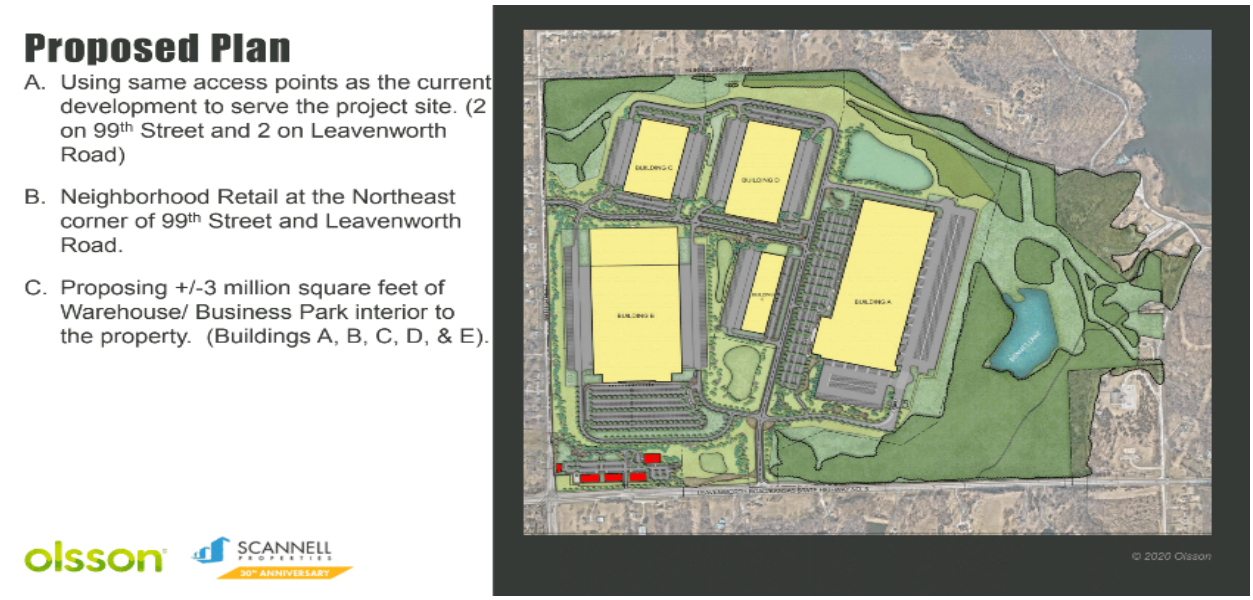
The proposed plan is just an aerial image over Bennet Lake so currently, Mr. Hand talked about it. We're currently using the existing access points along Leavenworth Rd. and 99th St. They're in the exact same spots. The curb cuts are there currently so we're not proposing to change those right now. We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

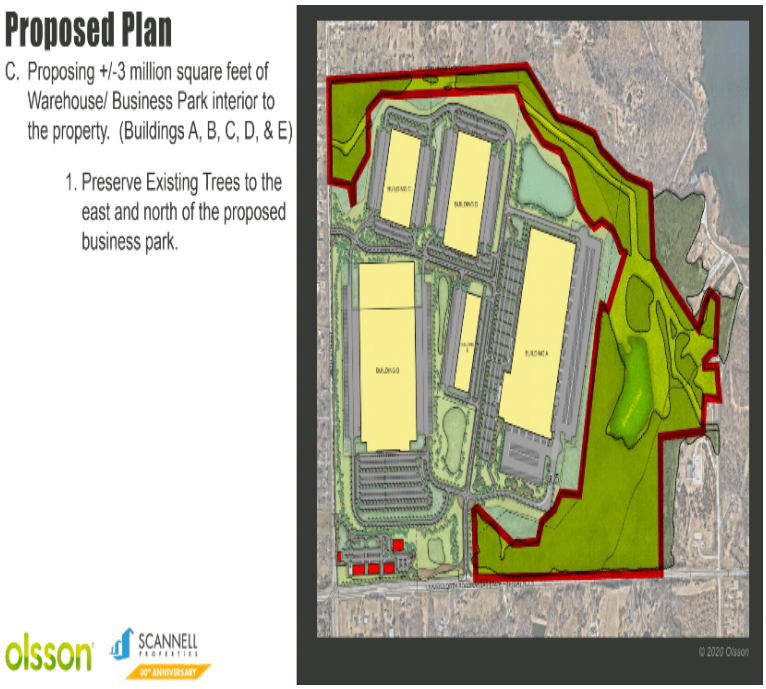


The neighborhood retail, as Mr. Hand pointed out, we're going to work with city staff moving forward, but the idea here is to create an area for the surrounding community, just with the CP-1 zoning so it's not heavy uses. You can't have a gas station or anything like that. We are envisioning this, and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

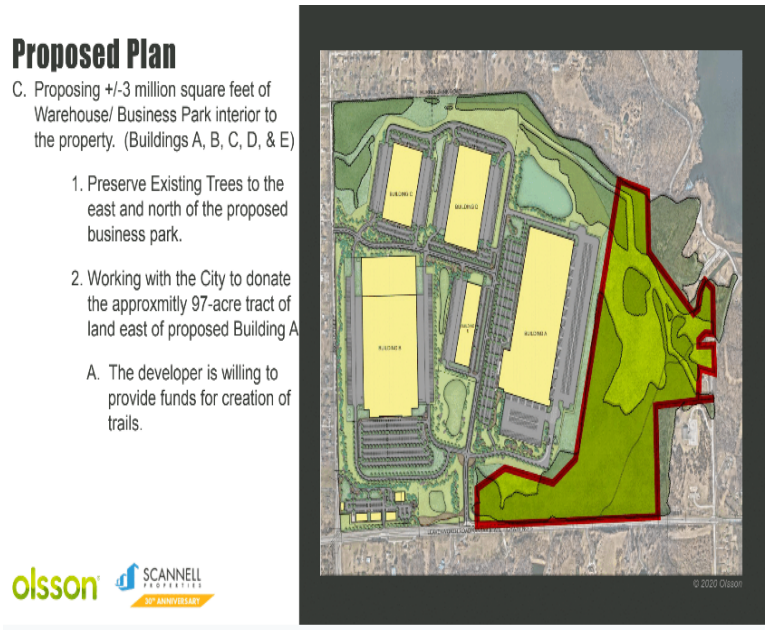


The rest of the project, buildings A through E, is approximately a million square foot of business park that we're proposing. Mr. Hand touched on it. We're proposing to really—we've worked with staff to kind of take advantage of the grades of the site and kind of step the buildings down into the site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

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



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



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

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

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

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

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

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

View from intersection of Leavenworth Road and 99th Street

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

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

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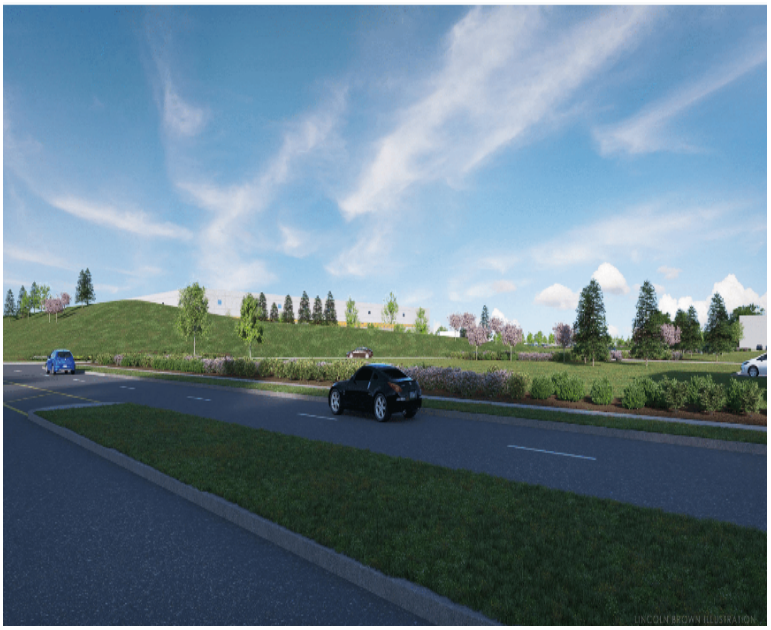

This next image is just south. If you're familiar, there's an existing curb cut on 99th St., kind of close to Leavenworth Rd. So, that curb cut still remains. It's just in front of the blue car there. As you can see, the berm is starting to raise up at this location and the parking is screened from view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

View from 99th Street

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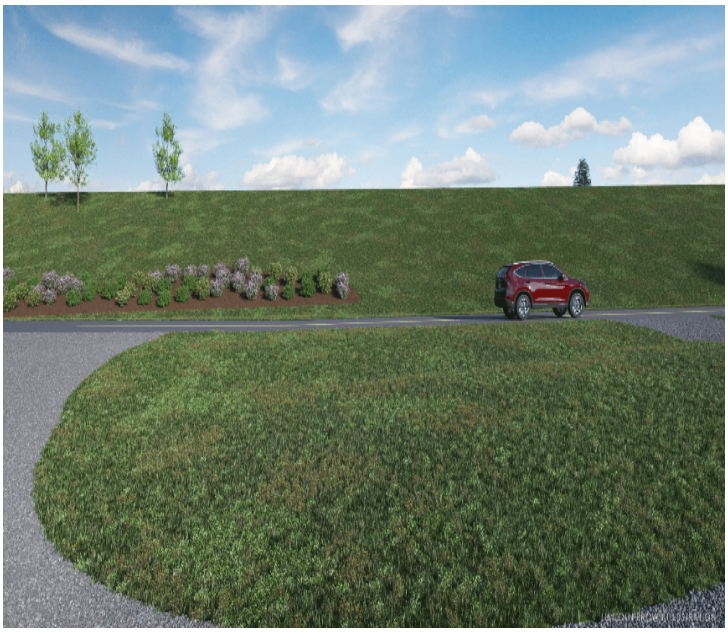
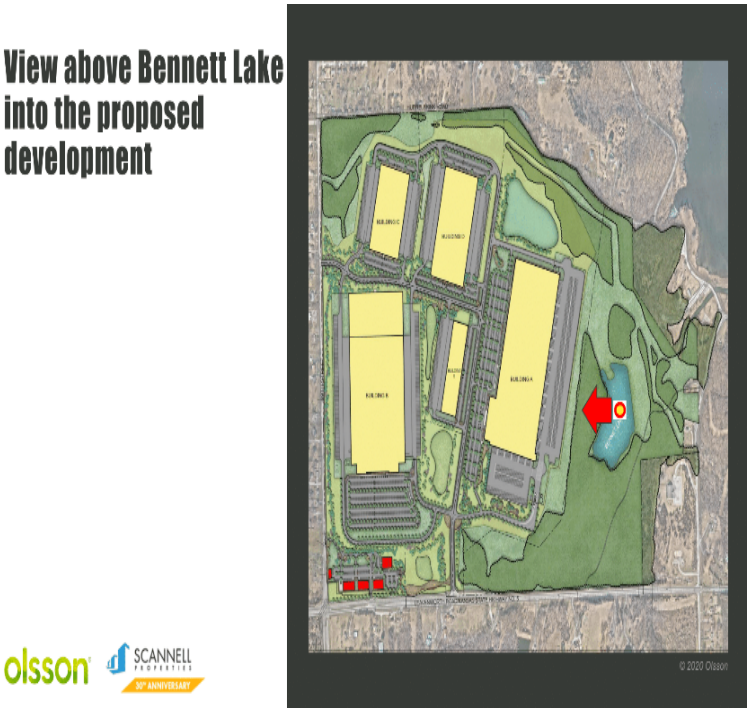


As you go further along 99th St. which the next image will have. This image, we took, we actually, if you look at the plans that are before you today, there's a lot more landscaping on here than what's shown here. This image is just to show the landscape berm, the berm itself. The feature actually can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

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

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



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

View of Building B from inside the development

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

View of Building C from inside the development

This is building B and then C.

View of Building D from inside the development

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View of Building E from inside the development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Kindle said locally, we've seen this recently with the Amazon Fulfillment Center, the back of the homes along Speaker Rd. Those homes have seen a 19% increase in meeting household appraised value since 2018. From a purely economic perspective, this initial project is estimated to generate more than $1.9M of property taxes for the first year of operation, with $880,00 to the UG, nearly $650,000 towards the Piper School District and more than $300,000 to the Community College. Over the course of ten years, more than $20.5M of new property taxes are expected to be generated for the various taxing entities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Alvey said, Bridgette.

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

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

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

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

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

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

Mayor Alvey asked, commissioners, comments or questions?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SPECIAL USE PERMIT APPLICATIONS

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

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

and

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

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

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

Urban Planning and Land Use Comments

1. Please provide pictures of site.

2. What animals do you intend to keep and how many?
Applicant Response: Chickens and possibly a horse, did not think this through in applying for variance for building a stable, but if decided to put a horse, then an application will be submitted.
Staff Response: Do you have an idea of how many chickens you intend to keep on the property?
Applicant Response: Haven't really thought of a total number of chickens on the property, it wouldn't be many, in my opinion, but currently I would be happy to just be able to get livestock (sheep and goats) in there and would be fine in not having chickens. In one of the Public Works Comments it stated:
At the meeting, Mr. Del Toro stated that he would like 15 chickens and a total of a combination of 15 goats/sheep. The Planning Commission recommended a total of 15 chickens and a total of a combinations of six goats/sheep for #SP-2019-118 for the property located at 3456 North 31st Terrace.
" 5. Per Sec. 27-340, Livestock means horses, mules, cattle, sheep, and goats. 6. No swine are permitted"
Staff Response: You can have up to six chickens before a Special Use Permit is required.

3. Please describe care and maintenance as related to the animals including facilities, security, and land.
Applicant Response: Property has been cleaned out from when originally purchased, lots of debris/trash in the area. Currently, there is some lumber that will be disposed of. Future plan would be to place a fence around the property.
NOTE: An enclosure for the horse stable was approved by the Board of Zoning Appeals for the property at 3447 North 31st Terrace, but not a perimeter fence not already allowed by right.

4. Please detail how the property is maintained to accommodate the animals?
Applicant Response: No animals currently on the property, but a horse is placed on the property within an enclosure while a stable is in the works, an application will be submitted.

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

6. No swine are permitted.
Applicant Response: Noted.

Public Works Comments: none.

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

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

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

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

SP-2019-117 and SP-2019-118

Petitioner: Fred Del Toro

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

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

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

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

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

SP-2019-117 and SP-2019-118

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

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

SP-2019-117 and SP-2019-118

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SP-2019-117 and SP-2019-118

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SP-2019-117 and SP-2019-118

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SP-2019-117 and SP-2019-118

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SP-2019-117 and SP-2019-118

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

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

Conditions*:

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning and Urban Design Comments:

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

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

7. Please provide a dimensioned site plan or diagram that shows where parking is located.
   Staff Comment: Applicant has provided a site plan that shows where parking is located. It is attached below.
8. How often are guests in the residence?
   Applicant Response: This varies but on average three – four days a week.
9. Do you have a rental license from the Unified Government?
   Applicant Response: Yes
10. Provide a detailed description of the areas rented for Airbnb.
    Applicant Response: The entire single-family residence will be available to rent. This includes 2 bedrooms, 2 full bathrooms, a living room, dining area and kitchen. Also included is a back deck, fenced in private back yard and 1 car unattached garage. The property was recently renovated and is extremely safe and well-constructed including an alarm system.
11. Please provide a dimensioned floor plan that shows all rented space.
    Staff Comment: Applicant has provided dimensioned floor plans. They are attached below.
12. Describe how you will maintain a safe environment including:
    a. Working smoke detectors in each bedroom plus each level of the unit/house.
    b. GFCI outlets required in bathrooms.
    c. Double keyed locks are not allowed.
    d. Copper cannot be used for gas supply lines.
    e. Windows must be operable, not blocked or boarded.
    f. Handrails are required at sets of 4 or more stairs/ risers.
    g. Hot water tank and furnace must be vented properly and operational.
    h. Electric panel and circuits must be safe.
    Applicant Response: Whole home was renovated from the studs out in 2017 and 2018 and all required permits and inspections were completed. This provides that the home is very safe with modern upgrades including new electrical, new roof, new plumbing, new HVAC. All of the above requirements needed for a safe rental have been met.
13. Have you been in compliance with the conditions outlined in SP-2019-38, which state:
    a. Host will maintain a safe environment described above.
    b. Host will obtain a business license with the Unified Government.
    c. The maximum number of guests is limited to five people.
    d. Parking for renters shall be in the garage and/or parking pad off the alley.
    Applicant Response: All of the above have been strictly enforced and will continue.
14. Please provide a manual of rules and regulations that you have for renters including language that states no parties are allowed.
    Staff Comment: Applicant has provided the manual of rules and regulations. It is attached below.
15. Please explain the issue with your neighbor regarding water runoff from your roof and how it was or will be resolved.
    Applicant Response: This was taken care of last year. Gutters were installed and all runoff was directed onto my property.
16. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately

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

Planning Engineering Comments: none.

Business License Comments:
Applicant has filed and maintained a current business occupation tax application.

Conditions:
1. If approved, the Special Use Permit will be valid for two years.
2. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
3. Applicant must continue to comply with all conditions outlined in SP-2019-39, which include:
   a. Host will maintain a safe environment described above.
   b. Host will maintain a business license with the Unified Government.
   c. The maximum number of guests is limited to five people.
   d. Parking for renters shall be in the garage and/or parking pad off the alley.
4. The Special Use Permit shall be valid for two years from the publication of the associated ordinance. The applicant is solely responsible for renewing their Special Use Permit. The applicant should contact the Department of Planning + Urban Design no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

SP-2020-56

Petitioner: Thomas W. Morgan III

Address: 431 N Thompson Street

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

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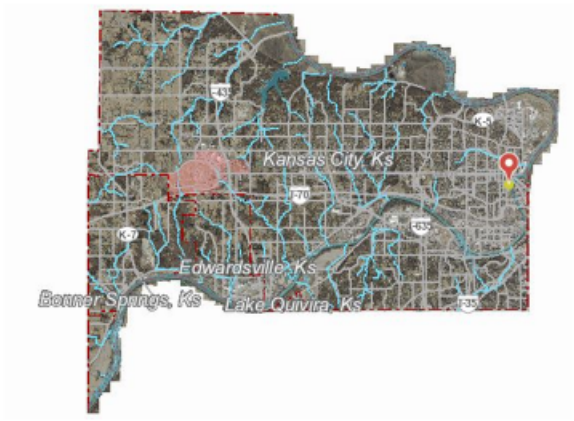
SP-2020-56



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SP-2020-56

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

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

SP-2020-56

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

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

Conditions*:

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

** See Staff Report for all conditions*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning and Urban Design Comments:

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

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

7. Per Business Licensing:
   Applicant has filed and maintained a current business occupation tax application.

Planning Engineering Comments: none.

Conditions:

1. The Special Use Permit shall be valid for five years from the publication of the associated ordinance. The applicant is solely responsible for renewing their Special Use Permit. The applicant should contact the Department of Planning + Urban Design no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
2. A $125.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department within 30 days of the Board of Commissioners' meeting;
3. The hours of operation shall generally be from 8:00 AM to 5:00 PM with the understanding that employees may arrive earlier than 8:00 AM, depart later than 5:00 PM and/or occasionally work on the weekend;
4. Strict adherence to the Operation and Security Plan;
5. Comply with local, State and Federal procedures, regulations and guidelines.
6. Shall keep immaculate records of Transfer Logs and Inspection Logs, so at such time during your term, they may be inspected if asked.

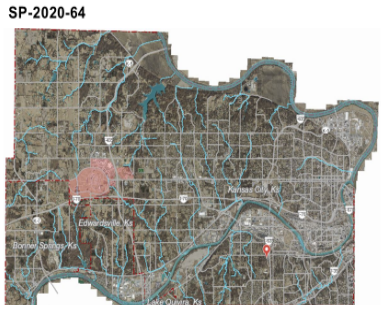
Additional Stipulation from meeting:
The applicant will contact the emergency agencies concerning the chemicals being transported.

SP-2020-64

Petitioner: Tita Lagrimas

Address: 1620 South 45th Street

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



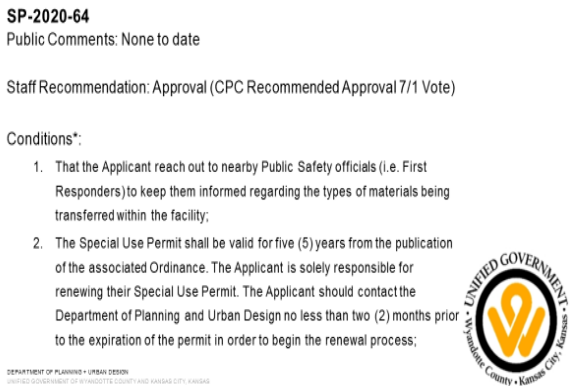
Gunnar Hand, Director of Planning, said again, this item is a waste transfer facility that's essentially in between the Argentine and Turner neighborhoods in the south county, located right here.

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

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

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

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



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

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

SP-2020-64

Conditions (continued):

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

** See Staff Report for all conditions*

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

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

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

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

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

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

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

Our site personnel have engaged after the Planning Board's meeting with the local Fire Department. We had Station 17 personnel drop by yesterday. Today, we had Station 7 personnel. Those are two truck fire houses. Tomorrow, we are having Station 16 come by. All receiving positive comments thus far. Again, we would like to thank the Unified Government personnel and the Commissioners and the Board for allowing us to present some information. If there's anyone that has some questions, I'd be more than happy to answer them.

Mayor Alvey asked, any others Rocki? **Ms. Mayes** said there are no members of the public with their hands raised. **Mayor Alvey** asked is there anyone who would like to speak in opposition. No hands raised I presume. **Ms. Mayes** said no hands raised. **Mayor Alvey** said I will now close the public hearing.

Commissioner Burroughs said I want us to state that in looking at the pictures, I did notice, as a former Fire Chief of Colgate Palmolive Company and knowing the MSDS requirements, that vehicles have to have as well as businesses have to have when fire personnel and emergency personnel arrive. I just want to say how pleased I was to see the vehicles as well as the trailers backed up against the dock doors. That's an extra security measure. It's little things like that that tell me how the company operates and, Mayor, I am supportive of the project.

Commissioner Ramirez said thank you to Tradebe for investing and giving back and wanting to create your company here. It's not my district, but its right next to it. Thank you for willing to

meet with our public safety agencies. How often do you meet with them? How often are you going to meet with them in the future? **Mr. Vaughn** said we had met with them. We like to meet, you know, at least annually with the company, but we're always open. The lines of communication have been established. In the conversations that we've had thus far, we have the contact name for the chief and more than willing that the site people can be available if they want to have conversations or other discussions. **Commissioner Ramirez** said great, and again, thank you for investing in our community. It seems the property owners love you and so, again, like I said along with Commissioner Burroughs, I'm in support of this project as well.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-64 for five years, subject to the stipulations.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

MASTER PLAN AMENDMENT APPLICATION

ITEM NO. 1 – 20273…MASTER PLAN AMENDMENT APPLICATION #MP-2020-5 - SHAUN COFER WITH SCANNELL PROPERTIES #436, LLC

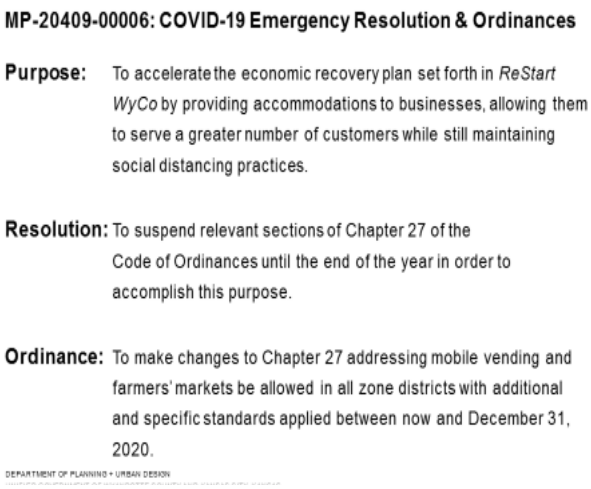
Synopsis: Master Plan Amendment from Entertainment to Business Park at 9700 Leavenworth Road, submitted by Gunnar Hand, Director of Planning.

Action: The item was previously heard with Change of Zone Application #3226.

MISCELLANEOUS

ITEM NO. 1 – 20282…CONSIDERATION OF AN EMERGENCY ORDINANCE AND RESOLUTION

Synopsis: Suspending enforcement of certain Chapter 27 sections and adding additional sections for Chapter 27, submitted by Gunnar Hand, Director of Planning.



Gunnar Hand, Director of Planning, said, commissioners, if you recall, in our June meeting, we passed the first in what I would say potentially a series of COVID-19 emergency ordinances. That first round focused primarily on allowing business to operate within the public right-of-way with certain standards, again, to provide social distancing. If you've seen the news recently, what has been of increasing note is that some of the most dangerous places you can be is inside of a restaurant. So, I know a lot of restaurants have been working to spread out. If you noticed there have been quite a few businesses out and about across the county that have started to utilize that emergency ordinance to great effect. Mainly, I think if you're close to City Hall, you see if often at Slaps BBQ, Splitlog Coffee, Joes Kansas City, I'm forgetting her name but there's another business on 7th Ave., on the way down to Armourdale, as well and a few others across the downtown and out west. We think that that's been a really good success.

After our meeting, we did have a training with all the relevant enforcement officers. I mentioned back then as well that while we were providing as much information as we could in terms of outreach and bifold that provided additional information, which we'll talk about a little bit here, in addition that it would be primarily an enforcement issue. As far as I have heard, and correct me if I'm wrong, we haven't encountered any issues, but our code enforcement help officers, zoning enforcement and peace officers, are aware of what's going on and keeping an eye out for any potential violations of that ordinance. This second round, if you will, of COVID-19 emergency resolution/ordinances had to be split from the original round because instead of updating Chapter 32, it was updating Chapter 27, which is required to go through the City Planning Commission. The City Planning Commission recommended approval unanimously. These provisions, and I will go over those individually, are here right now.

Chapter 27 Edits: COVID-19 Emergency Resolution & Ordinance

Safety Standards:

- 4-foot clearances for ADA and street furniture
- 6-foot social distancing standards maintained
- No ADA parking spaces or access zones may be used
- Sightlines/sight distance triangles maintained
- 15 feet from fire hydrants and bus stops
- Enforcement powers delegated to Fire, Public Health, Code and Zoning enforcement officers

DEPARTMENT OF PLANNING + URBAN DESIGN

We still maintain all of the same safety standards that were discussed in the previous resolution as it relates to both ADA and COVID-19 social distance recommendations. We focus a lot on public safety, with Public Works, and traffic as well, in terms as sightline distances and other issues. Again, these rounds, this round focuses primarily on farmers markets, mobile vending, or food trucks and mobile markets.

Chapter 27 Edits: COVID-19 Emergency Resolution & Ordinance

Farmer's Markets

DEPARTMENT OF PLANNING + URBAN DESIGN

Chapter 27 Edits: COVID-19 Emergency Resolution & Ordinance

Farmer's Markets:

- Allowed in all zones
- Requires only an administrative review
- Still need business license, but not an annual agreement Planning and Urban Design

DEPARTMENT OF PLANNING + URBAN DESIGN

As it relates to farmers markets, what we've allowed is for those to offer it in all zones with just one administrative review. We don't anticipate too many additional farmers markets that were out there, although, we are looking forward to potentially expanding the number of farmers markets.

We think we can do an administrative review pretty quickly just to make sure everything is okay. We also waived the need for an annual agreement with the Planning and Urban Design Department with such markets. Instead, we streamlined it so that business license, they do require a business license and if you're familiar with the process, when a business license is applied for, it does go through a zoning analysis for check so we do get a chance to take a look at it and see what's going on, asking questions as we see fit. Currently, farmers markets have to get a SUP if they are outside of a commercial zone.

Chapter 27 Edits: COVID-19 Emergency Resolution & Ordinance

Mobile Vending (i.e. Food Trucks and Carts)

DEPARTMENT OF PLANNING + URBAN DESIGN

Regarding mobile vending i.e. food trucks or fruit carts, push carts if you will.

Chapter 27 Edits: COVID-19 Emergency Resolution & Ordinance

Mobile Vending:

- Allowed in all zoning districts
- Must pay parking meter, but can stay within hours of operation
- Agricultural and Residential from 9AM – 8PM
- Must be in parking lot of church, senior center, community center or school / Invited to a block party (up to 10PM) / Adjacent to public park
- Commercial and Industrial from 9AM – 10PM
- Cannot park in front of existing food business
- Still need business license, but not an annual agreement Planning + Urban Design

DEPARTMENT OF PLANNING + URBAN DESIGN

We're also expanding this be allowed in all zones. Currently, it is only allowed in commercial zones, but we applied many more standards as it relates to mobile vending, again, food trucks. There's a few of them listed here. We did our best to give you the ordinance and resolution languages ahead of time, so it was in your package. If you recall last time, it was a special meeting, so we weren't able to get you all that information. We didn't get it to you as soon as we hoped.

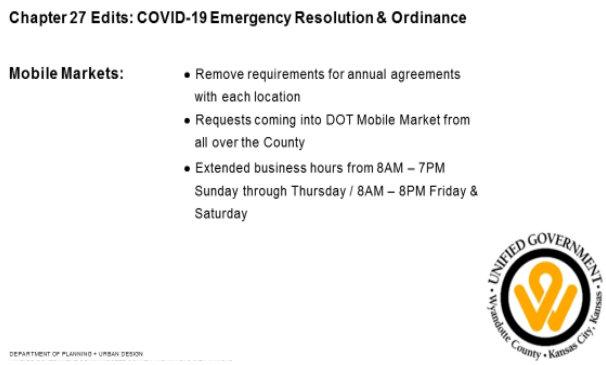
Specifically, to mobile vending, essentially they have to keep paying the meter, if there is one, but they can stay there if there's like a two or three parking hour maximum. They can stay there as long as they are within their operating hours. Those operating hours vary based on certain conditions and/or zones that they're in. In agricultural and residential zones, we limit that to 9 am to 8 pm. Specifically, in agricultural and residential zones, they have to be either in a parking lot of a church, senior center, community center, or school, or specially invited to a block party.

Some of you may have heard this but there was a couple of neighborhoods out in the western county that were having block parties during COVID-19, social distancing block parties. They were essentially inviting a couple of taco trucks to park which is not allowed. We feel if the neighborhood has a permitted block party, they can invite a food truck. Again, for that we've extended the time because it's sort of an invite from the neighborhood, if you will, up till 10 pm. The other place that they're allowed in agricultural and residential zones are adjacent to any public park. Essentially, adjacent to any public park is the only place they are allowed on the street in agricultural residential zones.

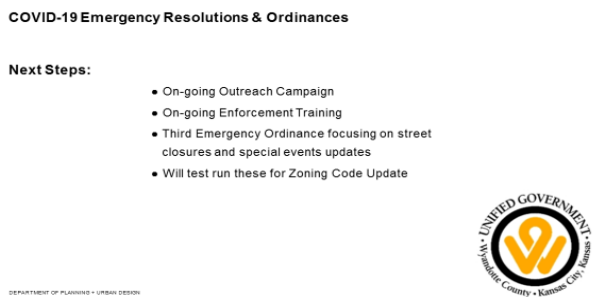
In commercial and industrial zones, again, we didn't see too much differentiation between commercial and industrial, so we adjusted the hours from 9 to 10 pm and essentially allowed them now into industrial areas. The only major restriction that would be in place potentially, if passed tonight, would be that those food trucks cannot park in front of an existing food establishment unless it is associated with that brick and mortar restaurant. A lot of times restaurants have their own food trucks. Again, we waived the need for an annual agreement with Planning and Urban Design Department and streamlined that through the business licensing process.

In regard to mobile markets, as of right now there's only one mobile market and that's the DOT Mobile Market. When the original mobile market ordinance was written, there were two. There

was, what was the beginnings of a DOT Mobile Market and a private business that has since gone out of business.



Essentially, what we found is when we discussed this specifically with those who run the DOT Mobile Market is, since COVID-19, they've been receiving quite a few requests outside of their existing SUP. Just a lot of people don't want to go out and buy groceries so they were looking for groceries to come to them essentially, so they've gotten a lot of request from people all outside of what was their annual agreement and essentially, like the others, we waived the annual agreement for—this would be, again, from approval to December 31, 2020, with the option for the Commission to extend that if they see so fit. If we didn't waive the annual agreement, essentially the Mobile DOT Market would either not go to those places that they had requested they stop by or would have to come in and get a SUP essentially for all of those. We streamlined that as well. We also gave him about an hour on set up time on either end, so their business operating hours are now from 8 am to 7 pm on Sunday through Thursday and then 8 to 8 on Friday and Saturday.

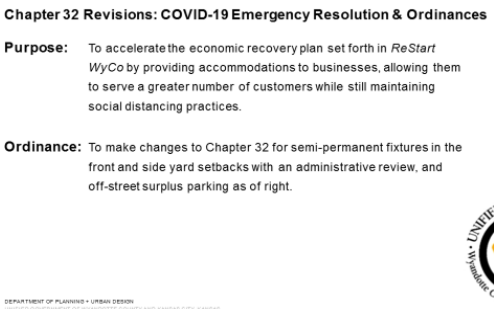


Again, part of our efforts here is, you may remember, the bifold that we created. We've updated that. We have an updated version if approved. I should say that we'd like to push back out with another press release. It will include, if approved, sort of a third sheet that you would slip in that specifically addresses the issues we've talked about today for farmers markets, mobile markets and mobile vending.

We are going to continue to do the engagement training, although at the last engagement training, we sort of discussed potential future changes herein, but we do believe it's important to kind of keep going through that cycle. We did the same thing we did with the original emergency ordinance. We went out to all the relevant departments and asked for any comments, questions, changes, amendments, additions and so on and so forth. So, we believe that we've done a good job reaching out to the UG family on their input for both this resolution and ordinance.

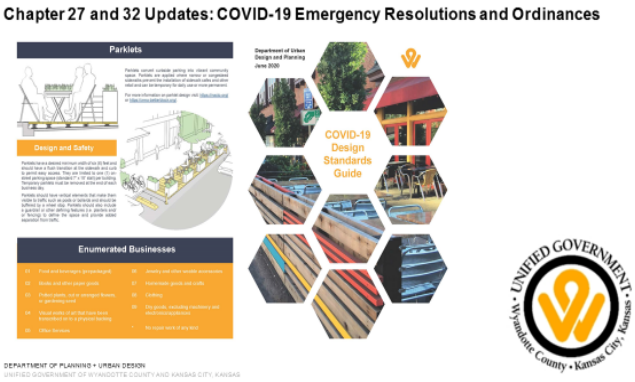
Then in our conversations with certain businesses, as well as certain neighborhoods, more specifically sort of we're in the process of closing out the Central Area master planning process. We think that we're going to come back in August with the third emergency ordinance that would focus on residential street closures. A lot of communities around the country, as well as close as our neighbors in Kansas City, MO, are allowing residential streets to essentially block them off and, again, we'll bring a little more detail about that moving forward as well as some changes to our special events. We've also identified with a couple of business—some other fixes, which I will address shortly.

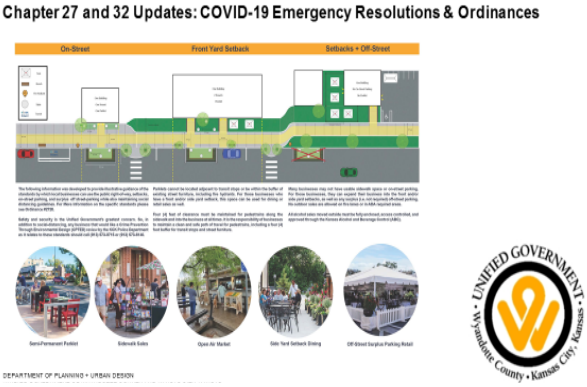
Again, the way that we're looking at this is we need to do a lot of outreach. We need to be vigilant in terms of our enforcement, but what we have been seeing this far has a pretty good response both from businesses and the public. We are tracking this as a mechanism by which we might want to include some of these as permanent changes in our zoning code update, which we hope to bring to you before now and the end of the calendar year.



I'm going to finish my presentation, but there's a second part of the second item under miscellaneous that I wanted to talk about. In our consultations with some private businesses, as well as some businesses who have come in and asked us some questions about the first emergency ordinance, we feel it would be important to do a quick amendment to those Chapter 32 revisions. Again, these are not required to go through the City Planning Commission, although we notified

the City Planning Commission earlier this month about these potential changes to chapter—adjustments to Chapter 32.





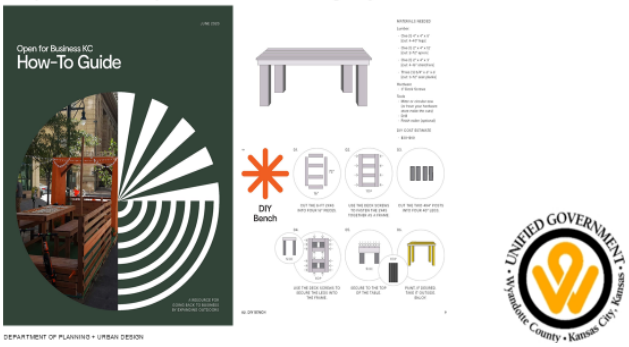
That is, currently, we are not allowing—if you remember, this is the bifold—currently we are now—we are only allowing semi-permanent use of the public the right-of-way as parklets, which are denoted here and here within the existing parking and spaces on the street. We had only allowed folks in the front and side yard setbacks as well as the surplus off-street parking and that is the parking that is above and beyond the required parking for a business to essentially do sales there or put out a tent there, or put out a picnic table there. A lot of businesses have asked us to make those also semi-permanent so that they can essentially, Slaps doesn't want a pole in their picnic tables and every day. We think that does make sense.

Again, we haven't heard any parking and/or traffic complaints around those quite yet, but we will continue to monitor those. So, that is the second item under the Miscellaneous items for an adjustment to Chapter 32. So, essentially, we would allow tents, picnic tables, what have you in those off-street, surplus parking spaces to be there between essentially now and December 31st. We would also allow a more permanent look at some of these whether it's the front yard setback,

again, between the edge of the building and the right-of-way, or on the side of the edge of building to property line. We would ask those to have an administrative review.

The reason we feel like it's important to do an administrative review for those specifically was because we did have a case come in where a business wanted to essentially pour a patio, put up a fence, create an entrance and exit out of their building, attach an awning that would expand and contract off their building onto that setback of a new patio area and setback. We feel like that would require, again, some review by staff and the DRC in particular as it relates to the ingress and egress, ADA, and a couple of other issues. Again, we think we can move through those pretty quickly, but Alan's one where we felt it was important to do a quick review of that as well.

Chapter 27 and 32 Updates: COVID-19 Emergency Resolutions & Ordinances



That is my presentation other than to say, again, if approved, we'll move forward with that and then also, we have been—after our last ordinance was approved, a business who had been working with other businesses in Kansas City, MO, approached us and would like to tailor this open for business KC How to Guide for Wyandotte County. So, this would be additional outreach material that we could utilize that essentially helps the businesses, or the public, or whoever develops some street furniture for whether it's a parking lot, a sidewalk café, or what have you. So, we're excited about potentially pushing that out as well. I'm happy to take any questions. Again, we have two items. One is for the resolution and the ordinance to amend Chapter 27, and the second one would be to amend the previously approved ordinance with that slight change to Chapter 32.

Mayor Alvey asked, is there anyone present who would like to speak in favor of this ordinance change? **Ms. Mayes** said I do not see any hands raised. **Mayor Alvey** asked, is there anyone in opposition? **Ms. Mayes** said I do not see any hands raised. **Mayor Alvey** asked, have we received any notification from the public? **Ms. Cobbins** said no notification from the public for or against, sir.

Mayor Alvey asked, Commission, comments or questions? Seeing none, I'd entertain a motion.

Action: **ORDINANCE NO. O-42-20,** "An ordinance expanding the ability of farmers markets, mobile vending, and mobile markets to sell food, drinks and merchandise on public rights-of-way and parking lots, adding to Sections 27-609 through 27-614 and new Sections 27-217 to 27-220 to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to approve the ordinance. Commissioner Bynum** seconded the motion with a comment of thanks to Mr. Hand for all the effort. Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

Action: **RESOLUTION NO. R-50-20,** "A resolution securing the health, safety and welfare of residents, business and visitors to Wyandotte County is the Unified Government's top priority. Due to the COVID-19 pandemic, enforcement of the following ordinances or portions of ordinances under Chapter 27 of the Unified Government Code of Ordinances is temporarily suspended until 11:59 PM on December 31, 2020." **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 2 – 20283…AN ORDINANCE

Synopsis: Amending language to clarify the types of structures and the review process associated with such structures in Section 32-102, Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Gunnar Hand, Director of Planning.

Gunnar Hand, Director of Planning, said, Mayor, that, again, that's the second item I discussed at the very end. This is the changes to 32 to allow semi-permanent structures within the front and

side yard setbacks with administrator review and as of right, if you will, for semi-permanent structures and off-street surplus parking.

Mayor Alvey said alright, okay so we've already heard public comments. I would entertain a motion.

Action: **ORDINANCE NO. O-43-20,** "An ordinance amending language to clarify the types of structures and the review process associated with such structures in Section 32-102, Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

Mayor Alvey said that concludes the Planning and Zoning portion of tonight's meeting. We'll now move to the regular portion of our agenda.

REGULAR CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or the County Administrator wish to set-aside any item on the regular Consent Agenda? If an item is not set-aside, all items on the regular Consent Agenda will be voted on by one vote.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve all items as submitted.** Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 1 – 20230…RESOLUTION: DOWNTOWN CAMPUS REDEVELOPMENT DISTRICT FIRST AMENDMENT

Synopsis: A resolution adopting the First Amendment to the Downtown Campus Redevelopment Agreement, submitted by Katherine Carttar, Director of Economic Development. On July 6, 2020, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full Commission.

Action: **RESOLUTION NO. R-51-20,** "A resolution adopting the first amendment to Downtown Campus Development Agreement**.**" **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 2 – 20261…ORDINANCE: LOWER CONNER CREEK PHASE II, CMIP 6182

Synopsis: An ordinance directing the Chief Counsel to institute proceedings as provided by law to acquire land for the Lower Conner Creek Project Phase 2, CMIP 6182, submitted by James Bain, Assistant Counsel. This project is located at or about Donahoo & I-435 along Conner Creek to the Wolcott Treatment Plant for the Unified Government's Pump Station 50 Elimination and New Interceptor Sewer Project. On November 16, 2017, the Commission unanimously adopted Resolution No. R-44-17, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Action: **ORDINANCE NO. O-44-20,** "An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Lower Conner Creek Project Phase 2 – CMIP 6182, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings." **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 3 – 20262…ORDINANCE: LOMBARDY DRIVE SEWER IMPROVEMENT PROJECT, CMIP 6213

Synopsis: An ordinance directing the Chief Counsel to institute proceedings as provided by law to acquire said land for the Lombardy Drive Sewer Improvement Project, CMIP 6213, submitted by James Bain, Assistant Counsel. This project is relocating failing sewer mains that run under houses to side yards and the road at 22nd and Lombardy Drive. On March 7, 2019, the Commission unanimously adopted Resolution No. R-10-19, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Action: **ORDINANCE NO. O-45-20,** "An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Lombardy Drive Sewer improvement Project, CMIP 6213, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings." **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the ordinance.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 4 – 20256…NOMINATIONS: BOARDS & COMMISSIONS

Synopsis: Nominations for Boards & Commissions:

John Rios to Housing Authority, 7/30/20-12/11/23, submitted by Commissioner Ramirez
Mark Mohler to Golf Advisory Board (Reappointment), 7/30/20-12/11/23, submitted by Commissioner Bynum
Jody Boeding to Wyandotte County Library Board (Reappointment), 7/30/20-12/11/23, submitted by Commissioner McKiernan
Joan DeMoss to Law Enforcement Advisory Board (Reappointment), 7/30/20-12/11/23, submitted by Commissioner McKiernan
Bridget Holton-Deere to UG Board of Park Commissioners (Reappointment), 7/30/2020-12/11/2023, submitted by Commissioner McKiernan
Susannah Pauley to Board of Zoning Appeals and Kansas City, Kansas City Planning Commission (Reappointment), 7/30/20-12/11/23, submitted by Commissioner McKiernan

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 5 – MINUTES

Synopsis: Minutes from regular sessions of June 11 and 25, 2020; and special sessions of June 25 and July 9, 2020.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ITEM NO. 6 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated July 9 and 16, 2020.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to receive and file.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

PUBLIC HEARING AGENDA

ITEM NO. 1 – 20289…PUBLIC HEARING/ORDINANCE: DOWNTOWN CAMPUS REDEVELOPMENT PLAN

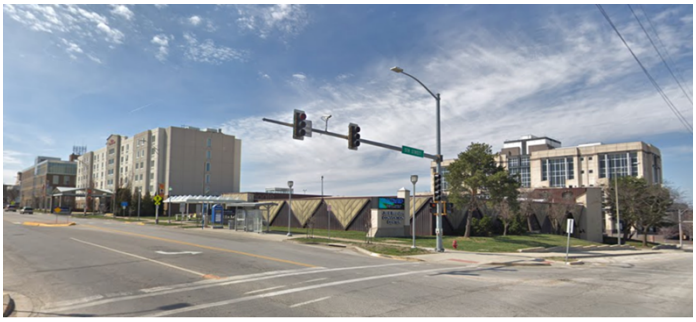
Synopsis: Conduct a public hearing to consider an ordinance approving the redevelopment project plan for the Downtown Campus project, submitted by Katherine Carttar, Director of Economic Development. On June 25, 2020, the Commission unanimously adopted Resolution No. R-36-20, establishing the date and time for the public hearing.

Mayor Alvey said, staff, some opening remarks.

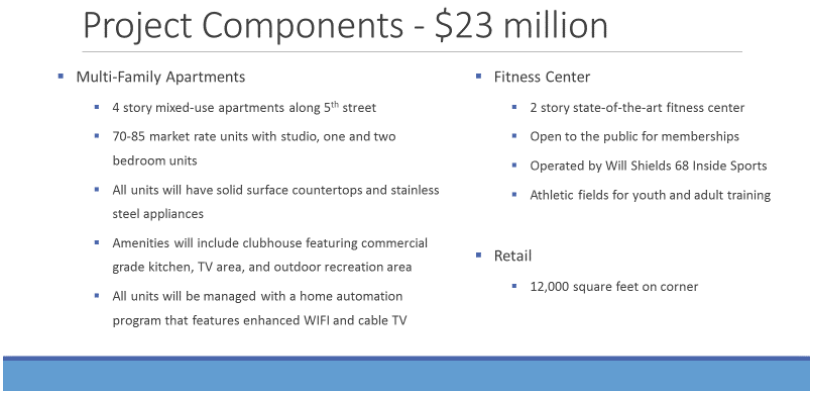
Doug Bach, County Administrator, said this is regarding the Willie Lanier project. To follow up on it, I'm going to recognize our Director of Economic Development, Katherine Carttar, to present the item before we move to the public hearing.

Katherine Carttar, Director of Economic Development, said this is a project that you all have heard about. It came before you a number of times. This is the final time you will likely see this, at least when it comes to the incentive side of the project.

I'm going to give just a brief overview, just kind of a reminder of the different components of this project, and then explain exactly what you would be voting on today.



This takes place—you all know this is at 5th & Minnesota where the current Jack Reardon Convention Center is located. The plan would be to demolish this convention center and in its place, put a number of different components.



The components, it totals about $23M. Right on the corner—there's a site map here coming up—but right on the corner is a multifamily apartment, four-stories. This would be 70 – 85 market rate

units, studios, 1 and 2 bedroom, all very high quality. Again, market rate, which is something that we have quite a lack of in the downtown as it stands.

There will also be a number of different amenities that will be combined with these apartments. Additionally, there would be a fitness center right on Minnesota. This would be opened to the public. It would be a 2-story, state-of-the-art operated by Will Shields 68 Inside Sports. Just about a block to the northwest would be some athletic fields for youth and adult training that would be connected to this fitness center.

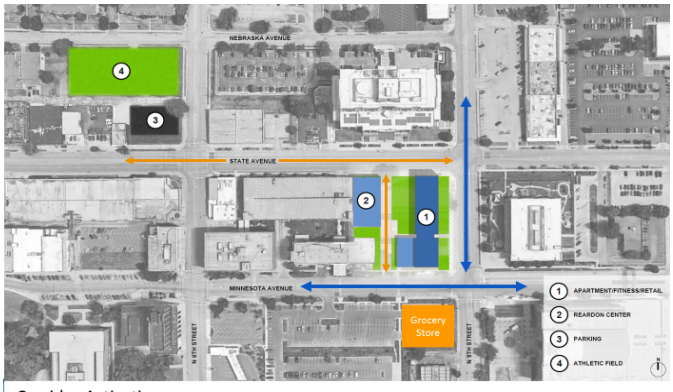
Finally, the retail would be right on the corner of 5th & Minnesota. This would be about 12,000 sq. ft. looking at most likely a kind of fast, casual type of dinning establishment.

Yes, the current Reardon Center, as it stands, would go away, but the plan would be to build a new Reardon Center, kind of a conference meeting center in its place. This would be a brand new, obviously, Class-A, state-of-the-art multi-purpose banquet and meeting facility. It would be slightly smaller, but not significantly so that would have space to seat comfortably at round tables about 350-400 people and then in theatre style seating well over 600.

There was a study done by BNIM of the market need in the area. This size is determined to be a kind of a—there's a dearth in the metro area, so we think that this would do really very well, especially with the multimedia and latest technology that would be incorporated in this. It would also continue to be called the Reardon Center.

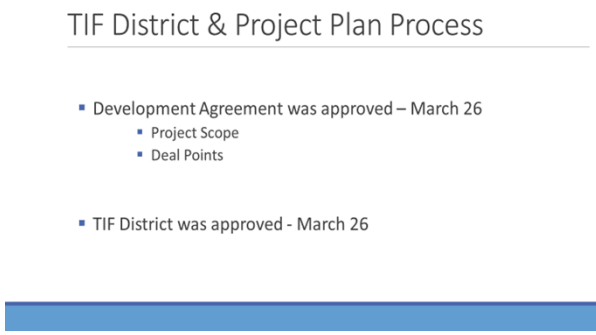
Here are just a couple of renderings of what we're looking at. These don't have any real details. We'll leave that to the planning side of things. But, you can see a couple of really important things. One, how this really opens up the downtown area where the Federal Courthouse is located. Currently, that is pretty well blocked off from the rest of downtown. This will open that up and draw all those people that go there every day right through here and right to our new grocery store, which just opened today.

Additionally, you can see just the use of the space. This is actually quite a large parcel. We were able to fit a bunch of things on here as well as have some open space that would be able—here's another advantage point. Looking south where you can see there's the ability to have some greenspace in downtown that people can use. This is right here on the right side of your screen is the Reardon Center. You can see lots of glass; a very different look than its current look. This open space would also give you the opportunity to when renting out the Reardon Center, having larger events and having some outdoor space as well.



Here's the site plan. Here you can see down at the bottom of the screen where the new Merc Grocery Store is. This is 5th St. here going north/south and then Minnesota Ave. across the street.

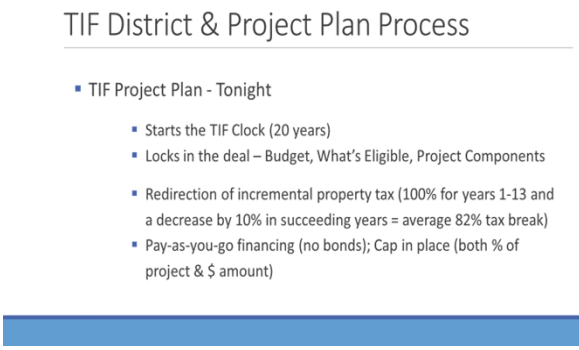
So, you can see this is where the current Reardon Center is and how it's being split up into a couple of different buildings. Then, the connection to the athletic field over here at the top of the screen.



So, what you all have already approved and what has come before you previously, was the development agreement. This is where we, in concept, put forward the project scope and the different deal points. This body approved that on March 26th, also the TIF district. So, there are two steps with a TIF. First is approving the district and then next is what you are considering tonight, which is the actual project plan. The TIF district was also approved on March 26th.

This is a map that shows exactly what that TIF district is. It looks a little interesting because we are—the goal was to have not only this area, which would be the new apartments, fitness center, meeting space, as well as the athletic fields, but also connecting this so that additional benefits to right-of-way could be included and make that connection clearer, especially if you're having kids going from the fitness center to the athletic center, making this a safe pathway for them.

I will also mention that this whole area is the TIF area. Sometimes in a TIF district we have different project areas. In this case, the entirety of the TIF district is in the project area you're considering.



What you all are considering tonight is the project plan. What the project plan does is it starts the clock. So, a TIF is a 20-year deal. Once this is approved, that starts the 20-year clock. Really, in the end, what this does is it really locks in the deal. You have, yes, already approved the development agreement that has a lot of stipulations. This just kind of doubles down on what you have already approved with the budget explaining exactly what's eligible, all the different project components. It really is having us, as the Unified Government, really committing to the incentive and then also locking in the developer as to exactly what the project will result in. So, those are two very important things.

Just a reminder, this is a redirection of the incremental property tax. So, 100% for years 1-12 and then it will increase by 10% in succeeding years. All pay-as-you-go financing. There are no bonds issued. There is a cap in place so that if that amount is hit or there's a certain percentage of the project, that we make sure only a certain percentage is public funding; keeping that ratio. So, those two items are also in place.

With that, I believe there's a need for a public hearing and then your consideration of this ordinance.

Mayor Alvey said I will now open the public hearing. I will ask if there is anyone who would take to speak in favor. **Rocki Mayes** said, Mayor, I do not see any hands up. **Mayor Alvey** asked, is there anyone who would like to speak in opposition?

Rocki Mayes said I have Eleanor Jefferson.

Eleanor Tellis Jefferson, Kansas City, KS, said this is not a statement of opposition. I'm sorry, I didn't get my mouse moving quickly enough. It's really a statement in favor. The question that I have is there is a commemorative marker that is located just north of the current Jack Reardon. Does this development that the commissioners are approving tonight, is there anything being done about that marker as well as the other types of legacy and historical impact that African-American families have had in that area?

Ms. Carttar said I am not aware of that marker, but I think that it's something—it's not something that was written into this, but I know Mr. Lanier is on the phone here and he can certainly speak to the larger legacy piece that we can certainly look into that marker. I think that's something we'd certainly want to save. **Ms. Jefferson** said okay, great.

Mayor Alvey asked, Eleanor, can you describe precisely where it is? **Ms. Jefferson** said yes. I'll get my directions straight here. It is on State. It's on the northwest corner of State & 5th. **Mayor Alvey** said okay. That would be outside the scope of this project, but that's a great question.

Willie Lanier said the marker that she is referencing is on the property site. It dates back to the Baptist Church that is approximately a block down the street. That church started on the property site approximately, I'm not sure, 150 years ago. I am keenly aware of the marker and provisions are being made to maintain the marker, in or close to its same position, to show that the fact that there is significant history on that site regarding the African-American community in Wyandotte County. That is something that we are mindful of and we're going to pay attention to the significance of this parcel as it pertains to the history of that community and the city of KCK.

Ms. Jefferson said I have a comment to Mr. Lanier is that I appreciate that and very grateful that you have already taken that into consideration and as well, even the pursuit going further, the continued presence of the African-American history in that facility, in the hotel, and so forth, I think would be a great amenity. Thank you very much. I hope to be able to talk with you about that later. **Willie Lanier** said quite welcome.

Mayor Alvey asked, Rocki, are there any other comments from the public? **Ms. Mayes** said no, Mayor, there are not. **Mayor Alvey** asked, do we have anybody in opposition? (There were none.) **Mayor Alvey** asked, did we have any notifications, Bridgette? **Ms. Cobbins** said no notifications for proponents or opponents.

Mayor Alvey said I will now close the public hearing.

Mayor Alvey asked, do any members of the Commission have any questions or comments?

Commissioner McKiernan said, Mr. Lanier, I just want to thank you once again for what I believe is going to be a phenomenal project that will really continue the evolution and enhancement of our downtown area. I look forward to you getting started. I look forward to you finishing because I do think that your project will add significant value to our downtown.

Action: **ORDINANCE NO. O-46-20,** "An ordinance of the Unified Government of Wyandotte County/Kansas City, Kansas adopting a redevelopment project plan pursuant to K.S.A. 12-1770 et seq., and amendments thereto, for the project area within the Downtown Campus Redevelopment District." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.**

Mayor Alvey said, Mr. Lanier, I would just say once again, this is a catalytic development, not just a catalytic economic development, but I think it's a catalytic development for our African-American community. I think it's exceptionally helpful that you are bringing this forward to us. Thank you so much.

Roll call was taken on the motion and there were eight "Ayes," Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook. (No response was heard when Commissioner Townsend's name was called.)

ITEM NO. 2 – 20231… PUBLIC HEARING/RESOLUTION: THE MAREK AT MISSION CLIFFS APARTMENT DEVELOPMENT

Synopsis: Conduct a public hearing to consider a resolution of intent to issue industrial revenue bonds not to exceed $26.3M for SPKS Mission Hills, LLC for The Marek at Mission Cliffs project located at 2913 & 2906 W. 39th Ave. and 3741 S. Thompson Cr., submitted by Katherine Carttar, Director of Economic Development. On July 6, 2020, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 4 to 2 to approve and forward to full commission.

Mayor Alvey said I'll ask staff to make some opening remarks.

Doug Bach, County Administrator, said, Mayor, again, this is another urban development project that's being proposed for an apartment project. I will recognize Katherine Carttar, our Economic Development Director, to make presentation on it.

Katherine Carttar, Director of Economic Development, said this is a project that was heard by the Economic Development and Finance Committee earlier this month. There was a lot of discussion so, I will go through a similar presentation that I did then; and then, I believe, the developer's also on the line and will also make some comments.

THE MAREK AT MISSION CLIFFS: DEAL SUMMARY

PROJECT SUMMARY
Location: Kansas City, KS
Building: Four stories over underground garage
Total Units: 162 (80 Studios and 82 1-Bedroom) **Average Unit Size:** 620 SF
Going-In Rent: $1,000 (S) - $1,250 (1's) **Blended:** $1,125
Parking Ratio: 1.47 (239 spaces) **Garage Spaces:** 78 spaces
KUMC: 0.5 Mile (10 Minute Walk)

This is a project that is located just to the west of the KU Medical Center, just about half a mile. A very, pretty easy walk from that location as well as, obviously, very close to access to I-35; a really great location all around.

The intended plan is a four-story building with an underground garage, about 162 units. These would be about half studios and half one-bedroom. The idea with this would be to have quite nice apartments. These are kind of on the smaller size with the idea that there was a lot of shared space and really amenities that go above and beyond. The rent, these are market rate. The rent would be around $1,000 for a studio and a bit more, about $1,250 for a one-bedroom. The parking ratio, there would be plenty of parking. That has been a concern with previous projects that have come through in the past that there would be—that people would be parking in the neighborhood. That has been taken into consideration and there is significant parking, about 1.5 spaces per unit.

The Marek Apartments Deal Points

- Industrial Revenue Bonds Application
- $26 million investment
- PILOT Schedule is a 50% abatement
- Only first class apt stock on KS-side
- Design takes into account the neighborhood desires

Here's a site plan of the space. As you can see, the neighborhood, this initial close neighborhood is just to the north here. You have a number of single family as well as townhouses in that area.

What the developer is requesting is an industrial revenue bond. This is a $26M investment. They have requested, and we've negotiated down to a 50% abatement so, this would be a PILOT. So, annually, they would receive 100% abatement and then pay back basically 50% in a payment in lieu of taxes is how the industrial revenue bonds work.

This really would be the first-class apartment in this area. We've heard from a number of others that this is a very popular location. It's close to a lot of great restaurants and the med school, but also just a lovely neighborhood to live in. There are very few first-class apartments in this area so there is certainly some demand.

The developer has tried to take into account the comments from the neighbors in the past. The idea that the concern is that this would be loud for people who are living there so, they've moved pretty much everything to the southside of the property. Basically, anything to the south is literally a cliff, so as to the Mission Cliffs name. There are no residents directly to the south and the west. Moving any of the outdoor activities, as well as even just having the buffer of the parking lot there, as well as, as you can see, over on the east side, the idea would be to have another kind of buffer from the neighborhood from the street. What is being proposed is a garden that could actually become a community amenity.

COST-BENEFIT ANALYSIS PROJECT SUMMARY

PROJECT NAME: The Marek at Mission Cliffs w/o L/M/W

DATE: 6/10/2020

Entity	Total Benefits	Total Costs & Incentives	Net Benefits	Net Present Value of Net Benefits	NPV of Incentives & Taxes Abated	Ratio of NPV of Net Benefits to NPV of Incentives and Taxes Abated	Actual Benefit to Actual Cost Ratio	Avg. Annual Rate of Return
City of Kansas City	$3,082,629	$762,230	$2,320,399	$2,029,673	$554,062	3.66	4.04	30%
Wyandotte County	$2,449,994	$679,624	$1,770,370	$1,550,203	$566,545	2.74	3.60	26%
Kansas City USD 500	$3,373,477	$771,561	$2,601,916	$2,265,117	$600,322	3.77	4.37	34%
KC Community College	$1,683,424	$475,091	$1,208,333	$1,052,397	$397,668	2.65	3.54	25%
USD 500 Library	$611,910	$176,747	$435,163	$378,898	$141,531	2.68	3.46	16%
State of Kansas	$1,570,031	$163,586	$1,406,445	$1,291,356	$21,644	59.66	9.60	86%

Jobs creation:
- Permanent 7
- Construction 198

Property Tax Revenue:
- Abatement Period $297,000-$354,942
- After Year 10 $612,315

Increase in Local Retail Sales:
- Year 1 $17,549,583
- Over 10 Years $66,315,224

Construction Labor Spending ($5,735,755)
Materials ($10,324,359)
New Family Residents Spending ($990,550)
New Employee Spending ($310,000)

With all industrial revenue bond projects, we do go through a cost benefit analysis. Really, what all these numbers boil down to is right here, it's circled. Basically, what this shows is that to every taxing jurisdiction, there is significant benefit to having this project move forward. Anywhere from a 3.5 to 1 all the way to almost a 10 to 1, so that's pretty significant.

The job creation; we're looking at significant construction jobs, fewer permanent jobs as it is an apartment complex. Only about seven permanent jobs once it's up and running.

During the abatement period, with that 50% payment in lieu of taxes, what that ends up looking like, is there's an escalator so it increases every year. It goes from about $300,000 to about $350,000 in taxes annually. At the end of those 10 years, we're looking at just over $600,000 a year.

This is something that I'd like to—the increase in local retail sales, I want to talk a little bit about that because there were some questions about this after the Economic Development and Finance Committee meeting. Year one, you would see a very significant amount of local retail sales. This is really looking at the impact of this project. That gets broken down in that first year. There is, as you can see here, kind of the breakdown on the side, they're considering a considerable amount of construction, labor, spending, as well as material. That is certainly the vast majority of what that is, which also explains why then if you're looking at over the 10-year period, it is nothing like that first year if you were to multiple that. You are looking at a new family, kind of residents, spending annually in the neighborhood of just under a million dollars as well as employees spending about $300,000. There is still significant impact there. It's not quite the $17M, but significant, nonetheless.

With that, what you are voting on tonight is a resolution of intent to issue these industrial revenue bonds, not to exceed $26.3M. This project would—the next step would be to go through the Planning process, so there's still significant amount of public input. It will also come back to this body for future votes if it were to pass tonight. I believe there's a public hearing as well as the resolution here for consideration.

Mayor Alvey said thank you.

Mayor Alvey said I will now open the public hearing. Anyone would like to speak in favor of this item? If so, please state your name and city of residency for the record. You'd be given up to three minutes to state your comments.

Greg Kindle, President of Wyandotte Economic Development Council, said on behalf of Wyandotte EDC, we're in support of the proposed use of industrial revenue bonds for the Marek at Mission Cliffs development. While we know there are ongoing conversations about the exact design of the development to garner broader neighborhood support, we do believe that the use of industrial revenue bonds not to exceed $26.3M is an appropriate tool to help with the financing of this project.

We've worked on many projects with Steve Allison and his team with consistent success. They develop quality projects and have specifically helped bring more than 600 Class A existing multifamily units to the county. He and his family know Wyandotte County. They have a strong family connection to the community and have a keen interest in doing quality projects. This, I hope, provides some context as to why we feel comfortable supporting this project and the request. We know that we need more quality residential development in this part of the community, and we feel strongly that Mr. Allison and his team will ultimately find a win-win design to meet what the market will support along with the neighborhood desires.

We support this request and urge you to do so as well.

Mayor Alvey said thank you**.**

Rocki Mayes, Program Supervisor in County Administrator's Office, said I don't see any other hands, Mayor.

Mayor Alvey asked, anyone present who would like to speak in opposition to the industrial revenue bonds?

Howard Tai (Ms. Mayes and Mayor Alvey acknowledged him, however, there was no response.)
Mayor Alvey said we'll come back to Mr. Tai.

Michelle Robinson, 2712 Lake Ave., said I live there with my husband. I have sent all of the commissioners an email, so I'm not going to re-read that email. I would like to add this to my comments. First of all, the community never was told that the idea of an apartment complex had moved forward to an actual development agreement with the UG. A neighbor heard from someone, who heard from someone that there was a proposed apartment complex going before the commissioners very soon. The community had to do their own investigations at this point to even find the request and when the meetings were to be held for the passage. This time, however, instead of hearing Mayor Alvey's name mentioned several times, we now hear it is KU who wants quality, affordable housing for their young, professional staff. We get it, however, in their own university town master plan, they stated the one way to get their plan right was to achieve high density growth near major roads and keep single-family separate.

We were surprised and disappointed that instead of going through Planning and Zoning first, like our other proposed developments, we find that Steve Allison and his partners are requesting funding first. This land is not zoned for an apartment complex or approved for funding by the commissioners leads to the assumption that if funding is in place, zoning becomes a non-issue, unless the project moves forward against the will of the community.

President Andrew Jackson once said, it is to be great, regretted that the rich and powerful too often then the acts of government to their selfish purposes. This is what full funding through an IRB does for this project. Unfortunately, the hard-working members of our community don't have the power or influence to speak, but our community does check all of the diversity boxes of race, age, gender, careers, education, and income. (Ms. Cobbins said you have one minute, ma'am.) **Ms. Robinson** said okay. The checked boxes are lovin' they neighbor. It's our prayer today that this body of commissioners lean more toward the words of Supreme Court Justice Sonia Sotomayor which says it is the duty of the government to keep its promises to its citizens. The promises I speak of today are the words adopted in the Rosedale Master Plan, the words adopted in the KU University Town Master Plan, and the promise of Wyandotte County's vision statement, uniquely Wyandotte to be a vibrant in a section of diversity, opportunity, and distinctive neighborhoods. Mission Cliffs and its surrounding communities are the promise of uniquely Wyandotte.

Lastly, I go back to Mayor Alvey's challenge to double down on the strategy of enticing homebuilders and homebuyers to build east of I-635. We don't have to entice people to build or

buy in this community. We just need the government's support. Please help us continue to be uniquely Wyandotte by voting no on this IRB and apartment complex.

Mayor Alvey asked, is Mr. Tai available now? **Ms. Mayes** said I do not see that his hand is raised. I have another person.

Jarrod Roark, Mission Cliffs, KCK, said if anyone's been to Mission Cliffs, you'll know readily that this landmass is ill-suited for the project being proposed. It's incredibly small. My backyard is wider than the landmass that we're talking about here.

Mission Cliffs is a perfect place for single-family homes, or townhomes, low-density housing because there's one way in and one way out. It's a circle. It's quiet. It's secluded. That makes it a terrible place for apartments. Since we've moved in in 2008, I think this is the fifth apartment housing process we've been through and they've all been ill-suited for this area.

The existing apartments that really serve KU Med Center are all within two or three blocks of Rainbow. We live seven blocks away. Our Economic Development stated that it's a mere 10-minute walk, which it is; it's really invested in all single-family homes. All of the apartments are much closer.

The original site plan for Mission Cliffs, for those of us who've been here a long time, included 98 homes. In 2008 when the housing market crashed, a lot of construction halted. There were 32 homes completed, but development stagnated all over the country, including here. In the last four years, we've seen 6 new single-family homes being built with a mean value of $394,000. Six new homes bring in about $7,400 each in property taxes, and those keep going up every year thanks to the Unified Government giving tax abatements to all these businesses that don't have to pay. If we can just finish this plan, we would see over $350,000 in property taxes each year.

Currently, there are two builders in our community, and they are expecting to break ground on two more houses (Ms. Cobbins said you have one minute, sir.) We have tremendous demand in this area for lawyers, for medical workers, teachers who all are wanting to live in this area and have a nice secluded area in the urban core with trees, with a place for families and kids can play in the street.

We pleaded with Steve over and over to reconsider his plan, but he has not reached out to residents in over a year to continue that dialogue. While he might have cultivated relationships

with commissioners and the Economic Development Committee, he certainly has not done that with us, the residents. We ask that we do not have an apartment complex in our backyards that's four-stories high, like we asked that we didn't have a powerplant in our backyard. It's still under construction as well. It's not the right first step.

Please make a motion to hold this over until Steve and the neighbors have done their due diligence, together with Planning, to reach a consensus or reject this outright considering our taxes are increasing every year and now we want to give away free tax money to a huge development like this. (Ms. Cobbins said your time is up, sir.)

Howard Tai said I want to raise a couple of point, the principle being that why this is a tax abatement policy, applying to this particular project? A tax abatement policy for Wyandotte County is supposed to help improve older, distressed areas of a community, as stated in your Tax Abatement Policy, dated October 21, 2020. Second, the type of assumption that Katherine Carttar used may be flawed in the since that when you provide 50% tax abatement in real estate and 100% of sales tax exemption, based on the table that she showed you, that's anywhere between $3M - $4M in lost tax revenue to the UG. Is that even wise given Coronavirus devasting effect on the Wyandotte County budget when you're trying to cut staff and cut programs?

Lastly, why industrial revenue bonds? Why not another type of program potentially? In my honest opinion, the developer is doing it for their commercial gain. They should try to raise the funds themselves through the public market and not use Wyandotte County's credit rating as a front. (Ms. Cobbins said you have one minute, sir.)

Back to the assumption that Katherine Carttar mentioned, $7M in local retail tax divided by 152 residents, that means each resident of this project has to spend $108,000 locally. They don't even make that money. These are residents. These are nurses. These are researchers. (inaudible) They do not make even close to $108,000 a year. Don't forget, they need to pay roughly $13.5 thousand in rent and then including their utility bills, insurance premiums, and so forth, they will have already spent $20,000 a year. (Ms. Cobbins said your time is up, sir.)

Ken Longobardo, Kansas City, KS, said commissioners, financial incentives shouldn't be the first step. They should come second. Mr. Allison needs to prove that he is willing to work with the neighbors to reach a consensus on the plan before we commit to giving up $3M of our future tax dollars.

Mr. Allison presented his project to a few neighbors over a year ago. We've reached out more than once for an update, but he hasn't engaged us about our values and his and how to make them work together.

This is not a vote on whether or not industrial revenue bonds are an appropriate incentive vehicle for multifamily development. That's a general idea that is most certainly agreed upon. This is a vote on whether or not a specific financial incentive package should be approved for a specific project in a specific location. To ignore the details in the resolution is a disservice to the people. There is controversy around this project; nearly unanimous opposition evidenced by over 30 residents survey responses. A recently refreshed master plan that denies high density on this site. Current zoning for a single-family and townhomes, not apartments.

He knows the planning process would be a challenge. There isn't good reason to make such a significant financial commitment while important aspects of the project haven't been worked out. Mr. Allison doesn't need these IRBs approved so he can move to the planning step. The standing committee has made it clear they accept them so long as the project passes Planning.

Please vote no or make a motion to hold this item over until Mr. Allison works with the neighbors and makes it through Planning.

Brian Humphrey, Mission Cliffs HOA President, (Ms. Mayes and Mayor Alvey acknowledged him, however, there was no response.) **Mayor Alvey** said let's go to the next and then we'll come back around to Mr. Humphrey. **Ms. Mayes** said there's no one else with their hand up. **Mayor Alvey** said, Mr. Humphrey, just unmuted.

Mr. Humphrey said I would just like to echo some of the comments that you've heard thus far. We have still not heard from Steve; in like it's been over a year ago. We would like to know a little bit more about some of the planning that's going to go into this design before we move ahead. Like I said, like the people have said before, we just feel like this is just kind of putting the horse before the cart, or the cart before the horse in this sense. So, we would ask for just a continuation for conversation with Mr. Allison so that we can come to an agreement of some sort, if there is one. There are many, many points that we are in opposition to as far as his plan is concerned, but we are always willing to work with somebody to the fullest extent that we can until either we come to an agreement, or if we find an impasse that we cannot cross.

Ms. Mayes said, Mayor, there are no more hands up. **Mayor Alvey** said I will now close the public hearing.

Ms. Cobbins said, Mayor, the Clerk's Office did receive one letter in opposition, if I can read it. **Mayor Alvey** said yes. Ms. Cobbins read the following:

Rosedale Development Association opposes the proposed $20M industrial revenue bond for developing 162 units of the multifamily housing in the Mission Cliffs neighborhood. In 2016, the Unified Government adopted the Rosedale Master Plan covering this area. The plan was developed with one of the most extensive community engagement processes the UG has conducted to date. Hundreds of Rosedale residents and businesses filled out surveys, attended public forums, participated in focus groups, and gave feedback on early versions of the plans. Those Rosedalians showed up and participated in good faith trusting that the adopted plan would reflect the collective vision of the neighborhood and would be honored by their local government.

The future land plan, which is used by the city to determine what types of development are appropriate for each area in Rosedale, page 72, was developed through extensive and thoughtful decision and with thorough consideration given to the mix of housing needed in the Rosedale as a whole.

Under the Rosedale Master Plan, the section of Mission Cliffs proposed for this spot is a designated single-family neighborhood. This district is designed for single-family detached houses. Townhomes and side-by-side row houses are appropriate where their property has frontage on a mixed-use or neighborhood corridor.

Mission Cliffs is furthered singled out in a special district which states, the Mission Cliffs neighborhood defined as the area between Lake Ave. to the south, Minnie St. to the east, and steep topography to the north and west includes a design as single-family neighborhood and general urban.

A master plan amendment would be considered if a developer and a neighborhood demonstrate consensus for an alternative destiny and land use destination. No such consistence exists. The Mission Cliffs neighborhood has made clear their opposition to this project while actively working to attract developers who will work within the master plan. In fact, the master plan was adopted for single-family homes have been built and sold within the special project demonstrating the viability of carrying out a plan as written.

I hope we will continue the commitment the UG Commission made in adopting the Rosedale Master Plan the vote against issuing an IRB revenue bond for this project. Thank you, Erin Stryka, Executive Director of Rosedale Development Association.

Ms. Cobbins said that is all the items that were submitted to the Clerk's Office in opposition or in support.

Mayor Alvey said I will now close the public hearing. **Stephen Allison** asked, can I speak because I haven't had an opportunity to talk to the commissioners who weren't in that committee, the Development and Finance Committee? **Mayor Alvey** said I'm going to ask Mr. Moore, is that appropriate? **Ken Moore, Chief Legal Counsel,** said this is a public hearing. If the Commission has any questions; if not, it would not be. The public hearing was closed. **Mayor Alvey** said I'll ask Mr. Allison to please go ahead and make a statement to the Commission and to the public.

Stephen Allison, Project Director, SPKS Mission Hills, LLC, said I just wanted to share with the Commission the fact that the reason that I am pursuing this development is basically because my family has a long history, a legacy actually, in the city of development and civic engagement. It started in 1938 when my great grandfather built the building that is now the home of the Police Department, once formerly the home of the BPU. I like to think it's one of the nicest buildings on Minnesota Ave. And then we come up to the present when we built the two, I'd like to think the nicest apartment complexes in Kansas City out at my family's land by Village West, NorthPoint.

The reason that I'm even here is because I was asked if I could help out in the city beyond just my family's holdings so, I went to a number of the big employers in the city to find out what the real estate needs were. KU told me we need nice housing. You've done nice housing out on your property. If you do that near us, we would be appreciative of it. That's what I've been pursuing for the past couple of years.

I've heard comments that the approach here is unorthodox, if you will, but it isn't judging by what NorthPoint and I've been doing on our Phase 3 apartment complex at Village West, we've taken the same approach. Unless we know that there's an incentive, we can't begin to think about doing a project because the math simply won't work. So, I've taken the same approach here knowing full well that I have got a very tall hill to climb with the neighborhood because the neighborhood has to be engaged and hopefully supportive of this project moving forward.

To make a point, that master plan that was done in 2016 was an updated to the plan 2005 for Rosedale. In the description of the Mission Cliffs, it does talk about single-family homes and townhouses, but it also has a provision in there saying, and there can be something else. Giving, opening the door to another type of development as long as the community is supportive of it.

So, I do think that master plans are important, but I do think that the existing master plan gives the opportunity to have a discussion about this and candidly, I've not even sat down with Gunnar Hand yet to go through plans, which needs to happen before I can do anything. So, I'm hoping you'll give me—decide to go forward with the IRB, giving me the opportunity to engage in the planning process.

I've given the neighborhood ideas as to what I think would be nice. I've certainly heard loud and clear that they're not happy with them, but we have a long way to go in terms of a plan. So, I'd like the opportunity to take it in that planning process.

Commissioner Ramirez said I want to thank all of the community members who came out and Mr. Allison for speaking. I have some words to say but one of—a thing I want to put out there really quickly because Mr. Allison just said it, because I have not, in depth, read through the Rosedale Master Plan. He said that there's a provision that says there's something else could be there, but if the community supports it. It seems the community is not supportive of this project at the moment.

I agree with Mr. Longobardo in how we should approach this. I think conversation needs to continue between him and the community. In my mind, this master plan, there's two commissioners, from what I believe, correct me if I'm wrong, who know directly what it means to put together a master plan. It takes a lot of work, tremendous work getting so many people to buy-in and to give their opinion on what they want their community to look like.

I am all for economic development and for growth, but we need to make sure it's also the community-driven type. That's what a master plan is. It's the ultimate road map to how a community economic development. In my opinion, now this is going to come out later in the process when we do the master plan amendment, but, my opinion is, it sets a bad precedent for the future because then every time we amend a master plan, we are chipping away at the community's voice.

I am not in support of this; not in support of the financial incentive. I visited Mission Cliffs. It is truly a diamond in the ruff in our community, a gem. It is a beautiful community. I don't think Mr. Allison's project—it's a beautiful project. There's nothing wrong with it. It's a beautiful project, but it does not fit with the character of the community.

So, I want to thank Mr. Allison and his family for their continued support in our county, but I cannot support this. It just doesn't fit the character. I don't want us to keep chipping away at the community's voice if we amend their master plan that they worked so hard on to complete.

Mayor Alvey said if there are no more comments or questions, I would entertain a motion.

Action: Commissioner Kane made a motion to deny.

Commissioner Bynum said we have a motion, but I had a couple of, I guess, questions if it's appropriate. **Mayor Alvey** said sure, yes. **Commissioner Bynum** said what I'm unclear on is the order of this process. In other words, if Mr. Allison's willing to return to the neighborhood and continue to work with the neighbors on some project that could be satisfactory, and this one clearly is not, then how would that substantially change an IRB application that we might approve tonight? In other words, would we not be going back to that process anyway?

Second, I just want to say specifically to Mr. Allison that I am deeply appreciative of the apartments in Piper. They are phenomenal and you already know that I feel that way about them. This, in my mind, is a completely different thing. For one thing, out in Piper, you're just practically plowing open prairie to build that. This is tucked into a residential area in a much, much different environment. While I love the Piper apartments, I'm not sure it's an apples to apples comparison right yet.

I think what I really need to understand is, if you're open to a continued dialogue with the neighbors, then why would we put the IRB project first? That question is actually for staff.

Ms. Carttar said in terms of the incentive or planning, really there is not a requisite order that those need to go in. To your point, Commissioner Bynum, this would have to remain somewhat in kind of the same general theme of what is going through. What would be approved with the IRBs is a multifamily complex. Now, it doesn't matter in terms of the incentive and

what's approved with the IRBs, what it looks like, none of that. This is all part of the planning process, but kind of the generalities of the project.

So, multifamily, about 162 units. There's a bit of some wiggle room there as well as the actual investment amount, that not to exceed, it's pretty set in stone. If it were to shift through the planning process to be a completely different project and have townhouses instead of multifamily, then, yes, this IRB would no longer be applicable. If it's really just planning changes ,how it looks on the site, kind of the configuration and that kind of stuff, then having the IRB go first is not an issue.

Commissioner Kane said, Mayor, I made a motion for denial. **Mayor Alvey** said yes, and Commissioner Bynum and others raised their hand so I want to accommodate the commissioners who would like to speak.

Commissioner Johnson said I would echo what Commissioner Bynum said with regard to my appreciation for what I have seen from Mr. Allison in terms of the projects. I'm going to try to make my statements as true as I made it to the neighbors of Mission Cliffs. But, for the fact that the neighborhood has spoken with you unanimity from what I understand. But, for the fact that there is a master plan, which I have great appreciation for and other factors—I like the project. I understand there has been some effort to try to design, at least initially, something that would be satisfactory.

Having said that, I think the neighborhood has been quite honestly, quite polite in terms of how they've addressed this because from what I understand that there is no acceptance of any multifamily project at all that this neighborhood association would agree to. I think I heard that when I went and toured with the neighbors. I might be incorrect on that, but I would say that if there is in any way for—and I said this to the neighborhood as well—that if there's a way for there to be a meeting of the heads and the minds to try to find something that would be applicable and acceptable to the neighborhood, that is something that I would like to do. If that, in fact, is something that is feasible—I know there's been a motion already on the table by Commissioner Kane, but I would just, as a matter of suggestion say maybe we need to table this until such time as it has a chance to go through Planning and Zoning.

Having said that, in my concluding remarks, as I said during the ED&F Standing Committee, and I'm going to echo this, I'm going to relay this also to the developer out at the Woodlands, hey, don't forget about Northeast Wyandotte County. We would love to talk to either one of you all about how we might use or your ideas about developing in Northeast Wyandotte County. I would welcome you with open hands and open arms. Having said that, thank you.

Commissioner Ramirez said just two more things and then I'll be done for the night, or for this topic, I should say. One thing that has been mentioned a lot is this is something KU is liking, it's wanting to have, but we've not received phone calls or emails or no one from KU is here in support of this project. So, that's my only thing. I love KU. We need to keep KU. But, if this is something that they want, then they should be here talking with the community as well, not just the developer, but KU as well.

My second and last comment on this topic, one of our colleagues says this pretty frequently. If we strip away all the incentives, strip away everything from this project, does this project stand on its own merits? In my opinion, it does not. So, I hope that we continue the conversation with the community and make sure that they are heard.

Commissioner Philbrook said so, I got an opportunity to go up and look around. I understand why the community up there is not excited about having 162 apartments right by their community. They've worked hard to develop what they have there. They have a pretty doggone nice community to be proud of. I believe that we need that development; just not there. I don't believe that we should push it on those folks because they have had an HOA for a long time. I don't even know if that property is still in the original HOA district that was created. So, that's another question that I have.

Because there is such a division of folks not being able to get together on this and be happy with an outcome as of yet, and the fact that the community is definitely not interested in a lot of multi-housing to pass the IRBs now when we don't even have something that would be close to fitting in that request for IRB funding—in this case be, I think, a little ahead of ourselves. So, that's all I have to say on that.

Commissioner McKiernan said I said at the Economic Development meeting and I'll say it again here, I do think that IRBs are an appropriate financing vehicle for a project like this. I didn't say

necessarily for this project. What I'm hearing are, a lot of this project is not appropriate for this area. What I'm hearing are a lot of Planning and Zoning concerns regarding access, regarding size, regarding construction, regarding proximity. Those are the things that I'm hearing and those really are Planning and Zoning issues. It's not an issue of whether or not the IRB is an inappropriate vehicle for financing something like this.

In terms of using the IRB as a way of getting an amenity, we look at what we're giving up. What we're giving is a 50% break, but we're also getting about 2000% more taxes than that property is generating in the first year. It would take 50 homes valued at $300,000 each to equal the property taxes that this project could pay in its first year. So, we shouldn't look at what we're giving up. We should look instead with all of our economic development incentives, at what we're gaining. We're gaining amenities. We're gaining jobs. We're gaining quality places to live. We're gaining tax revenue that we can use to ultimately lower taxes or provide better services or possibly both.

Having said all of that, if my colleagues believe that this project should go before Planning and Zoning before it comes in for IRBs, then so be it.

Action: **Commissioner Kane** said, Mayor, I withdraw my motion.

Commissioner Burroughs said I appreciate commissioner's comments in reference to what he's hearing. What I'm hearing, Mayor, is we've had a couple of issues this evening that have been dealt with the community and master plans. I'm new to the Commission much like you, Mayor, and it's been a challenge in our community to continue to gain the trust of the people of this community and how this government moves forward. We were elected because we committed to listening to the people of this community.

Mission Cliffs is a beautiful homestead area. There are multilevel facilities as you come into the community that are very nice. I would agree with the comments that other commissioners made in reference to Mr. Allison's developments in western Wyandotte County. I believe they would complement the area; however, the citizens that participated in the master plan for that area have spoken. They gave up their time and their talents, along with our staff and our city. The political clout that we put out there as elected leaders to be engaged with members of our

community, what damage are we doing there when we really truly need them at the table moving forward for projects? Are we going to be able to continue to hold their trust?

If they want to have continued meetings with Mr. Allison, I would strongly encourage Mr. Allison to do so. The Mr. Allison I know will not shy away from that. So, I would encourage them to work together to find an acceptable project. But, I'd also caution them that the homeowners association that you can't continue to say no to everything. It's just not good for the community. If you wait too long, something will happen that you won't have input into.

So, Mayor, I side on the side of the residents on this. I truly believe that a master plan is just that, a master plan. We are working on another master plan right now, Central Avenue. Are we going to send a message that no matter what we say with the master plan, it's going to be up to us as to how we deal with it? Your words hold very little merit when it comes to whatever a developer and/or an elected body chose to take. With that, I will just say I truly trust that we will make a decision tonight that will be beneficial to the Mission Cliffs as well as encourage Mr. Allison to continue to invest, as he has, in our community.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Ramirez, to table this until such time as Mr. Allison can—well, two things, until such time as it can go to Planning and Zoning, which I hope will allow Mr. Allison time to meet with the neighbors once again since they haven't heard from him, but to allow him the time to be able to talk to them to see if there's a feasible way to create a sustainable project that they can all agree on.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook, Townsend.

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 20257…RESOLUTION: LEASE AGREEMENT WITH MOTOROLA SOLUTIONS, INC.

Synopsis: A resolution approving a lease purchase transaction with Motorola Solutions, Inc., for in-car and body worn cameras, submitted by Casey Meyer, Assistant Counsel. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by

Commissioner Bynum, on July 27, 2020. It was requested, and approved by the Mayor, to fast track this item to the July 30, 2020 full commission meeting.

Mayor Alvey said this was presented to the standing committee last Monday and received a unanimous vote. Any comments?

Commissioner Bynum said I would move approval. It's a refinement of the lease agreement with Motorola so that we can move the body worn camera project forward and basically bring it to a conclusion. It is part of why it's fast tracked to tonight.

Action: **RESOLUTION NO. R-52-20,** "A resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to enter into a lease purchase transaction, the proceeds of which will be used to pay the costs of acquiring and installing equipment related to in-car and body worn cameras and to approve the execution of certain documents in connection therewith." **Commissioner Bynum made a motion, seconded Commissioner Kane, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 20290…RESOLUTION: CARES SUBCOMMITTEE RECOMMENDATIONS

Synopsis: A resolution approving the CARES subcommittee recommendations made by the WyCo CARES Committee, submitted by James Bain, Assistant Counsel. The recommendations include reimbursements to the Unified Government, KCK, Bonner Springs, and Edwardsville.

Mayor Alvey said this was the blue sheet mentioned earlier that contains the revised resolution.

Doug Bach, County Administrator, said I believe this information was presented to the Commission in great detail during the 5:00 session with opportunity for comment, so presentation

has been done. Unless Commissioner Bynum would like to make any additional comments, I believe presentation has been done by staff. I'd be happy to answer any additional questions.

Commissioner Bynum said I don't need to make comments, but I see Mr. Bain on the line and Crystal if there's any additional comment we need from either of our staff coordinators. If not, I can make a motion to approve the resolution as presented.

Action: **RESOLUTION NO. R-53-20,** "A resolution adopting the reimbursement recommendations of the WYCO Cares Subcommittee**.**" **Commissioner Bynum made a motion, seconded by Commissioner Philbrook, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

COMMISSIONERS' AGENDA

ITEM NO. 1 – 20259…RECOMMENDATIONS: DISBURSEMENT OF 2020 CASINO GRANT FUNDS

Synopsis: Request approval to disburse 2020 UG/Hollywood Casino grant funds as recommended by the Mayor and commissioners, submitted by Emerick Cross, Assistant County Administrator.

Mayor Alvey asked, Mr. Emerick Cross, do you have anything to add? **Emerick Cross, Assistant County Administrator,** said, Mayor, this is the 2020 Hollywood Casino and UG grant designations. I do want to point out that notification for these will be sent out to the grant recipients on Friday, August 7, 2020. If approved, we will get these on the website as soon as possible. I know a lot of applicants are wanting to know the status of this.

Action: **Commissioner Kane made a motion, seconded Commissioner Ramirez, to approve.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

Mayor Alvey said that concludes the regular portion of our meeting. We are adjourned in that capacity. We're now called back as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' AGENDA

ITEM NO. 1 – 20228…LAND BANK APPLICATION

Synopsis: Request consideration of the following application, submitted by Katherine Carttar, Director of Economic Development.

Mayor Alvey asked, does any member of the Commission, or County Administrator, wish to set-aside this one item? (The item was not set-aside.)

Application
725 S. 4th St. - Breck Ricketts
(use cell tower to provide low cost internet service to Edwardsville residents)

On July 6, 2020, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve.** Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook.

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY

ADJOURNED THE MEETING AT 11:20 P.M.

July 30, 2020

Bridgette D. Cobbins
Unified Government Clerk

mbb/cg

STATE OF KANSAS	**)**	**PLANNING & ZONING AND**
WYANDOTTE COUNTY	**)) SS**	**REGULAR SESSION**
CITY OF KANSAS CITY, KS	**)**	**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

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:

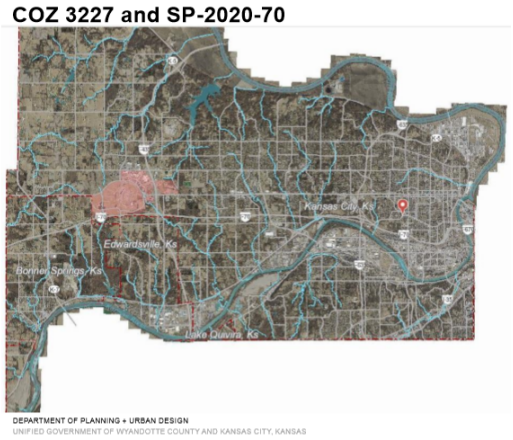
1. Rezoning this property to sell used cars is not the best and highest use of the property. This property abuts a gas station to the east, which is a more intense commercial use, albeit zoned C-1 Limited Business District. The building is occupied as multi-tenant office space, which has a low traffic 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.

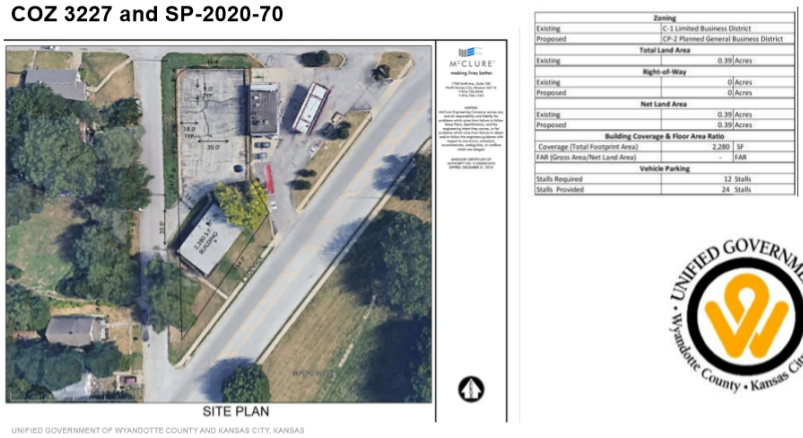
Mayor Alvey asked the applicant to present her application. Ms. Issac, if you would state your name for the record, you may present those item on behalf of the applicant.

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.



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.



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? I'm

hearing none. Is there a motion to approve the deletion 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, Adrianne 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, Adrianne 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. SNOPAK

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 staring 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.

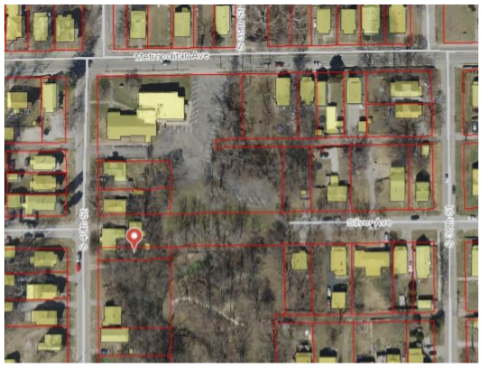
3. K.S.A. Section 12-506 states that "…streets, (or) alleys…vacated shall revert to the owners of the real estate immediately abutting thereon, according to the frontage of such real estate thereon….". The vacation plat provided by the applicant shows the entire portion being allotted to property owner 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 gthe 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. 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.

A-2020-10



DEPARTMENT OF PLANNING + URBAN DESIGN
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

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.

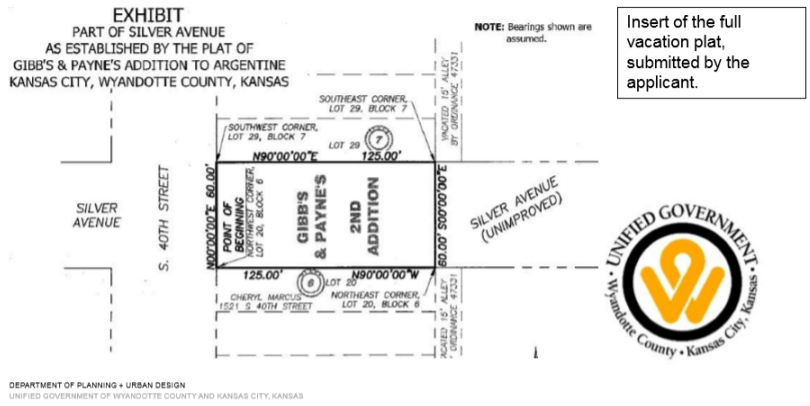
Mayor Alvey said I'd ask the application to present his application. Please state your name and address for the record.

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.

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.

A-2020-10



Insert of the full vacation plat, submitted by the applicant.

A-2020-10

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.

DEPARTMENT OF PLANNING + URBAN DESIGN
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

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

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. Iit 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 tittle 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.

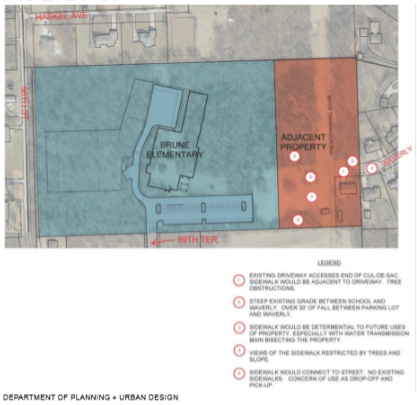
Mayor Alvey said the Planning Commission voted 6 to 1 for denial. That is, they voted to maintain the stipulation for the sidewalk. I'll ask staff to make some opening remarks.

PR-2020-17

DEPARTMENT OF PLANNING + URBAN DESIGN
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

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 ble 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.

PR-2020-17



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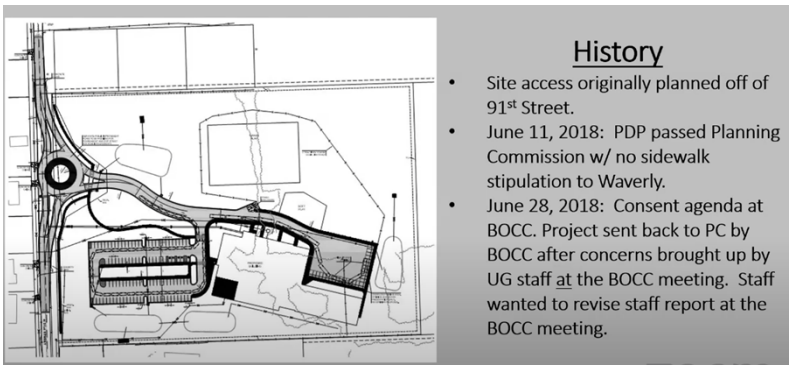
Doug Clements, Director of Physical Properties, KCK Public School District, 2010 N. 59th St., said I'll also mention that the majority of the presentation will be done by Bryan Hill. He's

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.

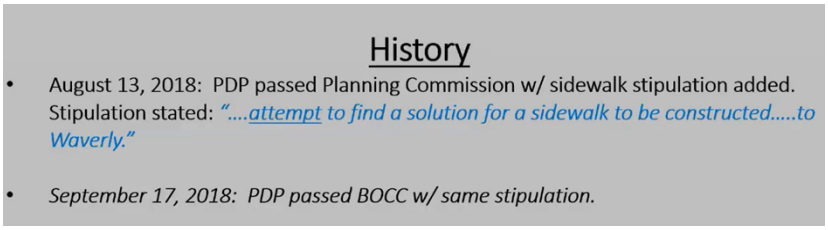
Understanding that it would not be, we went through the process. I understood we had to go through the process. Whatever got said in that meeting, I still had to go through the process. We went through that entire process and got through our Planning and Zoning, got on the consent agenda. If you recall, 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.

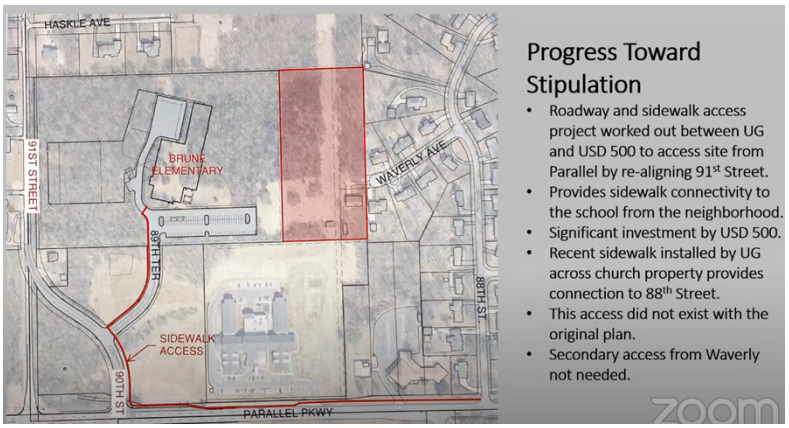


Brian Hill, MKEC Engineering, 11827 W. 112th St., Overland Park, KS, said following Doug's comments, starting off with a little bit of further history with the site, this here shows the school property. This was the original plan for the school. Access for cars were going to come off of 91st Street via 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.



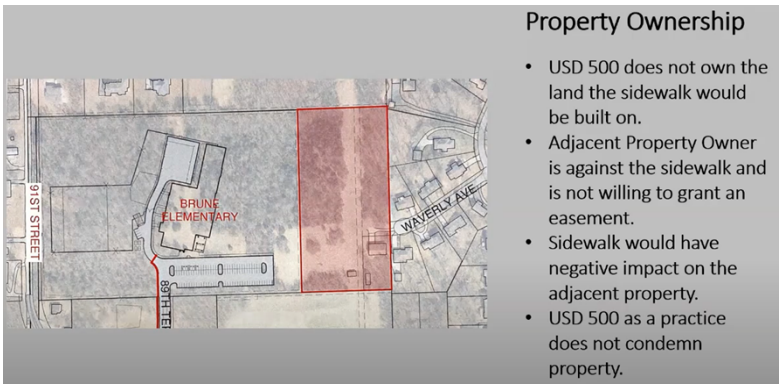
With that, then we went back to—probably put back to Planning Commission. At that Planning Commission meeting, the stipulation that was placed by the Planning Commission stated to attempt how to find a solution for a sidewalk to be constructed to Waverly. Then in September that passed the Board of County Commissioners with that same stipulation to attempt to find a solution for a sidewalk connection to Waverly.



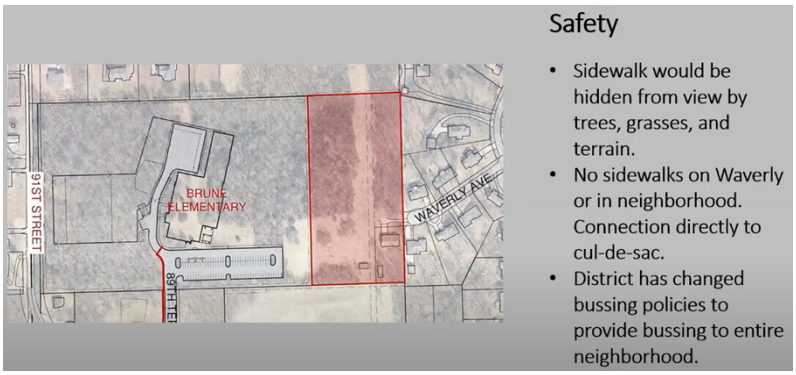
Some progress that has been made toward that stipulation. I want to share here this evening with you. This here, again, shows the adjacent property that is owned by Ms. Christie Lee and then the Brune Elementary property. Since the stipulation was placed, a roadway, sidewalk access project, as it worked 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.



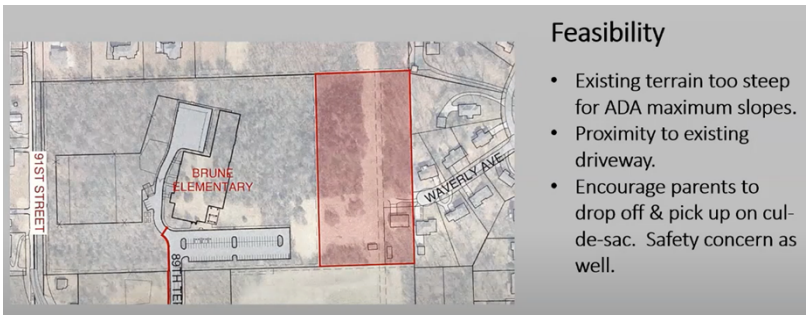
Again, just like to mention a few other factors here. This has been the case ever since the school was started, the design and develop USD 500 does not own the property there between the school and Waverly. The property owner has been against the easement sidewalk—would have a negative impact on their 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.

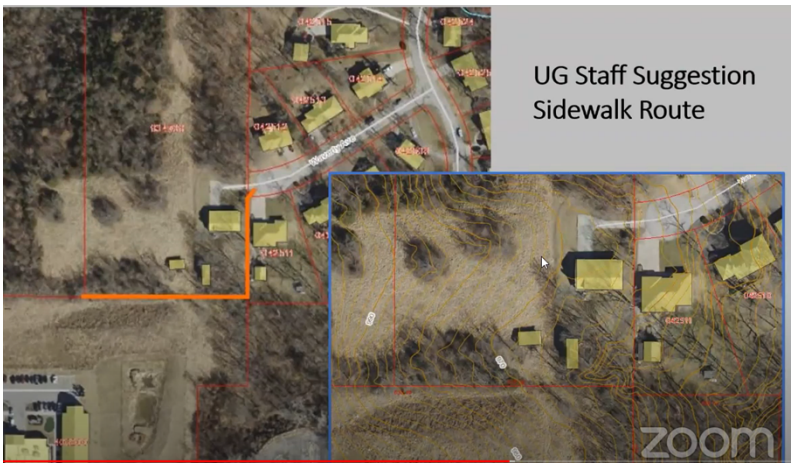
Thirdly, as the district has changed their busing policy for this and is providing busing for the entire neighborhood even though it's inside their typical non-bus radius. Those students will have the opportunity to be bused to Brune with this change in the policy.



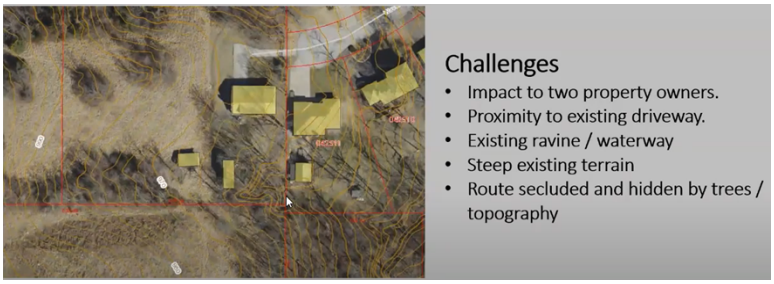
Also, feasibility, as mentioned. The existing terrain is steep in excess of maximum ADA slopes. You would have a sidewalk here very appropriate to Mrs. Lee's driveway. Her driveway comes off the end of the cul-de-sac here to her driveway and the house here. The sidewalk would be right adjacent to her 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.

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 tress on both sides.



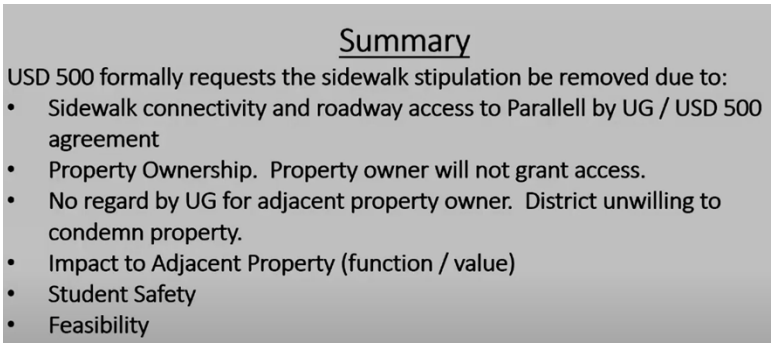
Mr. Hand, with Planning and the Planning Commission staff report, had suggested a potential sidewalk route here and existing utility easements there on the outskirts of Mrs. Lee's property there. Several concerns on that. You can see that the topography with the trees, there's a deep ravine coming through 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.



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

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.

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-sc. 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

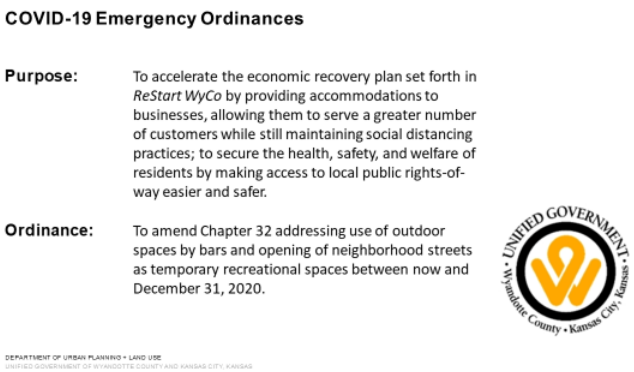
ITEM NO. 1 – 20355...ORDINANCE

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.

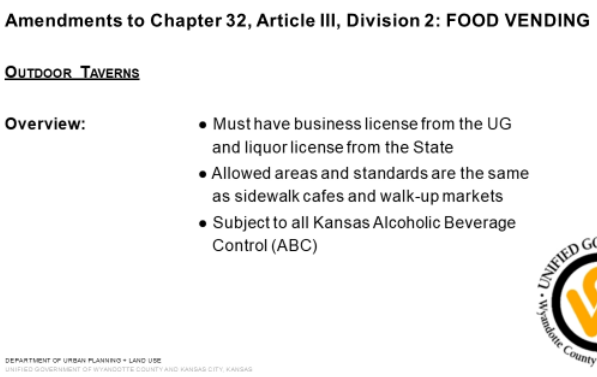
Mayor Alvey said I'll ask staff to make some opening remarks.

Byron Toy, Lead Planner, said Michael Farley will be making this presentation.

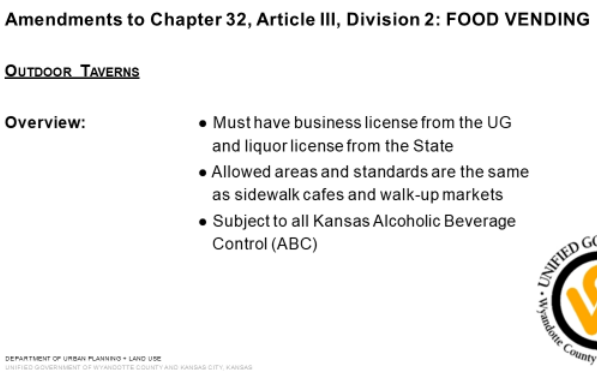


Michael Farley, Planner, said as you're aware, we've been proposing several emergency ordinances throughout the last couple of months in response to the COVID-19 virus. The purpose of this one is going to be two-fold. It will be addressing Chapter 32, and it will be allowing bars to operate outside much in the manner that restaurants already have been, as well as opening up streets to greater local pedestrian use for temporary recreational activity.

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.



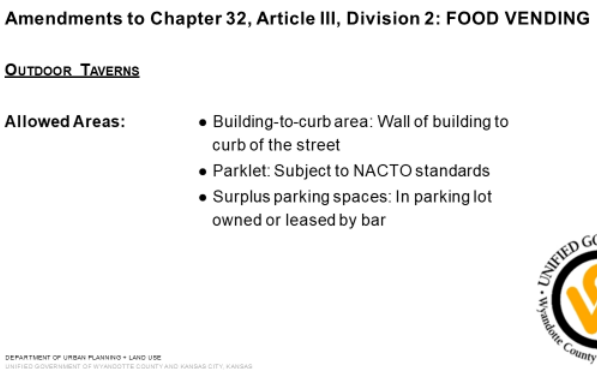
The outdoor taverns are going to be allowed only for bars that already have a business license from the Unified Government and a liquor license from the state and are in full compliance. Someone can obtain that, but you have to have that before you can open up an outdoor tavern. This is not the same 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.

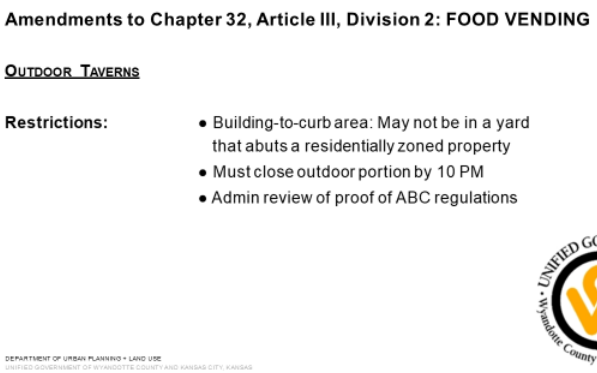


The allowed areas for these outdoor taverns will be from the building to curb, which is the wall of the building of the curb of the street, just like restaurants are allowed to do within parklets. Bars are allowed to build semi-permanent or permanent parklet structures subject to natural standards in 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

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.





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.

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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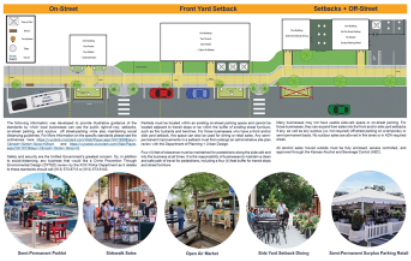
Amendments to Chapter 32, Article III, Division 2: FOOD VENDING

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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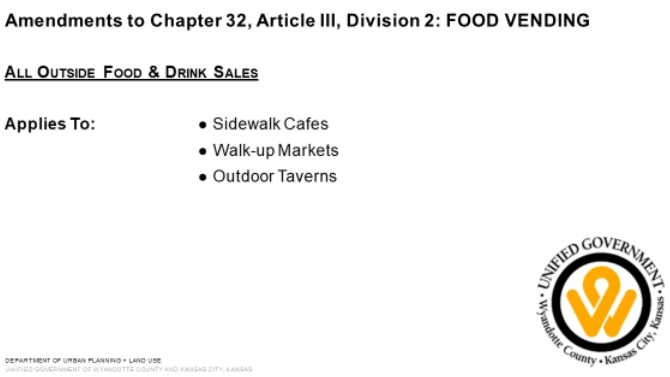
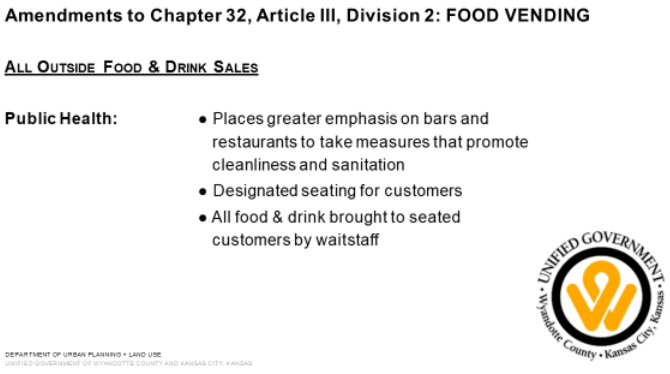
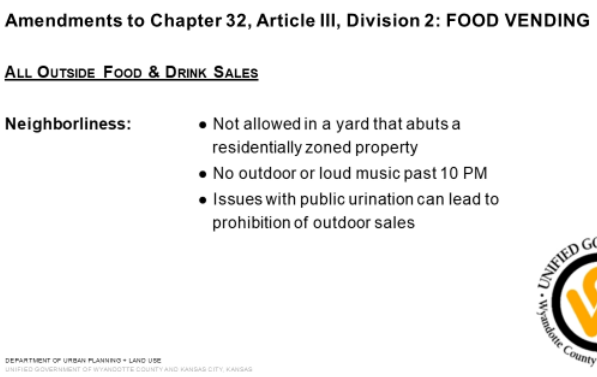
Parklets, and we have also updated our parklet bifold that the Planning Department has put out.





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.



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

We also have an open streets ordinance that we are proposing.

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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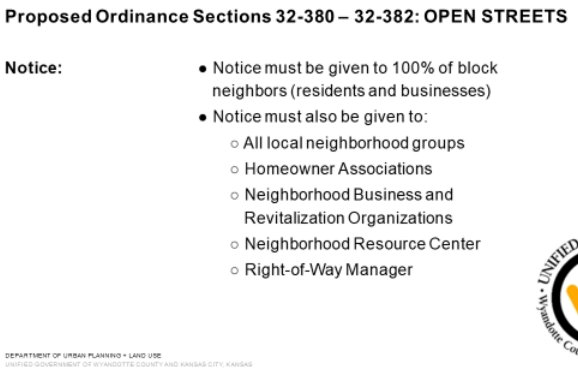
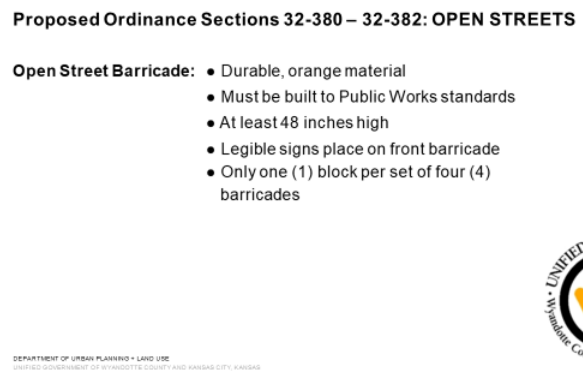
So, let's walk through that real quick. The block captains, and this is going to be a neighbor who lives on that street, they have to be a neighbor or business owner on the block that will be affected who applies for the permit. They will provide notice to every neighbor on that affected block and that 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.



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.



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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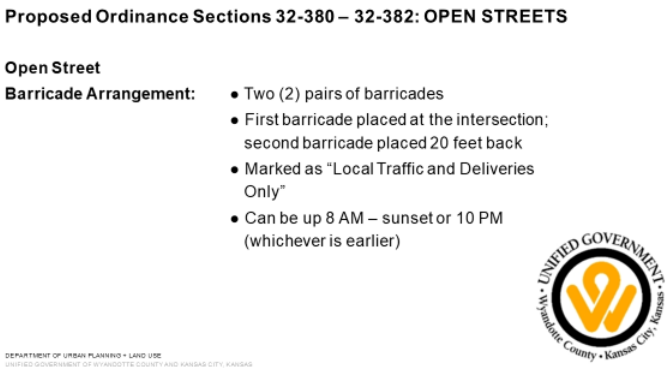
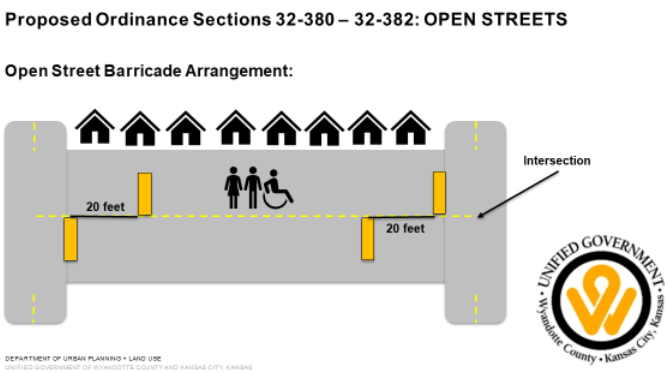
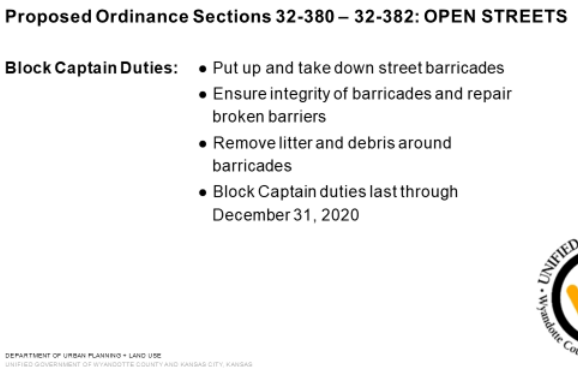
The idea behind this is like the signs you see driving that kids live here, this is not cutting off traffic for anyone. We'll talk about how the barricades will be arranged. This is just simply giving people an opportunity to have greater use of their street, pedestrian use, recreational use, get out 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.



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.



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.



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.

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.

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

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Bridgette D. Cobbins
Unified Government Clerk

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STATE OF KANSAS)
WYANDOTTE COUNTY)) SS **REGULAR SESSION**
CITY OF KANSAS CITY, KS) **SEPTEMBER 3, 2020**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, September 3, 2020, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Townsend, Commissioner First District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Assistant County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Justus Welker, Director of Public Transportation; Juliann VanLiew, Director of Health Department, Steve Haulmark, Assistant Chief, Police Department; and Troy Shaw, County Engineer.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, some committee members, staff, and public are attending remotely via Zoom as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is 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 via zoom, or submit comments by email prior to the meeting, and those comments are included in the record of the meeting.

MAYOR ALVEY called the meeting to order.

ROLL CALL: McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Alvey.

INVOCATION was given by Commissioner Harold Johnson, Faith Deliverance Church of God in Christ.

MAYOR ALVEY said thank you Commissioner. Are there are any revisions to tonight's agenda. **Bridgette Cobbins, UG Clerk,** said yes, Mister Mayor, a blue sheet has been distributed. We have a new item under the Mayor's Agenda. We have one item; a resolution regarding to extend the state of the local health emergency.

Mayor Alvey said thank you. So, this is a resolution extending the state of a local health emergency for the COVID-19 pandemic for Wyandotte County through December 14th. Mr. Moore, would you describe the circumstances for the blue sheet?

MAYOR'S AGENDA

Item No. 1 – 20384…RESOLUTION: EXTEND STATE OF LOCAL HEALTH EMERGENCY

Synopsis: A resolution extending the state of local health Emergency for the COVID-19 pandemic for the County of Wyandotte, Kansas through December 14, 2020, submitted by David Alvey, Mayor/CEO.

Ken Moore, Chief Legal Counsel, said yes, Mayor, this resolution, the initial one was issued by you back in March, I believe, for the time period that was allowed. Now the state statute requires that the Commission extend it for no more than a 60-day period as extended back in July to September. The reason for this blue sheet, because even though it expires on September the 15th, your next meeting is not until September 17th and Jeff Conway Miles caught that and brought it to our attention, so I apologize for having to do a blue sheet, but we don't want to have a lapse in funding of two or three days to where we're outside declaration.

Mayor Alvey said okay. Thank you. Any comments or questions, otherwise I'll entertain a motion.

Action: **RESOLUTION NO. R-66-20**, "A resolution extending the State of Local Health Emergency for the COVID-19 Pandemic for the County of Wyandotte County, Kansas, through December 14, 2020." **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

CONSENT AGENDA

Mayor Alvey asked does any member of the Commission or the County Administrator wish to set-aside any item on Consent Agenda? If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the Consent Agenda.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 1 – 20377…ORDINANCE: LEAVENWORTH ROAD IMPROVEMENTS, 78TH TO 63RD STREET

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire property for the Leavenworth Road Improvement Project from 78th Street to 63rd Street (CMIP 1224; KDOT Project No. 105 N-0677-010), submitted by James Bain, Assistant Counsel. On September 12, 2019, the Commission unanimously adopted Resolution No. R-59-19, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Action: **ORDINANCE NO. O-62-20**, "An ordinance condemning real property and/or real property rights for the Leavenworth Road Improvement Project from 78th Street to 63rd Street (CMIP 1224; KDOT Project No. 105 N-0677-01), and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance." **Commissioner**

McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance. Roll call was taken on the motion and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook Bynum, Burroughs.

ITEM NO. 2 – 20378…ORDINANCE: KANSAS CITY LEVEES PROJECT ALONG ARGENTINE, ARMOURDALE, AND CID LEVEE SYSTEM

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire property for the Armourdale-CID to construct, reconstruct, operate and maintain the Levee system along the Kansas River, submitted by E. James Bain, Assistant Counsel. On August 15, 2019, the Commission unanimously adopted Resolution No. R-52-19, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Action: **ORDINANCE NO. O-63-20**, "An ordinance condemning lands and interests in lands for the Kansas Cities Levees Flood Risk Management Project (Armourdale-CID) along the Kansas River, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in herein." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 3 – 20263…COMMUNICATION: PUBLIC TRANSIT AGENCY SAFETY PLAN (PTASP)

Synopsis: Request to approve Public Transportation Agency Safety Plan (PTASP) Final Rule, which requires certain operators of public transportation systems that receive federal funds under FTA's Urbanized Area Formula Grants to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS), submitted by Justus Welker, Director of Public Transportation. On August 24, 2020, the Administration and Human

Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson to approve.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 4 – 20304…GRANT: KDHE ELC

Synopsis: Request grant approval in the amount of $732,567.97 KDHE ELC (Enhancement Act/Epidemiology and Laboratory Capacity) COVID-19 staffing and infrastructure support $800,000 ELC Optimal-Care Resource Coordination and Expanded Testing COVID-19. No match required, submitted by Juliann VanLiew, Director of Health Department. On August 24, 2020, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson to approve.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 5 – 20315…GRANT: FY20 FEDERAL JUSTICE ASSISTANCE GRANT (JAG GRANT)

Synopsis: The Police Department is seeking approval to apply for and accept the FY20 Edward Byrne Memorial Justice Assistance Grant in the amount of $88,514. A portion of this grant would be used to help train and fund our newly established comfort canine program. These canines will be used both to assist officers with the stress and trauma that they experience during line of duty incidents and also to calm and ease victims of crime within our city. The remainder of the grant money will be utilized for officer protective equipment that will be utilized for training scenarios and in the case of civil unrest, submitted by Steve Haulmark, Assistant Chief, Police Department.

On August 24, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson to approve.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 6 – 20305…RESOLUTION: AUTHORIZING AN AGREEMENT WITH THE BONNER SPRINGS/EDWARDSVILLE SCHOOL DISTRICT FOR THE PROVISION OF A SCHOOL RESOURCE OFFICER

Synopsis: Request approval to enter into an agreement with the Bonner Springs/ Edwardsville school district for the provision of a School Resource Officer to serve at schools in the district, submitted by Susan Alig, Assistant Counsel. On August 24, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-65-20**, "A resolution approving the agreement between the Unified Government of Wyandotte County/Kansas City, Kansas and Unified School District No. 204 for the provision of a School Resource Officer." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 7 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated August 27, 2020.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to receive and file.** Roll call was taken on the motion and there were

nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

No items

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY

ADJOURNED THE MEETING AT 7:09 P.M.

September 3, 2020

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Bridgette D. Cobbins
Unified Government Clerk

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STATE OF KANSAS)
WYANDOTTE COUNTY)) SS **REGULAR SESSION**
CITY OF KANSAS CITY, KS) **SEPTEMBER 17, 2020**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, September 17, 2020, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Townsend, Commissioner First District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Melissa Sieben, Emerick Cross, and Alan Howze Assistant County Administrators; Misty Brown, Deputy Chief Counsel; Carol Godsil, Deputy Unified Government Clerk; Angel Obert, Assistant Director Parks and Recreation; Alley Porter, Commission Liasion; Jud Knapp, Interim Land Bank Manager; Katherine Carttar, Director of Economic Development; Lynn Melton, Assistant to the Mayor; Renee Ramirez, Director of Human Resources.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, commissioners, staff, and the public are attending remotely via Zoom or by phone. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public who is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

ROLL CALL: McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook Bynum, Burroughs, Alvey.

INVOCATION was given by Commissioner Melissa Bynum.

Mayor Alvey asked, are there are any revisions to tonight's agenda? **Carol Godsil, Deputy UG Clerk,** said yes, Mayor. A blue sheet was distributed today with revisions to the Consent Agenda. Under Item No. 1, President's Day was corrected from February 17 to the 15 and Spring Holiday from April 10 to the 2.

For Item Nos. 3 and 4, updated resolutions were submitted indicating the public hearing set for October 29 would be virtual rather than on site. Those are the corrections to tonight's agenda.

MAYOR'S AGENDA

No items

CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or the County Administrator wish to set-aside any item on the Consent Agenda? If an item is not set-aside, all items on the Consent Agenda will be voted on by one vote.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the Consent Agenda.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 1 – 20385…COMMUNICATION: PROPOSED 2021 HOLIDAY SCHEDULE

Synopsis: A communication submitting a proposed 2021 holiday schedule, submitted by Bridgette Cobbins, UG Clerk.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve.** Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 2 – 20320…RESOLUTION: AGREEMENT WITH BONNER SPRINGS FOR NRP NO. 6

Synopsis: An interlocal agreement between the Unified Government and Bonner Springs related to the Bonner Springs Neighborhood Revitalization Plan No. 6, submitted by Katherine Carttar, Director of Economic Development. On August 31, 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-67-20,** "A resolution approving an interlocal agreement with Bonner Springs, Kansas for the Bonner Springs Neighborhood Revitalization Project Tax Rebate Plan No. 6, which becomes effective January 1, 2021." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 3 – 20390…RESOLUTION: SET A PUBLIC HEARING DATE REGARDING YARDS II APARTMENTS REDEVELOPMENT PLAN

Synopsis: A resolution setting a public hearing date of October 29, 2020, to consider a redevelopment project plan for the Yards II Apartments project, 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: **RESOLUTION NO. R-68-20,** "A resolution of the Unified Government of Wyandotte County/Kansas City, Kansas establishing October 29, 2020 at 7 pm 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 and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 4 – 20379…RESOLUTION: SET A PUBLIC HEARING DATE FOR EPIC CENTER REDEVELOPMENT TIF DISTRICT

Synopsis: A resolution setting a public hearing date of October 29, 2020, to consider a redevelopment project plan for Menards, submitted by Katherine Carttar, Director of Economic Development. On August 31, 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-69-20**, "A resolution of the Unified Government of Wyandotte County/Kansas City, Kansas establishing October 29, 2020 at 7 pm as the date and time of a public hearing regarding the adoption of a redevelopment project plan pursuant to K.S.A. 12-1770et seq." **Commissioner McKiernan** made a motion, seconded by Commissioner Ramirez, to adopt the resolution. Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 5 – 20324…RESOLUTION: SET A PUBLIC HEARING DATE REGARDING NEIGHBORHOOD REVITALIZATION ACT PLAN AND INTERLOCAL AGREEMENTS

Synopsis: A resolution setting a public hearing date of October 29, 2020, to consider the Neighborhood Revitalization Act Plan and Interlocal Agreements, submitted by Stephanie Moore, Economic Development. On August 31, 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-70-20,** "A resolution calling and providing for the giving of notice of a public hearing on the designation of a Neighborhood Revitalization Area; the adoption of a revitalization plan; and providing for the giving of notice of said hearing to be held October 29, 2020 at 7 pm." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.**

Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 6 – 20394…NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Micah King to UG Board of Park Commissioners, 9/17/20-12/11/23, submitted by Commissioner Markley

Ty Collins to UG Board of Park Commissioners, 9/17/20-12/13/21, submitted by Mayor Alvey

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve**. Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 7 - MINUTES

Synopsis: Minutes from regular sessions of July 9 and August 13, 2020; and special sessions of August 13 and 27, 2020.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve.** Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 8 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated September 3 and 10, 2020.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to receive and file.** Roll call was taken on the motion and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

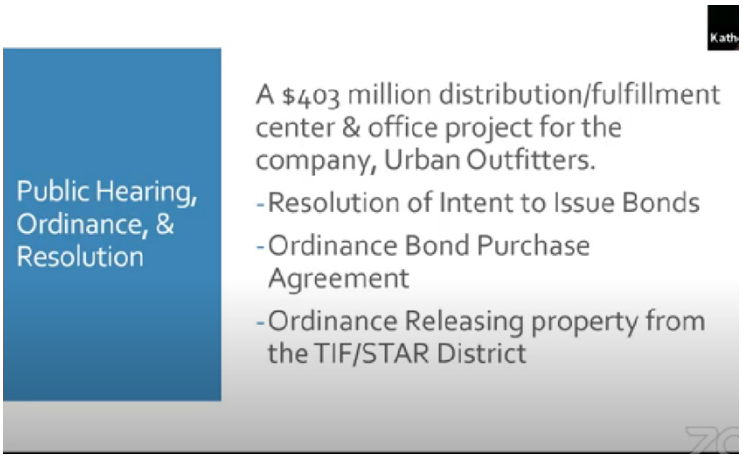
PUBLIC HEARING AGENDA

Item No. 1 – 20319…PUBLIC HEARING: URBN DEVELOPMENT PROJECT

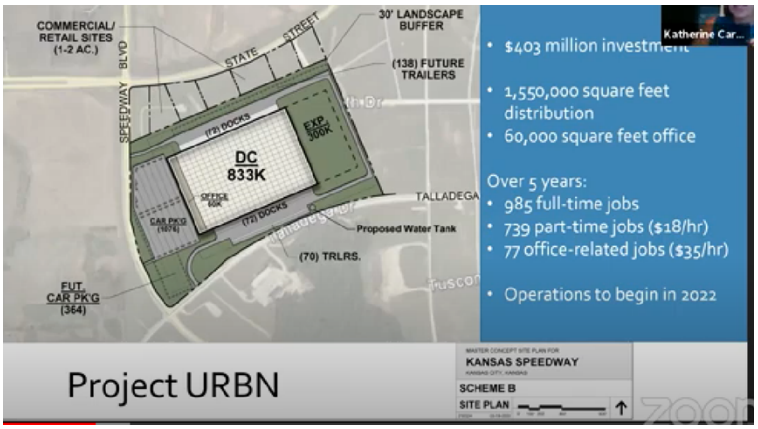
Synopsis: Conduct a public hearing to consider the following actions regarding a $403 million distribution/fulfillment center and office project for the company, URBN, at the corner of Speedway Blvd. and State Ave., submitted by Katherine Carttar, Director of Economic Development. On August 31, 2020, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission

- Resolution of Intent
- Bond ordinance authorizing issuance of bonds and execution of documents, including a development agreement and bond purchase agreement
- Ordinance releasing land from TIF/STAR District

Mayor Alvey said I'll ask staff to make some opening remarks.



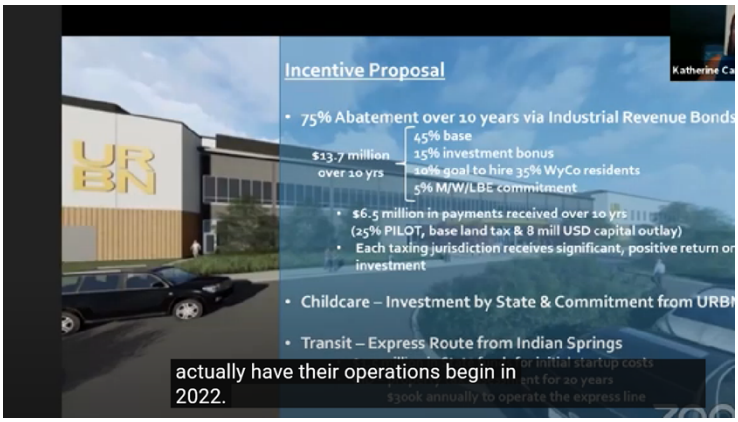
Katherine Carttar, Director of Economic Development, said tonight there is a public hearing, two ordinances, and a resolution all having to do with the $403M distribution and fulfillment center and office project for the company, URBN Outfitters. At the end of this, you will be voting on a resolution of intent to issue bonds, an ordinance for the bond purchase agreement, as well as an ordinance releasing the property from the TIF/STAR District.



I'm going to give a brief overview of the project and then I'll turn it over to the company's Chief Development Officer, David Ziel, for a few comments before moving to the public hearing.

This project is a $403M investment. They're looking at 1.5M sq. ft. of distribution space as well as 60,000 sq. ft. of office space. Additionally, they're looking at providing enough space for additional expansion potentially in the future. This is, I will say, a slightly altered and old site plan. You'll see a newer one coming through as they're going through the Planning Commission currently with their preliminary plan.

Over the next five years, as far as the distribution jobs, there will be over 1,700 jobs with a starting salary of $18 an hour. This will be a tremendous increase to the starting salary of the distribution jobs in Wyandotte County, and we're hoping that this will lead to kind of pushing up the entire industry to even higher wages, as well as 77 office related jobs with a starting salary of about $35 an hour. They're moving very quickly and as I mentioned, you'll be seeing planning documents coming forward very soon. I anticipate all of their approvals here within just over a month or so if all goes according to plan so that they can get stared and actually have their operations begin in 2022.



As far as the incentive proposal, what is being proposed here tonight is a 75% abatement over 10 years, via the Industrial Revenue Bonds Program. The 75% is part of our policy so that is a 45% base, plus 15% for the investment bonus. This being a $403M project, there was certainly enough investment there to receive that, which I think the threshold is $50M.

Additionally, they've gone somewhat above and beyond with a goal to hire 35% of their employees to be Wyandotte County residents. I'm sure David, when he speaks, will mention this, but as far as they're concerned, that's really a minimum. They see this is one of the main reasons that they chose this site and Wyandotte County and KCK is because of our workforce, as well as an additional 5% for their MBE,WBE, LBE, commitment. What that all amounts to is about $13.7M over ten years in abatement, but they will be making $6.5M in payments over those ten years with the PILOT, that's the payment in lieu of taxes, as well as the base plan tax and the USD capital outlay.

We did a cost benefit analysis and all the taxing jurisdictions receive significant positive return on investment. This truly was a partnership and really went kind of in a different way than a lot of the projects we did in that we really worked very closely with the state and the company URBN Outfitters as well as, obviously the Unified Government, to come up with really a proposal that kind of goes outside the box.

This company is incredibly community focused. With the help of KCADC and the Wyandotte Economic Development Council, we really feel like we came to an agreement that really does hit all the boxes and will be a great benefit for the company and for URBN Outfitters. To that point, they've made a commitment for childcare. There will be some investment from the state as well in that. Then transit, they're looking to do an express route from Indian Springs. Indian Springs makes the most sense as we have the transit stop there already. If we did that,

there's a very quick way to get to this location. The state is putting in some funds for some initial start-up and then URBN Outfitters, willingly, is going above and beyond again as I mentioned by doing a CID where they're assessing themselves for 20 years to provide about $300,000 annually to operate the express line. This, we believe, will benefit not only their employees but has the potential to benefit the wider community.

With that, I'm going to turn it over the URBN Outfitters Chief Development Officer, David Ziel, with any comments.

David Ziel, URBN Outfitters Chief Development Officer, said you know I'm a face-to-faces and the community. Incredibly proud of the project. I'll go very, very quickly. Look at the state of Missouri and the state Kansas and we're extraordinarily pleased at working both with the Governor and her administration as well as Wyandotte County. The developer Hillwood as well as Nascar incredibly exited to plant our largest and most significant facility and long-term commitment of growth and community support in Wyandotte County, KCK region.

With that, this is—we're not a group that builds many facilities and this is the center pin of our overall strategy for years to come. Incredibly excited about it. The selection is based on the partnerships, but more importantly, it's based on the people. This is where we want to be. The workforce is where we want to be. Our approach has been—and the UG in whole, everybody involved with this project, both locally, at the state level, and URBN Outfitters have been about how do we position this project? How do we better transportation, not just for us, but for the region? How do we continue to support and really help the economy flourish? We feel it's the strongest workforce out of our sixth finalist, three in each state. Again, extremely pleased. I'm extraordinally excited. I'm going to lead the project with my team. I'm looking forward to fulfilling the long-term commitment in this state, and I don't think this is our first or last project in the region.

Our commitment is steadfast. We would hire, we will hire as many employees from Wyandotte County that are qualified and that apply. From our perspective, the percentage is not relevant. We could go as high as it accommodates. It is a large employee count so having the region and the transportation improvements are critical to make sure we make this facility happen.

This is URBN Outfitters. Just so everyone is very, very clear. URBN Outfitters is several brands. It's URBN Outfitters, it's anthropology, it's free people, and with anthropology, is also terrain and behold, our wedding concept. This becomes our true amni-channel facility which supports retail distribution as well as direct consumer fulfillment at the largest proportion.

Our strategy of east and west, we grew up east and west because we're an east coast-born company and then our second largest expansion was in the west. Our facilities to support that type of retail and direct consumer growth, we're on the coast. A revision to our strategy is long, long term for the company over many, many years. We've chosen Wyandotte County in Kansas to be the center point of our strategy. The largest component by a long shot and everything else will simply infill and support this operation, hence, the ability to expand here.

We're quite excited after working with Governor Kelly and you guys. We're very excited about the opportunity and the relationship of several universities. The large universities in close proximity gives URBN Outfitters the opportunity to consider other opportunities to grow business segments in the future, in the state of Kansas, in Wyandotte County, and other counties. We're incredibly excited. Our commitment on hiring and workforce is we are well underway in our connections utilizing the resources of Wyandotte County and the UG, to work on local

subcontractors, contractors of minority, women-owned contractors. We're very, very local driven on this project.

Hillwood is a top-notch developer. We're excited to have our first partnership and relationship with them, and NASCAR's been immensely supportive of making URBN a part of this particular property and perhaps have future plans to work with us and us with them in the future. A great partnership has formed here, but the most important one is locally.

We are committed, I am committed to continue to evolve concepts further. I think this is a great representation of state, local, and private enterprise. Those governments and private enterprise putting together a very thorough and well thought-out development strategy that is really, really supportive of the right initiatives.

I think childcare, medical care, and childcare in this particular facility was a huge initiative also from the state and local government working with URBN Outfitters to, not necessarily doesn't mean in our facility. It means where do we work together with that commitment to each other and where do we put that to best serve Wyandotte County and the KCK region. That makes me proud. That makes me proud to be part of a project where we can do those things together and the transportation also to support not only our particular development, but the continued development and providing that access for folks in your community to access jobs and good paying jobs.

With that, I think I covered the ground. Again, we are extraordinarily pleased. We've had nothing but welcome arms in the right way. A partnership in the community. Education is immensely important to URBN Outfitters. I can't wait for COVID to be over. This is the first time I've done a project and haven't been able to meet the superintendent of schools for multiple school districts that are impacted by the support that's been shown for our project. I just can't wait to get back out there and meet everybody, and I mean that sincerely. I'm ready.

Mayor Alvey said thank you, David. Katherine are there any other comments before I open the public hearing? **Ms. Carttar** said no, that's everything I've got.

Mayor Alvey opened the public hearing. Is there anyone who would like to speak in favor of this item? If so, please state your name and the city of residency for the record. You will be given up to three minutes to state your comments.

Greg Kindle, President of Wyandotte Ecocnomic Development Council and a resident of KCK, said I'm here in support of the resolution of intent, bond ordinance, development agreement, and release from the TIF/STAR Bond District as requested. Since our initial introduction to David Ziel and his team at URBN Outfitters, we've been impressed with the company's culture. You got a sense of that from David in his comments just a few minutes ago. They're committed to creating a quality of life for their employees that we believe brings value to Wyandotte County. This is not a transactional development deal. What is before you is a transformational development agreement that connects URBN Outfitters to our community in numerous ways through long-term commitment to transit, hiring Wyandotte County residents including those who do not speak English as their first language, creating nearly 2,000 jobs of sector leading wages and the logistic sector, a commitment to developing a childcare and healthcare programs, using local, minority, and women-owned companies in the construction of the facility, and connecting to the school district through internships and special projects.

WYDEC commends URBN Outfitters for working with the UG team, Governor Kelly and Secretary Toland to develop an interconnected agreement that addresses our community needs while also seeking to drive a positive business environment for URBN Outfitters. They're long-term success is also our long-term success. We appreciate the work of Hillwood, Kansas Speedway Development, the UG team, and I can't overstate the role of the UG team between transit, Katherine, Doug, the Planning Department. There are so many different groups that have been involved in this project, far more than we often see in many other projects. The breath and scope of this project is pretty remarkable. We look forward to working with URBN Outfitters going into the future on this $403M project. We support this and urge to do as well.

Doug Bach, County Administrator, said I would like to confirm with Ms. Sieben, per our notice, that no one has shown up at the City Hall location, just for the record. **Melissas Sieben, Assistant County Administrator,** said there is no one at City Hall that has arrived for speaking.

Mayor Alvey asked, Rocki or Carol, is there anyone else who has their hand up? **Ms. Mayes** said there is nobody in the attendees' list with their hand up.

Mayor Alvey asked, is there anyone who would like to speak in opposition to this item? I'm assuming there are no hands up. **Mr. Bach** said that is correct, Mayor.
Mayor Alvey said as there are no further comments or questions from the public, I'll close the public hearing.

Mayor Alvey asked, does the Commission have any questions or comments? If you would indulge me, I'd just like to reiterate the attractiveness of this development in for so many ways that the commitment to at least 35% of the hiring be from Wyandotte County residents. Also, the transit connection to the center of our city to allow access both from across the city be able to access this employment, but also for them to help solve problems of childcare, which during the COVID crisis, we understand is a very serious issue. Folks are having to look at perhaps having to leave their employment, at least one of the parents, leave employment to be able to stay at home with their students who are learning by computer, learning distant remote learning. The connection with education institutions, the so many different parts, so many different problems that URBN and the team has worked on to solve is really impressive and I think should be encouraging.

$18 an hour that does, I think, drive the market up, and I think that's going to put pressure on other logistics. Timing on this couldn't be better especially with the increase in employment rate in Wyandotte County, the availability of jobs to transit, solving for childcare, the links to education, and so many ways this strikes on all cylinders; it fires on all cylinders. I want to say thank you to all the team that helped make this possible.

Are there any other questions or comments?

Commissioner Bynum said I know I'm being repetitive here, but when we have developers come to Wyandotte County and propose projects, I and I think several of my fellow commissioners, kind of take that tactic of "what's in it for Wyandotte?" I think by doing so, we created a multitude of big development deals for our community. I have to say that for URBN to come and present a proposal and for our staff, Katherine, the Planning team, and the Finance team, and everyone involved including people like Greg Kindle who deeply understand now our socioeconomic needs in our community, and ways to bring families out of generational poverty, I think it's a game changer now. I just wanted to repeat all of the congratulations because and—for URBN to stay at the table and when presented with the picture of Wyandotte County when our representatives say,

that's fine, we'd love to talk to you, here's what we need, here's what our community needs, and for URBN to say, okay, let's talk about how we can partner and get that done. I think it's just taken things to a new level for us and I'm really proud, proud of everyone's participation and I want to say welcome to URBN.

Commissioner Burroughs said I want to thank Mr. Kindle for his complimentary comments. I think that really summed up a lot of how many of us feel. Greg, thank you for your gracious comments in reference to working this deal. This is an opportunity for our community to work with not only state and private, but local investment. These are the types of projects that are catalyst for additional projects and ancillary development. I'm very proud of our staff to put together a project with such magnitude and long-lasting impact to our community. Mayor, I'm really excited about this project. I believe the people of Wyandotte County.

Mr. Ziel, thank you for your consideration and your partnership with Wyandotte County. We stand ready as partners to continue to move on into the future, and I look forward to the success of URBN Outfitters and that of the residents of Wyandotte County and those that choose to work for your business. If there's anything that you have proven, is that during these most trying of times, there's still partnerships to be developed and foster. So, thank you.

Mr. Ziel said I think you guys are selling yourselves short. I'm getting a little longer in the tooth folks. You folks put your people first, and we put people first. I think it's been a pleasure to work with all of you, Greg, Katherine, all of you, again. I get a little emotional about it. It's been a two-year mission for me. You folks certainly, you certainly welcomed us, but the best combination is when you put your people first and we believe in people. I actually think that's what won the partnership. We're appreciative. I can affirmatively tell both, all of you, you have a very talented team, but more importantly, I'll tell everybody who's listening to this call, URBN Outfitters, Dave Ziel, particularly, my mission was to pick the right community to have a long partnership with, and we certainly have and I'll leave it at that.

Commissioner Philbrook said I know this is going to be somewhat repetitive. I have been working with the Workforce people and this community and our CHIP Program and a lot of other things to help move things along into this type of a culture. I will go out on a limb and proclaim that I believe that you are bringing your culture from your workplace. I want to thank you that

you're coming into this community and we're at this tipping point for a cultural shift, the type of shift that you are going to help us grow with and move into to make a bright future for our families. I will go out on that limb and say, I believe that your company and your folks are a godsend. Thank you very much.

Action: **RESOLUTION NO. R-71-20,** "A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the agreement amount of not to exceed $403,000,000 to finance the costs of acquiring, constructing, improving and equipping a commercial facility for the benefit of URBN US Retail, LLC, and its successors and assigns." **Commissioner Walters made a motion, seconded by Commissioner Burroughs, to adopt the resolution**. Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Action: **ORDINANCE NO. O-64-20,** "An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue taxable Industrial Revenue Bonds (URBN US Retail, LLC), Series A, in a principal amount not to exceed $403,000,000, for the purpose of providing funds to pay the cost of acquiring, constructing, improving and equipping a commercial facility, including land, buildings, structures, improvements, fixtures, machinery and equipment; authorizing the issuer to enter into certain documents and actions in connection with the issuance of said bonds." **Commissioner Burroughs made a motion, seconded by Commissioner Walters, to approve the ordinance.** Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Action: **ORDINANCE NO. O-65-20,** "An ordinance making findings and removing certain property from the STAR Bond project district within the city of Kansas City, Kansas (Prairie-Delaware Redevelopment Project Area A) contingent upon certain events." **Commissioner Walters made a motion, seconded by Commissioner**

Johnson, to approve the ordinance. Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Mayor Alvey said thank you, Mr. Ziel. **Mr. Ziel** said thank you. We look forward to it. Let's get this thing built and get some people working.

STANDING COMMITTEES' AGENDA

Item No. 1 – 20258…PROPOSAL: METRO 24 FITNESS MANAGEMENT AGREEMENT

Synopsis: A proposed renewal of Metro 24 Fitness Management Agreement for the Joe E. Amayo Community Center, submitted by Angel Obert, Assistant Director of Parks and Recreation. On August 24, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission for discussion, contingent upon staff meeting with Metro 24 Fitness owner to discuss opportunities for the contract and utility charges.

Mayor Alvey said public comment was received August 24th. Befre I open up for staff and commission comments, I'll ask Commissioner Bynum, who chaired the committee, if she has anything to add.

Commissioner Bynum said we had a good discussion at Public Works & Safety Standing Committee in late August on this item, and many public comments received. After a lengthy discussion, it did pass our committee with a unanimous vote, but with a plan in mind that Commissioner Ramirez, aided by Commissioner Kane, would sit down with the operator of Metro 24, Matt Warner. We also felt that it was important, perhaps, for the full commission to participate any further in a discussion should there be that desire. I believe that's why this is on our agenda tonight. With that, I would turn it back to you for comments from our fellow commissioners and any further discussion on the item. Again, remind everyone that it did pass from our standing committee with a unanimous vote in favor.

Commissioner Ramirez said I would like to, this stems from the meeting I had with Mr. Warner, Mr. East and Commissioner Kane. I would like to make an amendment to the proposed management agreement with Metro 24. I stated at standing committee that my concern with the management agreement proposal is and has always been for the children in my community. I, therefore, move to amend the management agreement proposal that has been brought forward by staff to include a provision stating that Metro 24 will pay their share of the utilities to the Board of Public Utilities and that the management fee paid by Metro 24 Fitness, LLC, to the Unified Government be placed in a special fund dedicated to promoting and hosting programs and activities and providing funding assistance for youth participants in the Argentine and Rosedale areas.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Kane, to approve the amendment to include utilities be paid to BPU and money be placed in a special fund dedicated for Argentine and Rosedale youth participation.**

Mayor Alvey asked, just for clarity, we are voting on an amendment first, correct? Or, are we looking at the entire piece with the amendment? **Commissioner Ramirez** said I would ask Misty. **Misty Brown, Deputy Chief Counsel**, said I believe the Commissioner's amendment that we would vote on the amendment first and then we could vote to pass the item. **Mayor Alvey** said okay. Thank you. Just to be clear. We have a motion and a second for the amendment to the agreement.

Commissioner Bynum asked just a quick question for clarification and the only question I have with the amended amendment is within the original agreement was the utility fee not going to be paid directly to the BPU. That is a change as well as the restriction of the portion of the monthly amount that comes to the UG being held in a special line item for youth activities. I want to make sure I understand the amendment. **Mayor Alvey** said I think that's correct. Misty, am I correct in that? **Ms. Brown** said that's correct. The original agreement did anticipate some utilities. Commissioner Ramirez wanted to make it very clear that the utilities would be paid to the BPU

and that the funds would be set-aside for the children's participation. Does that clarify? **Commissioner Bynum** said yes, thank you.

Doug Bach, County Administrator, said I just wanted to ask Misty. Misty, that's an amendment. I mean, Commissioner, I think, is moving forward with a development agreement and adding an amendment to it to move the whole thing forward. I don't quite understand why we would need to do this in two actions. It seems like it would be one action to advance everything. **Ms. Brown** said I think we could take one action to advance everything as long as everyone's votes would be the same.

Commissioner Walters said I would think that you would want to vote on the amendment separately from the main action in case somebody didn't like the amendment but liked the main agreement.

Mayor Alvey said I think what we have forward, in front of us now, is an amendment to the agreement, then we can come back to approve the agreement with the amendment already approved, if that's what the vote of the Commission is. We have a motion for the amendment and a second.

Commissioner Philbrook said I have a question. Did I hear it right? How much are they supposed to be paying a month to the UG for the usage of that area? **Emerick Cross, Assistant County Administrator,** said the monthly total is $1,898.13 for an annual total of $22,777.56 per year. **Commissioner Philbrook** said okay. Am I to understand that that amount of money is supposed to be put aside for programming for children in that area? **Mr. Cross** said it will be that amount of money, minus the BPU utility bill per month. **Commissioner Philbrook** said goes into programming for the children in Rosedale or Armourdale. Is that correct? **Mr. Cross** said I can read it for you really quick. It's to be placed in a special fund dedicated to promoting and hosting programs and activities and providing funding assistance for youth participants in the Argentine and Rosedale areas. **Commissioner Philbrook** said okay. Thank you.

Commissioner Walters asked, is there some reason why children from all over the county couldn't benefit from this instead of just a small area? **Commissioner Kane** said part of it is because the community center is right there where Metro 24 is. Trying to make sure the kids in the area have what they want. Metro 24 agreed with this. We had multiple conversations trying to make sure that this worked out best for the community and yeah, it's a little over $20,000, but I think it shows that the commissioner with Metro 24 is trying to come up with something that would make everyone in the area happy.

Commissioner Walters said so, Armourdale children would not be allowed to participate in these programs. **Commissioner Kane** said the ones that use the facility right there, Armourale, Argentine. **Commissioner Walters** asked, I thought the amendment said Rosedale and Argentine only. **Commissioner Ramirez** said that was my intent was to keep it inside the community for Argentine and the Rosedale areas. It's not as staff, as Angel has said, it's not a large amount of money. There's not much that can be done, but the main majority that I wanted, and it came from Angel Obert. She came up with the idea. The UG, we have some programs and activities that we have and there's a fee. Some of the family members in Argentine and Rosedale may not have that ability to pay that fee. This would be more of an assistance to help them participate in these activities and programs that may be within the area in Argentine. That was the intent that I had wanted. **Commissioner Walters** said I just have a philosophical issue with segregating certain parts of the entire county apart from the entire county for county-owned facilities.

Commissioner Johnson said to Commissioner Ramirez, Commissioner Kane, and to Mr. Cross, how much do we anticipate the BPU portion of that $1,800 or $1,900 a month to be? **Mr. Cross** said, Commissioner, I can just give you a rough estimate made off of square footage. I was informed by the BPU that you can't really do that. I understand that, but I had no other data or information or research to go from. I've estimated at $523.13 per month. John Kelly has looked at their billing for the entire center down there and thought I was in the ballpark. But to be honest with you, there's no way to know that unless you meter that. **Commissioner Johnson** said I think you already said this, but another way of saying what you said earlier was, they're going to pay a total of roughly $1,900 a month. Of that, about $520 some dollars would be set-aside into a fund which would ordinarily go to BPU. The remainder portion, which would be about $1,400 a month, would come to the general operating of the UG. Is that another way of saying that? **Mr. Cross**

said, yes sir, that's a rough order of magnitude. **Commissioner Johnson** said okay. I'm fine with that.

Commissioner McKiernan said I understand the amendment and I support the amendment because I think that this amendment is intended to help address the concerns of the community who were worried that, especially the younger children who were not able to fully participate in the fitness center, would still have activities and not be displaced from the center. I completely understand that, and I do support that.

I'm going to go back to what I requested five years ago when we first considered making structural improvements to the Argentine Center. What I asked then and I'm going to ask again now, is that we, despite the fact that today we have no money, we make an intentional plan to enhance the physical plant of all of our community centers on an ongoing basis. We make an intentional plan to create funds like this for all of our other community centers which is going to address the issue of in one area versus across the entire county. If we can make an intentional plan to improve the physical plant and to create funds to support youth activities, then I think over time, and it will take many years, but over time, we will have the best of all worlds.

Commissioner Ramirez said, Commissioner McKiernan, I am 100% behind you. I would love and I know Emerick and I have had many conversations about sitting down and seeing what we can do better for our parks, what can we do better for our children and making community centers better. I'm ready for that. Parks and Rec and all of this, this is my everyday job. I'm very passionate about parks and rec. This is why I'm very passionate and happy about this amendment and trying to get this through. I look forward to working with you and all of the commissioners and making our parks the best they can be.

Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Philbrook, Bynum, Burroughs; and one "No," Walters.

Action: **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve the development agreement.** Roll call was taken and there were nine

"Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ADMINISTRATOR'S AGENDA

No items

COMMISSIONERS' AGENDA

No items

Mayor Alvey said that concludes the portion of our regular meeting. I adjourn us in that capacity. I'll call us back to order as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission, or County Administrator, wish to set-aside this item? (There was no set-aside.)

Item No. 1 – 20325…LAND BANK APPLICATIONS

Synopsis: The Land Bank Manager respectfully request that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Interim Land Bank Manager. On August 31, 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.

Yard Extensions
1886 S. 6th St. – Kathryn Meyer
2726 N. 59th St. – Nakia Holley

Transfers from Land Bank to Unified Government
601 S. 26th – 151800
609 S. 26th - 151801
617 S. 26th – 151806
1602 S. 17th - 160401
3201 Kansas Avenue – 911304

3301 Kansas Avenue – 911303

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to aprove**. Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY

ADJOURNED THE MEETING AT 7:48 P.M.

September 17, 2020

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Carol Godsil
Deputy Unified Government Clerk

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STATE OF KANSAS) **PLANNING & ZONING AND**
WYANDOTTE COUNTY)) SS **REGULAR SESSION**
CITY OF KANSAS CITY, KS) **OCTOBER 1, 2020**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, October 1, 2020, with nine members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District, Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Townsend, Commissioner First District; and Kane, Commissioner Fifth District, were absent. The following officials were also in attendance: Doug Bach, County Administrator; Emerick Cross, Assistant County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Administrative Assistant; Alley Porter, Commission Liaison; and Rocki Mayes, Program Supervisor in County Administrator's Office.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, commissioners, staff, and public are attending remotely via Zoom as well as on site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public, that is 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 Zoom or submit comments by email prior to the meeting and those comments will be included in the record of this meeting.

Mayor Alvey called the meeting to order. Would the Clerk please call the roll?

Roll call: McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Alvey.

Mayor Alvey said the invocation will be given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Alvey asked the Clerk, are there any revisions to tonight's agenda? **Bridgette Cobbins, UG Clerk,** said there is a revision to the agenda. Under the Administrator's Agenda, Item No. 2, an overview for the Snow Removal Program will be presented at a later date. That item was for information only.

Mayor Alvey said tonight, we have two distinct parts to our meeting. The Planning and Zoning portion is 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.

PLANNING AND ZONING CONSENT AGENDA

Ms. Cobbins read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Ms. Cobbins asked if any member of the Commission wished to disclose any contact with proponents or opponents on any items on the Planning and Zoning Agenda. **Commissioner Philbrook** said #SP-2020-58, opponents. **Commissioner McKiernan** said opponents of #SP-2020-65 and opponents of #SP-2020-66. **Commissioner Bynum** said opponents of #SP-2020-65 and 66; opponents of #SP-2020-58.

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. **Bridgette Cobbin**s, **UG Clerk,** said we do have one item that was requested by the Clerk's Office to be set-aside. That is item…**Mayor Alvey**

said #SP-2020-75. **Ms. Cobbins** said yes, #SP-2020-75 has been requested to be pulled off from the Clerk's Office. **Mayor Alvey** asked, does the Planning Commission have any requests? Does any member of the public, again, have any requests to set-aside an item? Rocki, do we have any requests? **Rocki Mayes** said we do. We have Robin and Mary. **A woman** said, sorry, I don't want anything to be set-aside. I got on just a few minutes late and I was wondering if the Airbnb special permit for 3716 Springfield St. was on this list. **Mayor Alvey** said yes, it is. **The woman** said thank you. My apologies. **Mayor Alvey** asked, Rocki, was there anybody else? **Ms. Mayes** said there is no one with their hand up. **Mayor Alvey** said we have one set-aside, #SP-2020-75.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the Planning and Zoning Consent Agenda, excluding the set-aside.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 20409…CHANGE OF ZONE APPLICATION #3228 – CHASE THOMPSON

Synopsis: Change of zone from R-1 Single Family District to A-G Agriculture District for a garden, pond and tree farm at 3100 South 74th Street, submitted by Gunnar Hand, Director of Planning and Urban Design. The land is currently undeveloped. In the future, the applicant would like to build a home on the property and use it as their primary residence. No commercial activity is proposed for this property. There have been no Notices of Violation on this property. A complaint was received by neighboring property owner, Dale Freed. Mr. Freed states that unauthorized construction has commenced on the property and that appropriate erosion control measures have not been taken. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3228, subject to the comments in the staff report and the Planning Commission conditions.

1. Must acquire building permits for any structures you may build over 100 square feet;
2. Must acquire a land clearance permit for clearance if the land is to be cleared;
3. Must acquire a grading permit if more than 50 cubic feet of land is moved;
4. A special use permit must be acquired if 50 cubic yards or more of fill material is being added, unless an active building permit is being used;
5. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately

following the Unified Government Board of Commissioners' meeting. If the check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
6. Must obtain a shared access agreement with the property owner to the north at 3020 S. 74th Street; and,
7. Must contact KDA (Kansas Division of Agriculture) to obtain required permits before using the land for agricultural purposes.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application #3228, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 20404…SPECIAL USE PERMIT APPLICATION #SP-2020-48 - TODD HUFFMAN WITH THE DENT & DETAIL CLINIC

Synopsis: Renewal of a special use permit (#SP-2017-65, expired 4/26/2020) for an auto body shop at 5015 Gibbs Road, submitted by Gunnar Hand, Director of Planning and Urban Design. There is history of one zoning enforcement case in 2017 that was resolved by #SP-2017-65, #CZ 3152, and #PR-2018-20. There were six Code Enforcement cases in 2017 for vehicles or trash, one Code Enforcement case in 2019 for trash, and one Code Enforcement case in 2020 for vehicles without license plates. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-48, subject to all comments in the staff report and the following conditions:

1. The requirements and conditions from the City Planning Commission that were approved with COZ #3152, #SP-2017-65, and #PR-2018-20 will continue to be applied to this property along with any new conditions that may be added. Compliance with the Commercial Design Guidelines and potential future infrastructure improvements will continue to be applied to this property along with any new conditions that may be added.

   The stipulations and comments from the previous actions are attached below for reference:
   1. No wrecked cars in parking lot
   2. Only employee parking in parking lot
   3. No outside storage in parking lot
   4. 8 a.m. – 5 p.m. - hours of operation
   5. All doors closed while working on vehicles
   6. Paint booth must be filtered
   7. Any dumpster kept outside shall be screened per the code to match the building.

2. Applicant must acknowledge the following statement:
   Both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, stipulations, and requirements. Failure to make the necessary improvements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
3. CP-3 District regulations specify a 30,000-pound gross vehicle weight rating (GVWR) limit. Semi-trucks and/or semi-trailers exceed this limit and are not allowed to park on the property other than in performance of delivering supplies to the business;
4. The vegetation growing in the parking lot must be removed. The cracked or damaged pavement must be patched and sealed;
5. No outside parking of inoperable or wrecked vehicles at any time. Vehicles in any stage of repair must be stored inside at all times. This also applies to any employee vehicles parked on the property; and,
6. Applicant is different than the legal entity listed as the property owner. Submit a signed and notarized Owner's Affidavit Form for Huffman Holdings LLC.
   Staff Response: The applicant has provided the required affidavit.
7. The special use permit shall be valid for two years from the publication of the associated ordinance. The applicant is solely responsible for renewing their special use permit. The applicant should contact the Department of Planning + 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.
8. The special use permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
9. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) 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.
10. Any automotive-related business in Wyandotte County that is required to obtain any special use permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.
11. Applicant must acquire and maintain a business license for each proposed use.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-48 for two years, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 2 – 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, Director of Planning and Urban Design. This is not the applicants', David and Karen Showalter, 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.

Staff Comments and Suggestions:
Update: This application was held over from the August 27, 2020 Board of Commissioners meeting as the current manager had sent an email stating that she had resigned as the manager.

The applicant emailed staff that Shelly Matlock will be the manager of the two Airbnb properties at 709 North 5th Street and 433 Ann Avenue. She is the granddaughter of the owner and currently resides at 709 North 5th Street. Staff spoke with Ms. Matlock and verified that she will manage the two properties. She works full-time and will be unavailable for an eight-hour period. The property at 709 North 5th Street will rent out one or two rooms as requested and occasionally she will stay elsewhere when the whole house is being rented out. The staff concurs with the recommendation of the City Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-65 for two years, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 3 – 20331…SPECIAL USE PERMIT APPLICATION #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 and Urban Design. This is not the applicants', David and Karen Showalter, 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.

Staff Comments and Suggestions:
Update: This application was held over from the August 27, 2020 Board of Commissioners' meeting as the current manager had sent an email stating that she had resigned as the manager. The applicant emailed staff that Shelly Matlock will be the manager of the two Airbnb properties at 709 North 5th Street and 433 Ann Avenue. She is the granddaughter of the owner and currently resides at 709 North 5th Street. Staff spoke with Ms. Matlock and verified that she will manage the two properties. She works full-time and will be unavailable for an eight-hour period. The property at 709 North 5th Street will rent out one or two rooms as requested and occasionally she will stay elsewhere when the whole house is being rented out. The staff concurs with the recommendation of the City Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application #SP-2020-66 for two years, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 4 – 20405…SPECIAL USE PERMIT APPLICATION #SP-2020-68 - RAFAEL CASTILLO-CARRERA

Synopsis: Renewal of a special use permit (#SP-2018-47, expired 7/26/2020) for the temporary use of land to park a work vehicle in the driveway at 2903 Shearer, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant has received no Notices of Violation since their previous approval. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-68, subject to the comments in the staff report and the following conditions:

1. Plant landscaping to shield the view of the vehicle from the street;
2. Must park in rear yard setback behind existing chain linked gate;
3. Must construct a 6' fence in the rear yard setback along the adjacent parcel;
4. The concrete surface (driveway) must be cleared of all vegetation. Patch all holes and cracks and resurface the concrete areas as need;
5. No gravel on site;
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;

8. The special use permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and
9. The special use permit shall be valid for one year 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 Ramirez, to approve Special Use Permit Application #SP-2020-68 for one year, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 5 – 20406…SPECIAL USE PERMIT APPLICATION #SP-2020-75 - TERRY D. MASON WITH POSITIVE ROLEMODELS INTO DEMANDING EXCELLENCE

Synopsis: Renewal of a special use permit (#SP-2018-74, expired 9/27/2020) for a group home/emergency shelter at 1634 South 29th Street, submitted by Gunnar Hand, Director of Planning and Urban Design. This is for the operation of a group home/emergency shelter for severely emotionally disturbed and CINC (Children In Need of Care) at 1634 South 29th Street. There have been no Notices of Violation issued on this property since the approval of #SP-2018-74. The applicant is requesting a five-year renewal. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-75, subject to the comments in the staff report and the following conditions:

1. The maximum number of children in the home shall not exceed six;
2. No more than four cars at one time at the location;
3. The four off-street parking spaces are to be utilized before parking in an on-street parking space. The sidewalk must be kept clear of parked cars;
4. Must obtain a business license;

5. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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. The special use permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
7. If approved, 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.

Mayor Alvey said, I'd ask staff to make some opening remarks.

Gunnar Hand, Director of Planning and Urban Design, said this SUP is for renewal of a group home. There'd been no Notices of Violation. We did receive some opposition. The neighborhood, after the City Planning Commission hearing, did file a protest petition; but after reviewing with staff, it was determined that it did not meet the threshold. It is not valid, so it does not require a super majority one way or the other.

The applicant is requesting a total of six non-family adults. Again, the code allows for five non-related adults to live in the home. They say that they're parking four cars max. There will be some back and forth for social services and other services to the location. It has been out of operation for some time, and the applicant hopes to, again, bring some new at-risk youth into the location.

We support the City Planning Commission's recommendation for approval.

Mayor Alvey said I'd ask the applicant to present his application. Please state your name and address for the record.

Matthew Sutton, at 1628 S. 29th St., introduced himself. **Mr. Hand** said Mr. Sutton is not the applicant. **Mayor Alvey** said I'm looking for the applicant, Terry Mason. **Rocki Mayes** said, Mayor, I'm not sure if he's having technical difficulties, but he is unmuted and ready to speak. **Mayor Alvey** asked, is there another way he can call in? **Doug Bach, County Administrator,** said, Mayor, I might recommend that we can move to the next item on the agenda, or the first item on the Non-Consent, and then we could maybe work with Mr. Mason and see if we can get him onto the system. He may need to sign off and sign back in in order to be able to talk. **Mayor Alvey** said okay. We'll move on and come back to this item. Mr. Sutton hang on there. We will be coming back to this item for you as well. (Item continued on page 36)

ITEM NO. 6 – 20407…SPECIAL USE PERMIT APPLICATION #SP-2020-76 - FARIS FARASSATI WITH KC OUTLOOK ROSEDALE, LLC

Synopsis: Renewal of a special use permit (#SP-2018-75, expired 9/27/2020) for a day care center at 2605 West 39th Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant has stated that the property, previous to their last renewal, was utilized as a day care and that their plans are to renovate the site and operate a day care. It does not appear that the conditions from the previous approval have been met. The applicant has received one Notice of Violation since their previous approval related to the height of the grass and weeds existing on site. The applicant has requested approval for five years. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-76, subject to the comments in the staff report and the following conditions:

1. Sidewalks are required to be installed. Please install a new 5-foot-wide sidewalk on the north/west side of the property along 39th Avenue/Lake Avenue to the western edge of the property. Replace broken sidewalks on the east side of the property and install an ADA ramp at the corner of Springfield and 39th Avenue;
2. Landscaping is required and must be maintained. Please install street trees every 30 feet along Springfield and 39th/Lake Avenue;
3. Provide a landscaping plan that meets all code requirements and provides shade for any outdoor play areas;
4. Provide a site plan showing all parking and striping requirements and public improvements;
5. Must comply with Commercial Design Guidelines which state (Sec. 27-573):
    a. General property maintenance;
    b. Repaint the building;
    c. Install a trash enclosure;
    d. General landscaping and screening; and
    e. Parking lot improvements.

6. All future signage must be permitted through the Department of Planning and Urban Design;
7. Must maintain a business license with the Business Licensing Department;
8. The special use permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) 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
10. 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 Ramirez, to approve Special Use Permit Application #SP-2020-76 for two years, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 7 – 20411…SPECIAL USE PERMIT APPLICATION #SP-2020-78 - JAMIE M. REDIC

Synopsis: Home occupation special use permit for a single customer salon at 2947 North 83rd Street, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant has stated that the home is in good condition and that one room in the basement has been converted for use as a salon. The applicant has received no Notices of Violation. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-78, subject to the comments in the staff report and the following conditions:

1. All parking is to be parked in the six spaces on the driveway, no parking on streets;
2. No signs are allowed on site;
3. Materials that are stored on site must be done safely, such as in approved containers, away from food, out of the reach of children, etc.;

4. Must maintain a business license with the Business Licensing Department;
5. No employees are allowed other than members of the immediate family residing on the premises;
6. Hours of operation Monday-Sunday are to be between the hours of 8 a.m. and 5 p.m.;
7. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
8. The special use permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and
9. The special use permit shall be valid for two years from the publication of the associated ordinance. The applicant is solely responsible for renewing their special use permit. The applicant should contact the 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 Ramirez, to approve Special Use Permit Application #SP-2020-78 for two years, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 8 – 20412…SPECIAL USE PERMIT APPLICATION #SP-2020-80 - MARY MELOT AND ROBBIN BEEBE

Synopsis: Special use permit for a short-term rental/Airbnb at 3716 Springfield Street, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicants wish to operate their single-family residence as an Airbnb/short-term rental. This is not the applicant's primary residence, but they use it approximately half of the year. There have been no Notices of Violation since the home was built on the property. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-80, subject to the comments in the staff report and the following conditions:

1. The maximum number of guests allowed is seven.
2. The maximum number of vehicles allowed is three. These all must be parked off-street.
3. If approved, applicant must post a copy of the ordinance granting permission to operate the short-term rental, the expiration date of the special use permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
4. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks 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 is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
6. If approved, 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 Ramirez, to approve Special Use Permit Application #SP-2020-80 for two years, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 9 – 20408…SPECIAL USE PERMIT APPLICATION #SP-2020-81 - SHERRIE GAYED WITH FRIENDSHIP INN, INC.

Synopsis: Renewal of a special use permit (#SP-2010-35, expired 9/27/2020) for temporary lodging for families at the University of Kansas Health System at 4146 State Line Road, submitted by Gunnar Hand, Director of Planning and Urban Design. This property is in the Historic Hanover Heights District. The facility provides beds, hot showers, a kitchen, free wi-fi, laundry facilities, and off-street parking. Due to Covid-19, the home currently is only hosting one family unit at a time. Before Covid-19, the home hosted multiple families at a time. Nine people maximum may

stay in the home. Kathy Bradley is the permanent resident and caretaker of the property. Her contact information is: kbradley@friendshipinnkc.org , Info@friendshipinnkc.org 816-505-6339. The original special use permit was obtained in 2000, renewed in 2005 and again in 2010. The applicant is seeking approval for 10 years. There have been no Notices of Violation issued on this property during its time of being operated as temporary lodging facility. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-81, subject to the comments in the staff report and the following conditions:

1. If ever returned to a single-family residence, the detached garage will be replaced by the owner. This structure will need to go before the City Landmarks Commission before receiving a building permit;
2. Any renovating, replacement, or expansion will need to go through City Landmarks Commission for review as the house is in the Hanover Heights Historic District;
3. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line;
4. If approved, applicant must post a copy of the ordinance granting permission to operate the short-term rental, the expiration date of the special use permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
5. No more than nine people, including the one on-site caretaker, allowed at one time;
6. No on-street parking allowed. Must only utilize the five off-street parking stalls;
7. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners' meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
8. The special use permit is not valid for the approved use to be in operation until all the conditions of approval are met. The applicant acknowledges 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 other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. Applicant must keep a current Occupational Tax License with the Business License Department; and,
10. If approved, the special use permit shall be valid for ten 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 Ramirez, to approve Special Use Permit Application #SP-2020-81 for ten years, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

PLAN REVIEW APPLICATION

ITEM NO. 1 – 20413…PLAN REVIEW APPLICATION #PR-2020-18 - WILLIE LANIER, JR. WITH LANIER UNITED

Synopsis: Preliminary and final plan review for a mixed-use development (multi-family, retail and conference center) at 500 Minnesota Avenue, 600 State Avenue and 645 Nebraska Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant, with Lanier United, is requesting to redevelop the Reardon Center by reducing its size to 15,016 square feet and moving its location and constructing a mixed-use building with 94 market-rate apartments and 12,000 square feet ground floor commercial/fitness space at 500 Minnesota Avenue. Additional athletic fields and a surface parking lot will be developed off-site at 600 State Avenue and 645 Nebraska Avenue on a total of 3.05 acres. The Planning Commission voted 8 to 0 to recommend approval of Plan Review Application #PR-2020-18, subject to the comments in the staff report and the following conditions

1. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for the business activity;
2. The Sidewalk and Trails Master Plan designates 5th Street as a Regional Trail, therefore a ten-foot sidewalk is required on 5th Street;
3. The alley between the athletic fields and surface parking lot shall be repaved the entire length of the largest parcel;
4. A Register of Deeds recorded copy of the parking agreement for the BPU garage shall be provided to staff prior to the Board of Commissioners' meeting on October 1, 2020.
5. North 6th Street and State Avenue intersection is being designed by others (Unified Government) on plans and coordination is ongoing;
6. Downspouts shall be internalized;
7. All landscaping shall be irrigated;
8. Staff will continue to work with the applicant to find an alternative arrangement for the street trees along 6th Street and Nebraska Avenue;

9. The street improvements along State Avenue between 5th Street and 6th Street, the preliminary and final plans in addition to the public improvement plans must depict all bulb-outs as landscaped bulb outs and the curb extensions on 5th Street and State Avenue shall be landscaped instead of striped. There may be minor modifications to the landscape bulb outs as the street improvements continue through the building permit process;
10. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the site and 3 gallons internal to the development when planted;
11. All lighting, whether mounted on the exterior of parking deck or within the structure, shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
12. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
13. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. At all times, screening materials shall be well maintained;
14. All roof mounted units (mechanical equipment, elevator equipment, etc.) must be screened by the parapet of the building. Perforated metal screen will not effectively shield the equipment from public view;
15. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
16. All BPU transformer pads and/or generators shall be completely screened on three sides with 6-foot Junipers setback 3 feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore, the gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary; and,
17. A separate sign permit application is required for each wall sign and will be reviewed separately for compliance with the Sign Code.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve Plan Review Application #PR-2020-18, subject to the stipulations.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

MISCELLANEOUS - ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 20413…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-3) for a shipping container for storage of boxing ring and chairs at 3308 Strong Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-66-20,** "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-2020-3, for a shipping container for storage of boxing ring and chairs at property commonly known as 3308 Strong Avenue; permit approved for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 2 – 20417…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-36) for a restaurant and drinking establishment with live entertainment venue at 7540 Armstrong Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-67-20,** "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-2020-36, for continuation of a restaurant and drinking establishment with live entertainment venue at property commonly known as 7540 Armstrong Avenue; permit approved for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 3 – 20418…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-37) for a short-term rental/Airbnb at 1101, 1103, 1107 and 1109 North 79th Terrace, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-68-20,** "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-2020-37, for a short-term rental/Airbnb at property commonly known as 1101, 1103, 1107, and 1109 North 79th Terrace; permit approved for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 4 – 20419…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-39) for a short-term rental/Airbnb at 3107 South 7th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-69-20,** "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-2020-39, for a home occupation special use permit for a short-term rental/Airbnb at property commonly known as 3107 South 7th Street; permit approved for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 5 – 20420…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-40) for a short-term rental/Airbnb at 322 Cambridge Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-70-20,** "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-2020-40, for a home occupation special use permit for a short-term rental/Airbnb at property commonly known as 322 Cambridge Street; permit approved for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 6 – 20421…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-44) for a pet grooming business at 7114 Parallel Parkway, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-71-20,** "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-2020-44, for a home occupation special use permit for the continuation of a pet grooming business at property commonly known as 7114 Parallel Parkway; permit approved for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 7 – 20422…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-45) for a short-term rental/Airbnb at 4028 Booth Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-72-20,** "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-2020-45, for a short-term rental/Airbnb at property commonly known as 4028 Booth Street; permit approved for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 8 – 20423…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-47) to keep one horse at 741 South 76th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-73-20,** "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-2020-47, to continue to keep one horse at property commonly known as 741 South 76th Street; permit approved for five years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 9 – 20424…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-52) for the temporary use of land to keep lawn care equipment at 1701 South 40th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-74-20,** "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-2020-52, for the continuation of the temporary use of land to keep lawn care equipment at property commonly known as 1701 South 40th Street; permit approved for two years." **Commissioner McKiernan made a motion, seconded**

by Commissioner Ramirez, to approve the ordinance. Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 10 – 20425…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-53) for the temporary use of land to park two semi-trucks (dump trucks) at 3232 Sewell Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-75-20,** "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-2020-53, for the continuation of a temporary use of land to park two semi-trucks (dump trucks) at property commonly known as 3232 Sewell Avenue; permit approved for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 11 – 20426…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-54) for marketing and assembly related to the applicant's business at 11552 Parkview Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-76-20,** "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-2020-54, for marketing and assembly related to the applicant's business at property commonly known as 11552 Parkview Avenue; permit approved for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there

were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 12 – 20427…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-55) for a short-term rental/Airbnb at 819 Southwest Boulevard, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-77-20,** "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-2020-55, a home occupation special use permit for a short-term rental/Airbnb at property commonly known as 819 Southwest Boulevard; permit approved for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 13 – 20428…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-56) for a short-term rental/Airbnb at 431 North Thompson, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-78-20,** "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-2020-56, for the continuation of a short-term rental/Airbnb at property commonly known as 431 North Thompson; permit approved for two years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there

were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 14 – 20440…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-64) for a 10-day transfer facility for non-regulated, DOT hazardous materials and hazardous waste at 1620 South 45th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-79-20,** "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-2020-64, for the continuation of a 10-day transfer facility for non-regulated, DOT hazardous materials and hazardous waste, containers will be transferred from one truck to another; no transported containers will be kept inside the building at property commonly known as 1620 South 45th Street; permit approved for five years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 15 – 20430…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-67) for a dog grooming business at 401 South 82nd Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-80-20,** "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-2020-67, for a home occupation special use permit for the continuation of a dog grooming business at property commonly known as 401 South 82nd Street; permit approved for five years." **Commissioner McKiernan made a motion,**

seconded by Commissioner Ramirez, to approve the ordinance. Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 16 – 20431…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-69) for an automotive repair business at 1017 Merriam Lane, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-81-20,** "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-2020-69, for the continuation of an automotive repair business at property commonly known as 1017 Merriam Lane; permit approved for five years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 17 – 20432…ORDINANCE

Synopsis: An ordinance vacating a street (#S-2020-9) at 3740 North 35th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-82-20,** "An ordinance vacating a street (#S-2020-9) located at approximately 3740 North 35th Street, Kansas City, Kansas." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 18 – 20433…ORDINANCE

Synopsis: An ordinance vacating an alley (#A-2020-10) at 1521 South 40th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-83-20,** "An ordinance vacating a tract of land (#A-2020-10) located at approximately 1521 South 40th Street, Kansas City, Kansas." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 19 – 20434…ORDINANCE

Synopsis: An ordinance repealing Ordinance 0-4-20 and enacting a new ordinance vacating utility easements and deleting the right to re-enter (#U/E-2019-6) at 2600 Bi-State, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-84-20,** "An ordinance repealing Ordinance No. O-4-20 and enacting a new ordinance vacating utility easements and deleting the right to re-enter (#U/E-2019-6) for property located at approximately 2600 Bi-State, Kansas City, Kansas." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 20 – 20435…ORDINANCE

Synopsis: An ordinance repealing Ordinance 0-11-20 and enacting a new ordinance vacating utility easements and deleting the right to re-enter, (#U/E-2020-1) at 10 East Cambridge Circle Drive, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-85-20,** "An ordinance repealing Ordinance No. O-11-20 and enacting a new ordinance vacating utility easements and deleting the right to re-enter (#U/E-2020-1) for property located at approximately 10 East Cambridge

Circle Drive, Kansas City, Kansas." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 21 – 20436…ORDINANCE

Synopsis: An ordinance repealing Ordinance 0-12-20 and enacting a new ordinance vacating utility easements and deleting the right to re-enter (#U/E-2020-2) at 1155 Adams Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-86-20,** "An ordinance repealing Ordinance No. O-12-20 and enacting a new ordinance vacating utility easements and deleting the right to re-enter (#U/E-2020-2) for property located at approximately 1155 Adams Street, Kansas City, Kansas." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 22 – 20291…ORDINANCE

Synopsis: An ordinance granting a special use permit (#SP-2020-23) for continuation of a parking lot, outdoor storage of used, damaged and undamaged, operable and inoperable vehicles, boats and construction/farm equipment and machinery for wholesale online and retail auction at 6130 Kansas Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-87-20,** "An ordinance authorizing renewal of a special use permit pursuant to Chapter 27 of the Unified Government Code, for outdoor storage of used, damaged and undamaged, operable and inoperable vehicles, boats and construction/farm equipment and machinery for wholesale online and retail auction at property commonly known as 6130 Kansas Avenue; permit approved for five years." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there

were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 20410…SPECIAL USE PERMIT APPLICATION #SP-2020-58 - CHRISTOPHER T. PHILLIPS

Synopsis: Special use permit to store equipment and work trucks on the property at 3201 Pomeroy Drive, submitted by Gunnar Hand, Director of Planning and Urban Design. There is evidence that the applicant is already using the property to store the aforementioned equipment and work trucks, and the applicant was issued a Notice of Violation (NOV) on May 4, 2020 for this storage and use. The applicant has received two other Notices of Violation: an NOV was issued on May 4, 2020 for a gravel driveway that was not paved and for illegal dumping on the property, and an NOV was issued on July 20, 2020 for a 6-foot privacy fence that exceeded the allowable height and level of obscuration. The Planning Commission voted 7 to 1 to recommend denial of Special Use Permit Application #SP-2020-58 for the reasons outlined below by staff, the opposition expressed, and the sentiment expressed by the applicant.

1. The applicant has repeatedly and flagrantly continued uses that are prohibited without a special use permit, including the storage of heavy machinery and dumping of construction by-products in an AG Agriculture district, even after a Notice of Violation was issued by Code Enforcement;
2. The applicant has repeatedly and flagrantly continued uses that are prohibited without a variance, including the use of an unpaved gravel driveway in an AG Agriculture district, even after a Notice of Violation was issued by Code Enforcement;
3. The incompatibility of the uses requested by this Special Use Permit, SP-2020-58, including the use of the property for storage of heavy machinery and work trucks, which result in vibrations, noise, dust, unduly increased traffic, poor aesthetics, and potential and realized damage to natural resources such as Pomeroy Creek; and
4. The applicant has repeatedly failed to provide staff with responses to the draft staff report, emailed to the applicant on June 22, 2020.

Mayor Alvey said I'd ask staff to make some opening remarks.

Gunnar Hand, Director of Planning and Urban Design, said Mr. Phillips is asking for a special use permit for the storage of heavy materials. About a year and a half ago, Mr. Phillips received

a change of zone to agricultural for his property. At the time, he said that he one day hoped to build a house and move his family there and in the interim, he wanted to build a barn to hold animals and to enjoy his property.

Since that time, we've received multiple calls from the public in regard to large equipment and work trucks. Mr. Phillips owns a construction company. The members of the public believe that he's essentially using it as a staging ground where his employees essentially come in in the morning, pick up the trucks, go do their work, and then drop the trucks off and leave at night.

We have three Notices of Violation that we have issued on this property over the summer roughly, one of which has been resolved. The one regarding heavy machinery is to be resolved, potentially, by this special use permit although generally the protocol for special use permits is once you engage in the (23:28 inaudible) process, you essentially stop doing what you were doing on the property. He has continued to store heavy machinery and we've received multiple complaints through this (23:43 inaudible) process from the public that the use is still going on.

The second NOV was for his fence and a gate. He removed the gate off of his driveway and he also took the obstruction out of the fencing, so essentially is, as right, agricultural zoned fence. That's been resolved.

The third NOV was for a second gravel driveway. We're still working to resolve that issue. It's been removed from—the driveway access has been removed within the public right-of-way, but it still exists on the property. Our zoning enforcement officer is working through that.

Additionally, some of you are most likely familiar that we did not have a burn season this year. There was a fire on the property that the Fire Department was brought out to in August, I believe. The Fire Marshal did issue a citation as well. For this and other reasons, essentially, using the property not as originally proposed from his original entitlement for the change of zone, we support the City Planning Commission's recommendation for denial.

There was another protest petition submitted for this property as well. It was deemed valid. If the Board of Commissioners wanted to overturn the City Planning Commission's recommendation for denial and approve this, it would require nine votes.

Mayor Alvey said I'd ask the applicant to present his application. Mr. Phillips, please state your name and address for the record. **Rocki Mayes** said I'm sorry. What name are you calling again?

Mayor Alvey said the applicant, which would be Christopher Phillips. **Ms. Mayes** said there is no Christopher Phillips in the attendees' list.

Mayor Alvey said I'll now open the public hearing. I'll ask the Clerk, have you received any notification from the public who wish to express their comments in favor of this item? **Bridgette Cobbins, UG Clerk,** said no requests were submitted in support. **Mayor Alvey** said no comments expressed in support.

Mayor Alvey asked is there anyone from the public—have you received any notification of opposition from the public regarding this item? **Ms. Cobbins** said yes, Mayor. We have several that submitted a request for opposition. The first is James Brennan.

Mayor Alvey said I'm sorry. I should have said, is there anyone zooming in who would like to speak in favor of this petition? **Ms. Mayes** said there are no hands raised.

Mayor Alvey said all right. Now we'll move on to those who'd like to speak in opposition. Please state your name and city of residency for the record. **Ms. Cobbins** said first name, again, is James Brennan. **Ms. Mayes** said there is no James Brennan in the attendees' list.

Ms. Cobbins said our next request was from John Alt. **Ms. Mayes** said there is no John Alt in the attendees' list.

Ms. Cobbins said Marcia Bierman. **Ms. Mayes** said there is no Marcia Bierman in the attendees' list.

Ms. Cobbins said Larry Bodinson. **Ms. Mayes** said there is no Larry Bodinson in the attendees' list.

Ms. Cobbins said our next is Nancy Bodinson. **Ms. Mayes** said there is no Nancy Bodinson in the attendees' list.

Ms. Cobbins said Nancy Mark. **Ms. Mayes** said there is no Nancy Mark in the attendees' list.

Ms. Cobbins said we received a request from Jeff Widener to just note for the public that he is in opposition.

Ms. Cobbins said our next person is Gordon White in opposition. **Ms. Mayes** said there is no Gordon White in the attendees' list.

Ms. Cobbins said we also have a letter from Steve Nirschl and Jody Nirschl in opposition.

Ms. Cobbins said a letter was submitted from Paul Constant that he'd like to have read in the record. The letter reads:

I own Homestead Residential, LLC, which owns 27 acres north of Phillips' property. We have owned this property for nearly 18 years. We have paid residential tax, property tax throughout, not wanting to change the zoning to AG because of our plans to develop the property for residential use.

Our most recent plans have been to build some ponds and sell two to three large estate lots to buyers wanting to build upscaled homes. Our model is the 40 acres with a pond located on Luke Lane that we sold in 2011 to Tom Timmons who built a beautiful $1,000,000 home. However, after Phillips bought the acreage south of Homestead's 27 acres and brought his construction company operations, our plan to develop our 27 acres have been stopped cold. Who would want to invest in an upscale estate next to an industrial use site? Hopefully, when Phillips' special use permit is denied and he is forced to comply with AG zoning, we can proceed with our plans to add some attractive improvements to the residential areas.

I have read the UG's AG zoning specs and can find nothing that would even remotely allow Phillips' present use in AG zoning. Reading through higher intensity uses, it was not until C-3 zoning that there was even a mention of contractor use. We're now fittingly the M-1 Light Industrial look like the use under Phillips' most qualifier. However, even there under M-1(c)(2) and (c)(7) sections, his outdoor storage and trucks and large equipment would not be allowed.

Regarding his special use permit to store equipment and coming and going daily of his trucks, large equipment and crews is clearly not an AG storage use for the property. Furthermore, I saw nothing that would allow Phillips to dump debris in the low areas, which is a serious concern to me because of our plans to construct safe, uncontaminated ponds downhill at lower elevations for homeowners with families.

As a businessman myself, I feel sorry for Phillips, but it appears to me that he made an unfortunate investment trying to use AG zoned for his own property for industrial use in a quiet established residential neighborhood does not appear to be legal nor does it even make sense. Surely as a sharp businessman that he must be, he would be able to sell or find a more appropriate use for the property and move his construction company to a more appropriate industrially zoned location. Respectfully, Paul D. Constant.

Ms. Cobbins said we also have Johnathon Oyer who submitted a request in opposition. **Johnathon Oyer** said I was just calling in to complain. It smelled like burning plastic or something on the night of the 21st. I asked several neighbors if they knew the source of the fire or the smell. Everyone I talked to and looked, it pointed toward this address. I don't know if they're burning—it almost smelled like conduit—like you smell like hot electrical, like burning conduit. I don't know if they're burning the conduit off of lines to salvage the scrap metal or what they're burning, but it was horrendous and I'm several miles away, or at least a couple. I could only image the reduced air quality in the immediate surrounding area and especially my area. That's just all I wanted to say.

Mayor Alvey asked, is there anyone else in opposition? **Ms. Cobbins** said our final request is from Rebecca Nuessen who's requesting to speak…**Mr. Hand** said I just got an email from Mr. Brennan. As they did at the City Planning Commission hearing, several members of the neighborhood in opposition gathered at Mr. Brennan's house. He just noted that they're unable to enter the meeting for some reason. We're working on that with him right now. **Mayor Alvey** asked, they're in opposition, correct? **Ms. Cobbins** said correct, Mayor. **Mayor Alvey** said I think we will move forward here. **Ms. Cobbins** asked, was Rebecca Nuessen available? **Mayor Alvey** asked, is there anyone with that name, Rocki? **Ms. Mayes** said no, there is not.

Mayor Alvey said I'm going to close the public hearing. **Ms. Mayes** said we do have an attendee with their hand up. Am I able to call on them? **Ms. Cobbins** said it looks like its probably Jeff Widener. We had called his name earlier. **Mayor Alvey** said yes, you may. Please state your name and address.

Jeff Widener, 3640 Pomeroy Dr., said I oppose the construction company being on the Pomeroy Dr. area. I lived in the area since 1979 and it's been a nice, quiet, comfortable neighborhood with no disturbance of industrial equipment until just recently. I don't believe it's right that he has zoned this as agricultural and then brought in commercial industrial equipment.

I have several other people here with me and we've been trying to get through on the Zoom. All of the names that you have called that are in opposition are here with me if you would allow those names to be called again, we would like to speak toward this matter.

Mayor Alvey said I think you may. I also think we could carry this forward to a vote. **Mr. Widener** said okay. **Commissioner Philbrook** said I think after the commissioners say a couple of words.

Mayor Alvey asked, is there any comments from the Commission or questions?

Commissioner Bynum said I've been working with all this neighborhood for more than six months on this item. I live in this neighborhood, so I've been watching this activity for more than a year on this property. I've spoken with many of the residents who are at Mr. Widener's property hoping to speak tonight, but I believe that we can bring this to a resolution. I greatly respect the comments that they made at the Planning and Zoning meeting. We all waited a very long time for them to be able to make their comments, as anyone who attends one of those meetings does.

They've also lived with this constant disruption of this residential area now for a good long while. They've put in all of the footwork needed to follow our legal procedures for the petition process. They've done every single thing including waiting very, very patiently through our COVID-19 pandemic nightmare. As you can see, all of the struggles that it has been presented to us. I think they've done more than enough to be able to have a return to their residential lifestyle.

I would turn it over to Commissioner Philbrook as she had a comment, but I am ready to make a motion.

Commissioner Philbrook said I have a request. I'd like Gunnar Hand to get on and succinctly mention exactly what the issues have been, that way, everybody gets to hear what the issues are from our Planning and Zoning, and then move forward, if you don't mind. **Mayor Alvey** said I thought he did that at the beginning. He noted the three…**Commissioner Philbrook** said well, he did a little bit. **Mayor Alvey** said he did, the notices; about the three Notices of Violation.

Commissioner Philbrook said, Gunnar, I need to ask you a couple of questions. Can you come back on? Are you there? **Mr. Hand** said I'm here, Commissioner. **Commissioner Philbrook** said, so here's my question for you. I know that we have cited them for several things. Whatever happens tonight, with the other issues that are on the table, what will happen in that case to deal with all these other things that they've been cited for? What's the next steps on those? **Mr. Hand** said if the Commission were to deny his special use permit request, we would continue with

the Notices of Violation. We would prepare to begin and administer the citations as it relates to heavy equipment. We've already submitted a citation for the driveways. Again, we've resolved the one as it relates to the fences. We would go through the standard protocol of issuing a citation essentially every 30 days and increase the amount each 30 days until that issue is resolved. **Commissioner Philbrook** said thank you, Mr. Hand. I appreciate you saying what you said.

For my two cents worth is, I'm deeply disappointed in Mr. Phillips and some of the things that he's done because he represented himself as wanting to have a nice family retreat and things for animals and his kids to do and asked for an AG and then promptly did not use it that way. I have a problem with people that come forward and do those sort of things. It makes it hard on everybody else. It also means that we utilize our Unified Government employees to stay after the bad actors, and I don't like to see our money wasted that way. Having said that, I move to deny.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Bynum, to deny Special Use Permit Application #SP-2020-58. Mayor Alvey** said to be clear, the motion is to accept the recommendation for denial from the Planning and Zoning. Is that correct? **Commissioner Philbrook** said that's correct. **Commissioner Bynum** said correct. An aye vote then is an acceptance of the denial, correct? **Mayor Alvey** said right. Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

Mayor Alvey asked, Rocki, are we able to get back to #SP-2020-75? **Ms. Mayes** said yes. **Mayor Alvey** said, Ms. Mason, please tell us about your application.

Terry Mason, applicant, said I have a group home, a group boarding home/emergency shelter at 1634 S. 29th St. The kids that we have serviced pretty much come from the Department of (inaudible). We have a contract, or we're working on our contract with KDHE to get the type of kids—we're not trying to get any kids that have criminal histories or juvenile detentions or anything like that. These are kids that pretty much were just taken from their home. Our job, we have a therapist on staff which nobody has that, a therapist on staff that will be doing counsel with

our kids, one-on-one, counseling groups. We'll also be doing therapy with parents to try to help them reunite with their children.

As far as I know, one of the issues people have mentioned was traffic. We won't have any more traffic than really anybody that lives there. We can fit about three, probably about four cars in our personal driveway and then in the garage. If it's an extra person, it would be outside, but pretty much it's just one staff there and the therapist, they'll be there as well three or four times a week managing, supervising, and going over everything with our consumers and our staff.

As far as I know, this was brought up before as far as the kids' safety or them being, I guess, out in the community. They're never out in the community without staff. They're never outside without staff. They pretty much can't get out without staff knowing because we have alarms on all the windows, alarms on the doors. They're just heavily monitored just to make sure. We want to give them a home environment, but we also want to make sure that the neighborhood feels safe as well.

We've had interactions before with other neighbors, just positive things or things that they wanted us to know that they were concerned about. We try to address anything that has been brough to our attention or if they have some, any type of complaints or not even just complaints that they have—I can't think of what I want to use, but if they have something that they would like to suggest that we could do or to get to better know us or our individuals, then we've also discussed that as well. They can come visit the house just kind of see what it looks like, get a feel and meet our kids and just be a part of the neighborhood so they won't feel so—I guess, like I understand their concerns, but I'm just trying to bring, I'm just trying to help the kids in a home environment. That's just our major thing for us.

We have a pretty tight ship, a pretty good level system with the kids. If there are any issues, we have no problems. If they have to be removed, we will, but we do try not to do that, so they won't feel rejected, but if that's what has to happen, then that's what has to happen. We're pretty good on the safety issue.

Mayor Alvey said I'll open the public hearing. Is there anyone who would like to speak in favor of #SP-2020-75? **Ms. Mayes** said there are no hands raised, Mayor. Seeing none, I'll ask the Clerk, any notification from the public who wished to express their comments in favor of this item? **Ms. Cobbins** said no request for support, Mayor.

Mayor Alvey asked, is there anyone in opposition who would like to speak on this item? If so, now is your time. Please state your name and address and provide your comments. Rocki?

Matthew Sutton, 1628 S. 29th St., said I collected signatures for a petition. I don't know why it was invalidated, but it was. I think 8 of 11 of the homes within 200 feet of the property signed for their own reasons why they did not want a group home on our street. I think what Terry is doing is very noble. It is definitely a need, but we all moved into a residential neighborhood for our own reasons. I think the petition spoke for itself. I know in the past, they've also been petitioned and invalidated, it's just not something we want in our neighborhood.

Mayor Alvey asked, is there anyone else who would like to speak in opposition? **Ms. Mayes** said there are no hands raised, Mayor. **Mayor Alvey** asked did anybody submit a letter to the Clerk's Office? **Ms. Cobbins** said just Mr. Sutton.

Mayor Alvey said if there are no further comments or questions from the public, I'll close the public hearing. Ms. Mason, do you have any closing comments? **Ms. Mason** said no, sir, I do not.

Mayor Alvey asked, any member of the Commission have any questions or comments? **Commissioner Ramirez** said I have a comment and two questions. Ms. Mason, I want to thank you for providing this resource and this service for our children. As everyone knows, my job is I work with children and not every child is very fortunate to have a good home. What you provide is amazing and I thank you for doing that.

My only question I have is, how long do they stay in your group home? Is there a certain amount of time or is it until they can per se get on their feet? **Ms. Mason** said I would say, because it's a case management thing—so our longest time that we anticipate maybe it might, it's supposed to be 90 days, but they can ask for additional time. If the child is on schedule doing everything that they're supposed to do, as far as what case management and the team have decided; they're doing vey well in school and group therapy and personal therapy and family stuff, then they would be able to stay longer.

Commissioner Ramirez said my second question is to staff, to Gunnar. What was the reason for the petition not being valid? **Mr. Hand** said within the notice area, you would basically have to collect enough signatures of property owners. Part of the reason is most of the area behind this house within the noticing area is Ruby Park. That was probably the biggest contributor to the low percentage rate. They were just under 20%. **Commissioner Ramirez** said thank you for that.

My comment to you, Ms. Mason, again, thank you for what you're providing and thank you for running a tight ship. **Ms. Mason** said I appreciate it. **Commissioner Ramirez** said continue doing what you're doing. If there's anything you need, any help, please let me know. I'd be more than happy to help.

Mayor Alvey asked, any other comments, questions from the Commission? Seeing none, I'd entertain a motion.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2020-75 for five years, subject to the stipulations.** Roll call was taken and there were seven "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynun; and one "No," Burroughs.

Mayor Alvey said that takes us back to our Non-Consent Agenda, Miscellaneous.

MISCELLANEOUS

ITEM NO. 1a – 20443…CENTRAL AREA MASTER PLAN

Synopsis: The final Central Area Master Plan will be considered by the City Planning Commission for approval on October 12, 2020.

Mayor Alvey said I'd ask staff to make the announcement.

Gunnar Hand, Director of Planning and Urban Design, said we just really had two announcements that we wanted to make sure everybody was tracking some of the work that we've been doing. We had presented a draft version of the Central Area Plan at our August Planning and Zoning Committee meeting hoping that we could move it forward in September. Because of the

comments that we received from the public, from staff, from the Planning Commission, from the Board of Commissioners, we felt like we needed a little more time to do that, so we pushed that to our October agenda. It will be heard by the Planning Commission on the 12th and then later in the month by the Board of Commissioners. We are hoping and anticipating a recommendation for approval to the Board of Commissioners. We just want to let everybody know that's coming.

Staff is reviewing that final version right now. It should be finished by early next week then we'll push it out to the commissioners and everybody else for review. It looks a little bit different than the draft version. We did some fine tuning of the strategies but, again, we just wanted to put it on you guys radar that is coming in October. That's one of our largest advanced planning projects going on right now.

Action: For information only.

Gunnar Hand, Director of Planning and Urban Design, said the second item, if I may, just go on to Complete Streets.

ITEM NO. 1B – 20443…COMPLETE STREETS ORDINANCE

Synopsis: Following up on the three COVID-19 emergency ordinances, and in collaboration with the Department of Public Works, the Planning and Urban Design Department will introduce a complete streets ordinance for the Board of Commissioners' consideration in October.

Gunnar Hand, Director of Planning and Urban Design, said I also wanted to follow-up and just give another reminder that we've been working closely with a lot of community stakeholders, but also directly in partnership with the Department of Public Works on the Complete Streets ordinance.

If you all recall, over the summer we developed three different emergency ordinances, all of which essentially encouraged businesses to move into public right-of-way or in the public realm, rather it's sidewalk cafes or (52:45 inaudible) setback or developing park woods or even in off-street surplus parking.

At the second and the third versions of the emergency ordinances, I had mentioned that we were looking to potentially come back and develop an ordinance that would make that public right-

of-way a safer place. I also noted that we were essentially beta testing a lot of these ideas to incorporate into our—update to our zoning code as permanent solutions. The Complete Streets ordinance is a follow-up to the 2011 Complete Streets resolution that the Board of Commissioners passed.

We believe, again, we're working with the community and we believe we're developing a policy that will support safer streets in the future. It also gives us the flexibility to apply that philosophy across our very diversed county and our many neighborhoods. But, also, essentially it will put us in compliance with the state of Kansas which has a Complete Streets Policy of its own. Essentially, we're out of compliance with the state. This is not to set standards. It is not to put a bike lane or sidewalks in every road. It's just simply to consider all users of the public right-of-way when we make decisions about certain roadway projects moving forward.

Again, we wanted to put that on everybody's radar. It looks like we will be—because it is dealing with public right-of-way and because it is in partnership with Public Works, we're actually going to be bringing that to your Public Works Standing Committee on the 26th. If that moves forward, it looks like it will be at the Board of Commissioners on the 19th. As soon as we develop that resolution over the next week or so, we'll be posting that for the standing committee for everyone's review. So, just an announcement on those two items.

Action: For information only.

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 – 20400…RESOLUTION: REAPPOINT MEAGHAN SHULTZ AS MUNICIPAL COURT JUDGE

Synopsis: A resolution reappointing Meaghan Shultz as Municipal Court Judge for a four-year term, beginning October 1, 2020, through September 30, 2024, submitted by Misty Brown, Deputy Chief Counsel.

Mayor Alvey asked, any comments or questions? (There were none.)

Action: **RESOLUTION NO. R-72-20,** "A resolution appointing Meaghan Shultz to the position of Municipal Court Judge for a term of four years beginning October 1, 2020, through September 30, 2024." **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 2 – 20414…APPOINTMENTS: WITNESS DESTRUCTION OF ELECTION BALLOTS AND RECORDS

Synopsis: Appoint Commissioner Bynum and Commissioner Markley to witness the destruction of ballots and records on October 7, 2020, that no longer need to be retained.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 3 – 20444…APPOINTMENTS: VOTING DELEGATES FOR THE LKM CONFERENCE

Synopsis: Appoint Mayor David Alvey and Mike Taylor as voting delegates for the 2020 League of Kansas Municipalities Conference (LKM) to be held virtually October 13-16, 2020.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 4 – 20445… APPOINTMENT: VOTING DELEGATE FOR KAC

Synopsis: Appoint Mike Taylor as the voting delegate for the 2020 Kansas Association of Counties (KAC) Conference to be held virtually October 13-14, 2020.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, to approve.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

Mayor Alvey said next, the Regular Consent Agenda.

REGULAR CONSENT AGENDA

Mayor Alvey asked, does any member of the Commission or County Administrator wish to set-aside any item on the Regular Consent Agenda? If an item is not set aside, all items on the Regular Consent Agenda will be voted on by one vote.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 1 – 20380…RESOLUTION: WATERONE COOPERATIVE AGREEMENT FOR LEVEES PROJECT

Synopsis: A resolution authorizing a cooperative agreement with WaterOne related to the levees project to use WaterOne property for borrow area (dirt), submitted by Jeff Fisher, Executive Director of Public Works. On September 14, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-73-20,** "A resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to enter into a cooperative agreement with WaterOne for the construction of lime residual facilities." **Commissioner Philbrook made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 2 – 20383…RECOMMENDATION: LETTER OF SUPPORT FOR WIFIA

Synopsis: Authorizing the County Administrator to execute and send a letter in support of the application by the Unified Government of Wyandotte County and Kansas City, Kansas (UG) for a loan under the federal Water Infrastructure Financing and Innovation Act (WIFIA), submitted by Jeff Fisher, Executive Director of Public Works. On September 14, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 3 - MINUTES

Synopsis: Minutes from special sessions of September 3 and 17, 2020.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 4 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated September 17 and 24, 2020.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner McKiernan, to receive and file.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 20399…RESOLUTION: HOMEFIELD PUBLIC HEARING DATE

Synopsis: A resolution setting a public hearing date of November 5, 2020, to consider redevelopment project plans for the Village East STAR Bond District as part of the Homefield redevelopment project, submitted by Katherine Carttar, Director of Economic Development.

Mayor Alvey asked, any comments, Mr. McKiernan? **Commissioner McKiernan** said actually, this was presented to Economic Development and Finance Committee on Monday. **Commissioner Burroughs** said, Mayor, all this does is set the public hearing for the project. I would ask the commissioners to advance this. It is important that the development have the opportunity to be supportive of our local community for the public hearing.

Action: **RESOLUTION NO. R-74-20,** "A resolution setting the date of November 5, 2020, to consider the adoption of a proposed STAR bond project plan for Project Areas 2B, 3, and 5, all within the expanded STAR bond district commonly known as Village East in the city of Kansas City, Kansas." **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 20437…RESOLUTION: BOYER MEDICAL OFFICE BUILDING ASSIGNMENT & ASSUMPTION

Synopsis: A resolution approving the execution of the assignment of acknowledgement and assumption agreement and related bond documents for the Boyer Medical Office Building on the east side of 98th Street, south of Parallel, for a sale to HPIII Kansas City, LCC, submitted by Katherine Carttar, Director of Economic Development.

Mayor Alvey said, Mr. Bach.

Doug Bach, County Administrator, said all the projects done in the STAR district areas. We put restrictions on them that we require someone to come before us to get an assignment and acknowledgement when they convey property. Ms. Carttar, our Director of Economic Development, is here if you have any questions or issues on this. This is a fairly straightforward move to convey that property through this assignment and acknowledge assumption. I would recommend approval.

Mayor Alvey asked, any questions or comments? Seeing none…

Action: **RESOLUTION NO. R-75-20,** "A resolution consenting to the delivery of an assignment of acknowledgement and assumption agreement and related bond documents in connection with the $11,000,000 aggregate principal amount of Taxable Industrial Revenue Bonds (Boyer KCK MOB, L.C. Project), Series 2018." **Commissioner Markley made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs.

ITEM NO. 2 – 20438…OVERVIEW: SNOW REMOVAL PROGRAM

Synopsis: Overview of snow operations, training and deployment by Public Works staff, submitted by Jeff Fisher, Executive Director of Public Works.

Action: This item was previously deleted from the agenda.

COMMISSIONERS' AGENDA

ITEM NO. 1 – 20415…CHANGE: 2020 HOLLYWOOD CASINO FUNDS AWARDED TO ANDA

Synopsis: Due to Covid-19, Argentine Neighborhood Development Association (ANDA) has diverted their $4,409 of their previously approved 2020 UG Hollywood Casino funds. The funds will be moved from the program, "More than an eyesore: Beating Blight" to "Filling the gap," submitted by Emerick Cross, Assistant County Administrator.

Mayor Alvey said Mr. Cross will present this item.

Emerick Cross, Assistant County Administrator, said the Argentine Neighborhood Development Association has requested to change their scope of services for the funds they received for the 2020 Casino grant process. They would like to move their funding from More Than an Eyesore: Beating Blight to a more COVID-focused scope of services. Commissioner Markley was the only one who committed Casino funds to that association in the amount of $4,409. They would like to use those funds for this new scope of services that is submitted with the attachment.

Mayor Alvey asked, any comments or questions?

Action **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to approve. Bridgette Cobbins, UG Clerk,** said I believe this is for information only.

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

MAYOR ALVEY

ADJOURNED THE MEETING AT 8:06 P.M.

May 28, 2020

Bridgette D. Cobbins
Unified Government Clerk

cg

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS SPECIAL SESSION, THURSDAY, OCTOBER 1, 2020
CITY OF KANSAS CITY, KS)

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, October 1, 2020, with nine members present on line and in the 5th floor conference room: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Townsend, Commissioner First District; and Kane, Commissioner Fifth District; were absent. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, Unified Government Clerk; Alan Howze and Melissa Sieben, Assistant County Administrator's; Troy Shaw, County Engineer; Brandon Grover, Public Works Asset Coordination Manager; Rob Anderson, Public Works Asset Manager; Shakeva Christian, Manager in Human Resources; and Chief Callahan, Fire Department.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, we have individuals attending remotely. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so that the public participating knows who is speaking. This is critical given the number of remote participants in his current guidance from the Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

ROLL CALL: McKiernan, Ramirez, Johnson, Markley, Walters, Philbrook, Bynum, Burroughs, Alvey.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, October 1, 2020, at 5:00 p.m. by way of Zoom for a presentation on street preservation. Immediately following will be an executive session regarding labor.

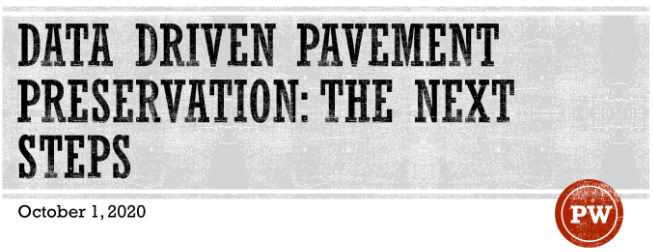
Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through Zoom.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

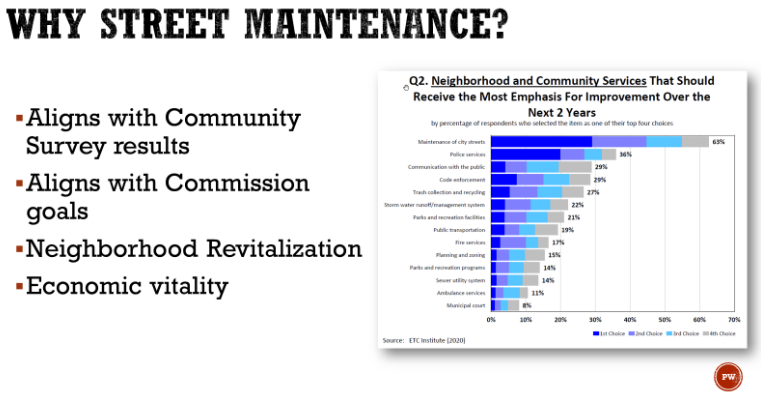
Mayor Alvey said tonight we have a presentation on Street Preservation. I will turn it over to Mr. Bach to introduce staff.

Doug Bach, County Administrator, said as we've been presenting to the Commission over the past couple years, we went through and did a complete analysis on street preservation and street conditions across our entire community. Our staff has continued to work with this working through different methodologies that we believe we can bring forward to get more bang for our buck out of our dollars and methodologies we've used in the community.

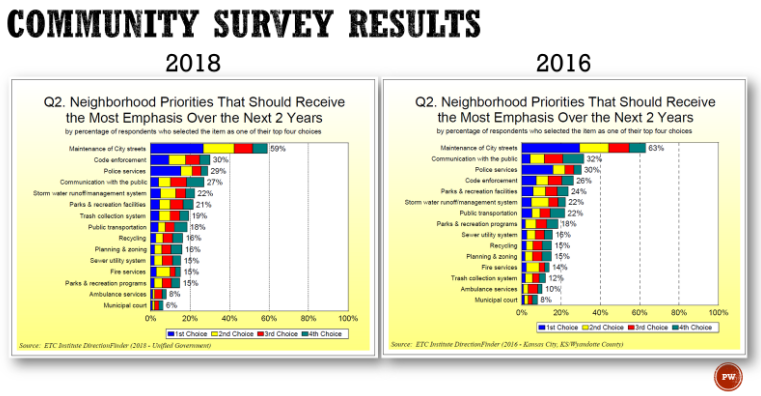
Tonight, we would like to present to you the concept we're working with for feedback as we move forward in this direction in looking to these to bring forward projects in the future to the Commission. With that, I'm going to recognize Troy Shaw, County Engineer. Mr. Fisher is at the hospital with the individual that you heard the page about for one of our employees who is being looked after and we believe he's doing well, but he's there with him at this time. So, Mr. Shaw is here to start the presentation.



Troy Shaw, County Engineer, said we've been here multiple times, at least with the Standing Committee, over the last couple of years to talk about pavement preservation and approaches we've taken to improve how we do roads.



Why are we doing this? I'm sure all of you are aware the most recent Citizen Survey and pavement—road maintenance pavement preservation is top of the list. We feel as an Engineering Department that pavement preservation is very important and appropriate for the citizens to note this this way. I think there's a lot of benefits when it relates to economic development and happiness of citizens in general just to be able to get from one place to the other effectively.



This is very similar, the same, last couple of years as well of the surveys. For those of you that may not be as familiar with this, we have over the past couple of years started doing different applications of treatments. Historically, we've just done a mill and overlay basically two inches asphalt to two inches asphalt back. I know at least last year, maybe the last couple of years, we've

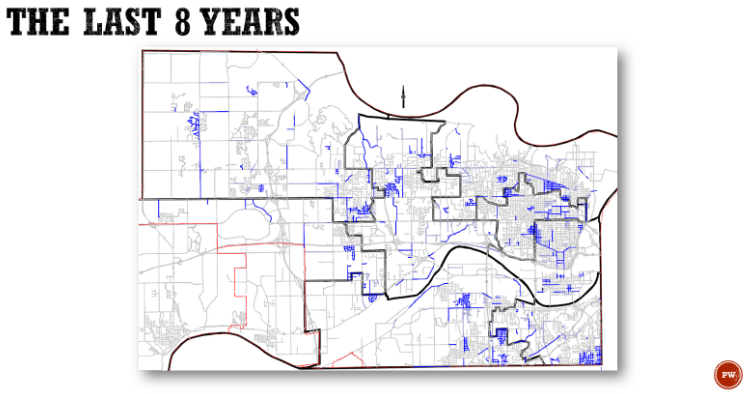
done a micro surfacing in a couple of areas as a trial throughout the county and we have a micro surfacing in UBAS contract getting ready to go out right now. UBAS is a very thin mill and overlay basically with polymer mixed in with it to help give you a much—not cheap, it's cheaper than asphalt and it lasts not as long but for the life cycle it does a really good job. So, we're going to pull that out this year as well.

We've been taking these steps to help stretch our dollars, help touch the right roads at the right times and not just focus on the ones that are all lagging behind but try to keep our good roads in good shape, so that's part of the reason we're doing some of these treatments.

On top of that we've been evaluating another method to see if we can continue to stretch our dollars further. I don't like coming up here and always asking you for money even though I'll be glad to ask you for money for street preservation because that's what I always need. We want to do the best job we can and stretching the dollars we do have as far as possible because we know the money can be used elsewhere as well.

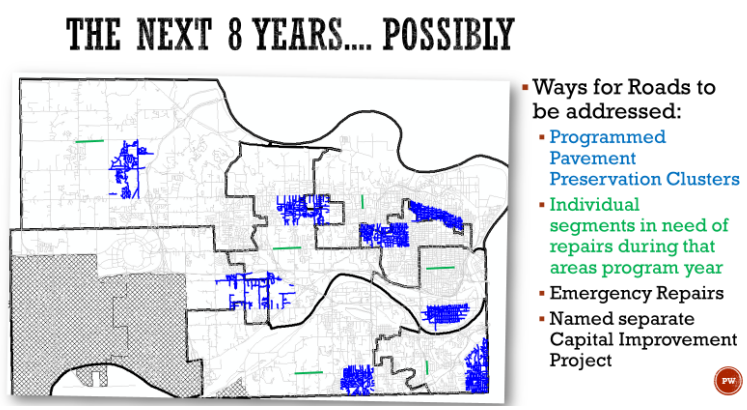
Brandon is going to talk about a method we've kind of talked about that will help us stretch our dollars and also make large impacts to certain areas of the community all at once and not just focusing on individual street segments at a time.

I'm going to introduce Brandon Grover. He's a Project Manager with the Engineering Department to come up and go through that plan.

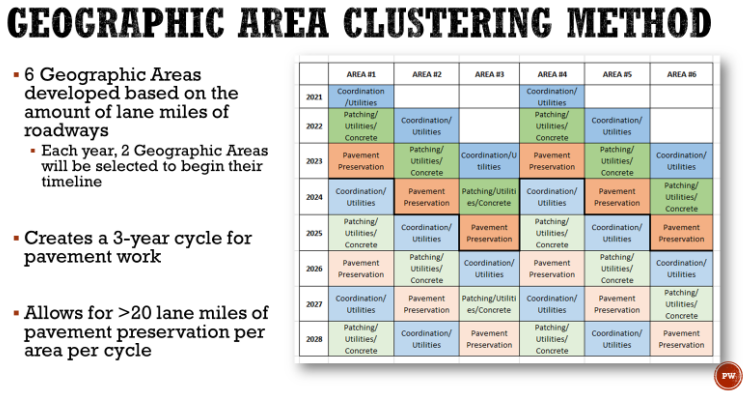


Brandon Grover, Public Works Asset Coordination Manager, said as Troy mentioned, one of the things we're really looking for is stretching our dollars. So, the first slide I want to show you here is the last eight years of our Pavement Preservation Program. It's fairly sporadic. A lot of jumping around to different areas because the method we were using is the worst first method.

As we've talked about before, that is not the way to make real improvements in your network by just addressing the oldest roads or the ones that are falling apart at that time. The proper way to do it is treat the right road at the right time and keep your good roads better and longer.



This next slide I'm going to skip over, and we'll come back to it. It will be one I'm sure you will want to talk about, but for this moment I'm going to skip over it.



The method that we're talking about going forward with is one called the Geographic Area clustering Method. What we have done is taken the entire city and divided it up by lane miles and we figured out the six areas really gets us the best bang for our bucks because of the amount of money we can spend in each area and the amount of lane miles that it gives us to allow to cover.

Each year we start doing this program or this way we're going about it, we'll be able to address two areas. There will be a large amount of work going on at one time and doing it this

way allows us to address greater than 20 lane miles of pavement preservation per area per cycle whereas right now we're getting about four to six lane miles in each area that we're moving around. So, doing it this way really makes a bigger impact to neighborhoods at one time.

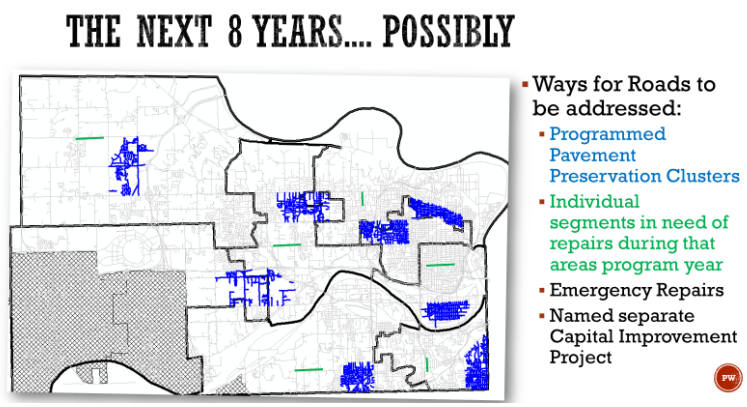
Apparently this slide didn't come up, but there's supposed to be a red box around the first two years, '21 and '22, because we're going to phasing into this. That way we're not leaving anything blank during those couple years, but I just wanted to point that out to you.

When I say what does 20 miles look like, this is 20 miles of mill and overlay. As we've talked about for the last couple of years we're doing other treatments as well, so that 20 miles will actually be larger if we can apply those treatments when they're appropriate.

What you're looking at here in the upper left-hand is like the Morris area of Turner. Basically, everything from 59th Street west and south of Inland Drive down to County Line Road will be addressed at one time.

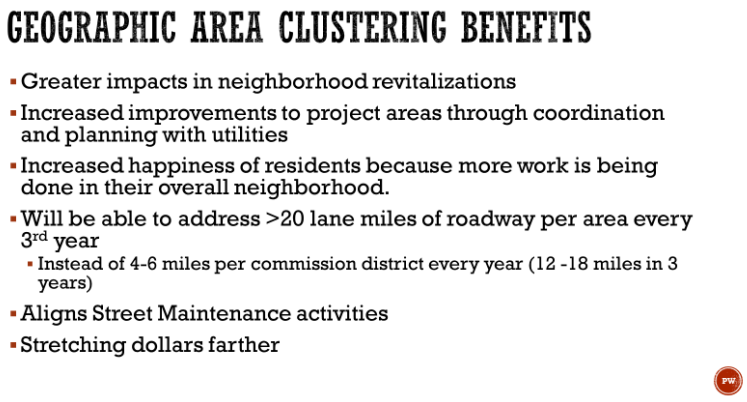
In the middle on the upper, you're talking the Northeast Area which is from 5th Street to 11th Street from Quindaro to Parallel.

The larger picture on the right is the northwestern portion of the city though everything from Marxen down to Hollingsworth, from K-7 to 123rd and you've got a larger area in the lower portion of that screen that is basically from 78th Street to 94th Street from State Ave. all the way down to I-70. You can see really what 20 miles does.



Now I'll go back to what this looks like according to this plan where in eight years we'll be able to address every area twice to look something like this. You see the large area impacts that we can make in some of these areas.

Now, there are several ways for roads to be addressed. One will be this Programmed Pavement Preservation Clusters which we're talking about that are highlighted in blue. We are also aware that there is going to continue to be the need to address individual roads that come up just because if a road fails and we have to close it, it becomes a major inconvenience so we will have to do something. Those are kind of highlighted in green. Those are just examples. We'll also have some more emergency repairs that come up that we have to address as well as named separate Capital Improvement Projects will continue to go on during this time.



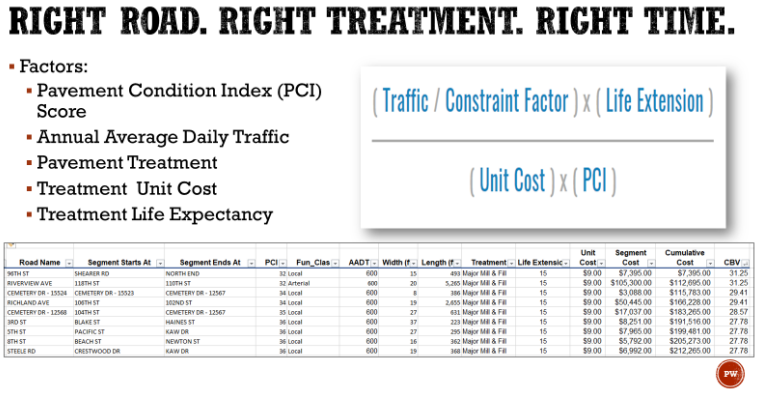
We've talked about this a lot so far, but I just wanted to highlight all of these benefits again. You've got greater impacts to neighborhoods as a whole. It increases our coordination efforts with utilities being able to go in and get them out of the way. Do the underground work first, put new

pavement on it and, hopefully, we won't have to be back in those areas doing any kind of major excavation or major inconvenience to citizens for 15 to 20 years.

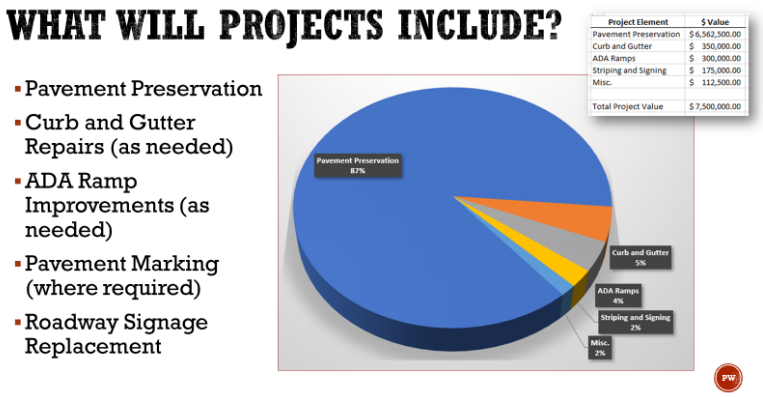
This also will increase the happiness of residents through these areas because it's not just one street here and there. It's really whole neighborhoods getting done at one time.

We talked about the 20 lane miles. As I mentioned, currently we're getting 4-6 miles per commission district every year or 12-18 every three years. Like I said, we'll be able to address greater than 20 miles a year.

This also allows us to align our street maintenance activities; patching, striping, curb repairs, that kind of thing. Again, it stretches our dollars further.



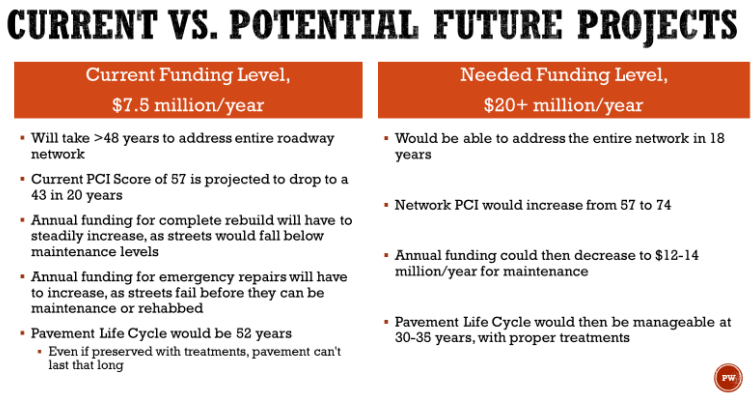
The way we're going to go about selecting these roads is a very scientific way by taking true pieces of data like the PCI condition, average daily traffic, the type of treatment that is appropriate for that classification of roadway and the cost of that application and the amount of time you're expected to get out of that life. Then, you plug it into the formula that's up there on the screen and it gives you this far right-hand column, the benefit value. What that does is a 0 to 100 scale and what it does also it keeps a running total of how much money each of these areas cost, so if we do have one of those roads that pops up and we have to put it into this for some reason, we give that 100, we reorder it and it tells us what roads get kicked out. So, we can have that kind of instantaneous feedback of okay, if we really need to do this one, is it worth sacrificing these five other roads or things like that.



This is a pretty nationally recognized formula for addressing things like these in successful areas that do good pavement preservation. Most everybody knows in the past couple of years we've started doing curbs with our projects. That's been a huge push for us, and we've gotten a lot of good feedback on that. Neighborhoods are looking incredible when you drive through them compared to how they've looked. Several areas in Turner have received it and a lot of areas in the midtown area.

This slide is meant to show while the major portion of these projects is pavement preservation dollars, those other things up here in the upper corner in that little pullout box are the other things to get done. So, the curb and gutter and the ADA ramps, those are what gets taken care of with that concrete fund you've guys have so graciously granted us which we're super appreciative of that.

We also wanted to highlight that striping and signing budget. For $7.5M, which is kind of the average that we're getting for the next couple of years, to do pavement stuff, that's $175K worth of pavement marking. Our current budget every year to maintain pavement marking and signing is only $50K. That's something we've been tackling for the last couple of years and we're looking at ways to stretch that even further, but it is something that's worth noting and bringing up because safety signage and proper striping is a huge issue.



This slide is really meant to highlight kind of where we're at and also show you the numbers that we've been talking about for the last several years. At current funding, at that $7.5M a year, it is going to take us a little bit longer than 48 years to cover our entire network, quite a long time, roads don't last that long even if you treat them properly. Our PCI score will drop from a 57 to a 43 in 20 years. It won't go much lower than that after that time because our roads will fall into a level that just are at the flat part of the bottom of deterioration curve, but if we allow this to happen, our funding mechanisms to rebuild roads is going to have to grow exponentially because we're going to have no option but to rebuild, rebase roads. Our funding for emergency repairs will have to increase as well because as roads fall apart or as major roads have issues, we will have to keep them open so emergency repairs will have to be done.

We've talked for several years now about that $20+ million number. With the data we've got now we've been able to realize that if we can get up to that, and the sooner we can get up to that, we'll be able to do the entire network in about 18 years. Our PCI score will raise from a 57 to a 74 and it will stay up at that level as long as we keep the proper maintenance, but once we get to that level, we can then decrease the funding again back down to about $12-14M a year because maintenance cost so much less than rebuilding. That also allows us to get to that pavement life cycle of 30-35 years which is about what you can get out of it. The longer it takes to get to that $20+ million line, the more money it's going to take to build things back up. The sooner we can get there, the less it will cost.

We also want to let you know there's a couple other things that we're doing. With this new methodology it allows us to do an 8-year Pavement Preservation Program which will allow us to select our roads, get them out there, get them published on maps. Get them out on our Pavement Preservation website which we're going to be creating within the next six months or so. If you get this presentation, you can click on that link. It's for Phoenix, Arizona. They've got a really good pavement preservation website. It talks about the treatment methods they're going to be using, when they're going to be using them and why they use them for certain areas and all the other kind of data that goes into it.

Also, next spring in 2021 we're going to be doing another round of data gathering and we hope to do that every 3-4 years depending on how bad our winters are just to make sure we're keeping up an accurate representation of our PCI score.

Does anybody have any questions?

Commissioner Markley asked, could you go back to the slide that said—that one. I just want to reiterate here even if we could come up with $20M a year, it's still going to take (inaudible) 18 years to get us where we need to be. That's how far behind where we are. I know we don't have $20M in our back pocket. I'm not saying—you know, we don't have that right now, but I just want to reiterate how we need to prioritize this if we're going to get anywhere close to getting our roads back to where they should be because even with $20M a year, it's still going to take us 18 years to get to a decent place. So, those are incredible numbers, scary numbers.

If we don't find anymore money, we're just going to continue to fall behind and that was something that our public very clearly in our last survey said we should be prioritizing, so we've just got to keep that in mind as we prioritize what little money we do have to work with. **Mr. Grover** said you said that very elegantly Commissioner. Thank you. That's the whole point we've been trying to get across for the last couple of years.

Commissioner McKiernan said as tough as the funding is, to take the converse of what Commissioner Markley said, if we stay at our current level, we're headed toward gravel roads. **Mr. Grover** said yes we are. **Commissioner McKiernan** said so it's really important for us to find a way to prioritize more resources into this area to address the number one need as brought to us by the survey. **Mr. Grover** said that's why we've been looking at so many different options. We're trying to stretch those dollars because we know how important it is to our citizens. We know how important it is to us living in the community and we are just kind of handcuffed by that, but we're doing everything we can.

Commissioner Bynum said go back to the slide where you have the dense areas. So, when you're working in an area so densely it seems like you're almost just constantly going to be encountering roadwork if you live in that area. Is that a fair statement? **Mr. Grover** said it would appear that way when you think about—if you look at it like this and say all the things that we talked about in that slide with the graph, the pavement work, the concrete, all that's going on at the same time; that would be a very fair statement to say that you're encountering nonstop and it's nothing but a hassle. By the way we've got it broken out, the green areas that will usually happen the year before will be some of the utility work, that's minimal impact and we'll try to get the curbs done around that time too. That way, the next year when we come in and do the pavement stuff, it's very, very

quick. It's a mill and overlay. You've got the road down for less than really 20 minutes at a time while they're milling out and doing all their paving. Several of the other treatments like the micro surface, I believe, Commissioner Markley, I think you said it a couple of years ago when we did Metropolitan, you went to work one morning, and the road wasn't done. You came home and it was. For those treatments, the roads only close down for about an hour at a time. **Commissioner Markley** said it was like magic. **Mr. Grover** said it does look congested and like it could cause issues, but with the way we've phased construction in those areas, it's really not as bad as it seems.

Commissioner Bynum said on that chart, the six areas, are they shown on one of your maps? **Mr. Grover** said no, we don't have them on a map yet because we're still kind of tweaking those areas. Like I said, we're trying to do it based on lane miles. Based on some of the older mapping that didn't have things that have recently grown and tweaking some of that, but we haven't put that on a map yet, but it will be on the map that we put out in the coming months for our Pavement Preservation Plan.

Mayor Alvey said it would be interesting if there's national data research that shows when you do care for the roads, improve the curbs, the gutters, when you come back with the street overlay what that does for land values, assessed values in that area, because if there's some kind of mechanism then where we might capture that and designate districts, maybe a Community Improvement District, capture that increased property assessment and pour it back into the program, that might be one way we can do this. I didn't know if that's anything that has been pursued along those lines. **Mr. Grover** said it hasn't been something that we've looked at, but I know Robbie has done quite a bit of work on that with all the other Neighborhoods Up process you've guys done, so he done a lot of kind of data gathering figuring out to use that information.

Mr. Bach said I will say too, we did do it specifically on State Avenue a couple years ago because that was one we had made a significant improvement all the way from east to west, so we did an analysis up and down that corridor. I can't remember the number, but it demonstrated it was 10 or 15% higher in the valuation increases of properties along that then the average in the rest of the community. You know, there can be various factors, but it was clearly demonstrated in that.

Mayor Alvey said because I think one of the things that happens is—so I know that there has been a significant amount of work in Highland Crest. In that neighborhood those houses were built after the flood. That's why it's Highland Crest and it's 3,000 homes, they average 800 to 1,200 sq. ft., they're slab on grade. The curbs which are just the lazy curbs have been deteriorating for decades now. It was built in '51-'52 and just the improvement to that neighborhood, I have to assume, it makes the neighborhood much more attractive. If there was anything that drew anyone's attention as they drove through those neighborhoods, even if there were some houses that needed repair, landscaping or whatever, there were a lot of houses that people put money into. You can get into them affordably at $70-$80K and put minimum, you know, $20-$30K into it, but the one disincentive was the condition of the roads and so I think that made a significant difference. I think it's going to be interesting to see what the valuations are going to be like in Highland Crest specifically over the coming years.

I saw Rob out there and I figured if anybody was doing any kind of data search on this, it was Rob.

Rob Anderson, Public Works Asset Manager, said we've done work and we've referenced work related to when you show investment, public dollar investments, the adjacent real estate increases. When I look at this program I think about the money game related to tax roll, so for me, I think any investment we make in public infrastructure and the smarter we make it and the more concentrated it is, the broader the impact it's going to potentially be on our revenue. There's also been talk and consideration you alluded to at the beginning of your statement, Mayor, was capturing the delta to reinvest in this program. So, maybe each year we're growing the funding for this mechanism, that's a great policy thing for you all to consider and it's a great point and I support that. **Mayor Alvey** said I think that's really something we should look at as a potential. Again, as Commissioner Markley—we all can clearly see the money is not in the budget. It's just not there.

It's all about improving the quality of life, putting the right kinds of investments into our neighborhoods to make them more attractive, drive the values up so that people—first of all grow personal wealth in ownership, but also in pride and it attracts more and more residents. I think that's a real avenue that we ought to pursue.

Mr. Shaw said to speak to that, ever since we started doing curbs and making some of these larger scale improvements, we're approached constantly by homeowners saying well hey, can I get the contractor's information so we can redo our driveway. We've driven through several areas where we see that houses have made drastic improvements to their frontages and everything after we've made these improvements, so it is that societal impact of the city is putting money in my neighborhood, I'm going to make my neighborhood the best I can too.

Mayor Alvey said to that point, to get back to the point, there is some research that's a little bated now that shows even litter in streets and on yards decreases the values of homes and neighborhoods. Those simple things, again, am I proud to bring people into my neighborhood. If I'm not, other people are not going to be proud enough to come in and settle there and that's a long-term problem we've had to face. These simple kind of things to improve the attractiveness of neighborhoods goes a long way to improve the tax base upon the tax base and generally through revenues we need to do the things our residents deserve.

Mr. Shaw said I will add to that just from a personal note. It may not be personal, I don't know, but as with most things that are related to infrastructure, people probably won't notice that your roads and your curbs are good, but when someone drives into a neighborhood and they're bad, that's when people take notice of it and that's when people don't care about other things when something is already bad to start with. If we can keep them good, that makes it much easier for a homeowner or an individual to say, hey, I should improve x, y, or z.

Commissioner Philbrook said I want to ask a question. Here's the thing, this is really getting down in the weeds and the curbs. That is, let's say that I'm a homeowner in a certain area and the city is not planning on doing any work in that area, that has fallen into their ear. Is it possible for them with our permission or guidance to do the curb edging on their place—**Mr. Shaw** said yes—**Commissioner Philbrook** said, you know, who would they contact, how much does that usually cost, things like that. **Mr. Shaw** said there's a couple different avenues that we've been talking about recently. So, we've obviously with the pavement preservation that Brandon has been talking about, when we go to an area we will look at curbs and do replacements that way. The Commission and the Administrator has given us the ability to start a concrete crew with our own Street Department and they can come out and patch small sections. They don't do big long runs, but they

will do individual. They've got a huge backlog of it, so they obviously can't get to it all. We also have—you're familiar with the 50/50 Sidewalk Program, well, that's also eligible for curbs as well. John Pack our Right-of-Way Manager runs that program, so that funding that is set-aside for that is also available to be used for a curb as well.

Commissioner Philbrook said if I'm that John Q. Public person, who should I call, who should I email? **Mr. Shaw** said John Pack in Public Works. **Commissioner Philbrook** said okay, that's what I want to know because I have some folks in my district who—they don't necessarily want to wait until it's time for their area to be done and it's not the whole area, it's just maybe right along their piece of property. **Mr. Shaw** said I will note on line—or on camera, that funding is limited, and it's first come first serve when we have it and I would have to check to see how much is either available this year or next year, but duly noted. **Commissioner Philbrook** said I understand that, but it's also a question when we talk to John Pack can he give them an idea if they decide they want to pay for it themselves totally—**Mr. Shaw** said yes—**Commissioner Philbrook** said to make sure they're compliant and don't get in trouble. **Mr. Shaw** said yep, and I think you would just need a right-of-way permit for that and that would be through John Pack as well.

Commissioner Walters said I certainly agree we could spend more on roads, but I do remember in recent years we've been approached by Engineering and we have made commitments to investment in our roads. We've bought expensive equipment; we've had presentations on new surfacing techniques that were going to make all kind of positive differences in our community and now we see this, and it seems like none of those investments have really changed the situation. No one likes to sit here and say, oh you know by the way you've got to triple your investment from $7M to $20M or the world is going to come to an end.

We've been cutting the mill levy over the past few years. That seems like a contrarian position to what we're seeing here that suddenly we have to triple the amount of money we're spending on this particular issue of our budget. So, I guess I'm a little skeptical. I would like to know why some of the investments we've made in the past few years have not seemed to have much an effect and whether there is an alternative to this approach.

Mr. Bach said we can certainly speak to that or we can speak to it now because I would say the $20M number is not a new number for us. Once we went through and did our analysis, this is

where we came out and brought this to the Commission that we're going to have to increase our investment in order to keep up. Some of the other investments we make, and I think he's talking about the pothole patchers, and you guys can speak to that, you know, the difference of the amount of lane miles we're able to build and go through with better jobs throughout the course of the year is how that happens. That's a different issue or I guess you guys can explain it. That's a pothole in the street. It doesn't preserve the whole street as to this side of the equation, but if you want to speak to some of those investments that we've put in.

Mr. Shaw said specifically for the pothole patcher, what's that has allowed, and I would have to get with our Street Department to figure out exactly how many they've done now versus how much they did before. What that piece of equipment does do is what they put into the ground will last longer. It's a better product they're putting in the ground, so instead of patching the same pothole six times throughout the winter, they may go out there once and patch it and they're done with it and moving onto another one. That is definitely a big advantage for them in that and then really to the potholes. We're working with the Street Department too and Robbie is working on this and Brandon are setting up our Lucity system which tracks all our work orders through when they do a pothole and that will tie that to the road asset as well so we can see when Brandon is laying the pavement preservation how many potholes were patched on this road in the last three years. Maybe that's a road we need to look at a little more. Maybe the data is not—because the data is a few years behind as we're looking at it because we don't do it every year. So, we can look at it, well, we've patched 12 potholes on this segment of road last year, we should probably go out and look at that one. We're also using that data to help us look at that and define that as we're looking at it a little bit more.

As Doug noted, with our different treatments, we really just started that. It's kind of like everything else when you start working with infrastructure that takes 20 years or last 20 years, you'll see a payoff in 10 years from what you're doing now. I think that's a long-term solution and that's the way to go and that's how the data has been presented and what we found nationally as well.

Mr. Bach said I would also add just to efficiency of operations that's gone on by doing this, so it's some restructuring that's happened within the department but also things like the pothole patchers have brought about. As you all know, last year we come forward, we told you we were 20 down in the Street Department, 10 to 12 of those are over and above where we want

to be. I think it was 8 or 9 that Jeff was bringing forward to this year saying okay we've vacated these positions, we're holding them out because more efficient, we can do this better. Now, he didn't want to double that number because those are positions that are doing work that we're missing out there in the community today, but those 8 or 9 positions because we're working more efficiently, that's $400K-$500K a year. The pothole patcher was a $260K one-time investment versus the annual thing. Those investments are coming back to us immediately and helped us get through things like we're doing currently with a reduced budget or we would have been that much more. We would have been in that much dire position of trying to keep up with the work on the streets if we had been down 20 that we had to have back out here. He still wants to get the other ones back into play. So those are things that are coming about from those efficiencies that we put in and some of the investments we've put on.

Mr. Grover said one of the other things that would be a change of is doing this geographically offers a broader picture on our Asset Management Plan as a whole. So, between different divisions and working with other utilities, this gives us a window of time to direct efforts and work so when we go into a neighborhood, we go into it one time and it's done. Right now, if you look back on that historic map how we were doing it, it looks like (inaudible) shot. That was a system of our budget level, but also a system of our ability to use data to drive the work. I would caution to say that it's not just the change in the tools we're using or the amount of money, it's a change in how we're doing business.

Commissioner McKiernan said I think this really sounds great, but one thing that I'll just bring up that I think we need to keep in mind, when it's a road here or a road there, it doesn't attract a whole lot of attention, but when it's a broad geographic area that's being addressed, I think it's possible that we may get some communication along the lines of hey, how come them, what about my neighborhood. So, I think it's really important that we have established the long-term plan and that we all communicate early and often about the fact that there is a long-term plan and here's where your neighborhood fits into that even though it's not being done this year.

Mayor Alvey said I think this kind of points out again that we have a tremendous number of vacant lots east of 635 which already has the infrastructure. You can't just go in and pave the road in

front of the house, you have to pave the whole street and so, again, we have infrastructure in place without houses on them, without out commercial establishments. We have to find a way to continue to rebuild those neighborhoods because the infrastructure is there, and the amount of investment upfront is much smaller than going out to a greenfield. We've got the infrastructure in place; we need to make use of it. It's going to give us more yield per acre than just going out to a greenfield.

I had a conversation with a resident who lived at the end of a cul-de-sac. There was one house and she was the only house and demanded that we mill down and replace all the asphalt and she said she has been paying her taxes all these years. I had to remind her the amount of taxes you paid over the years doesn't pay for this one resurfacing and it certainly doesn't include all the cost for fire, police, ambulance and sewer. It simply doesn't do that. We have to keep reminding ourselves that ourselves that we have areas that we need to reinvest in, bring more housing to, they've already been hollowed out, let's bring that back because that's going to give us the most revenue per acre.

Mr. Shaw said if anybody wants to have that information in their pocket when you're getting those kind of phone calls, to resurface which is to remove two inches and put back two inches on a two-lane road is about $200K a mile. When people hear that and they think about how many taxes they've paid and what percentage of those taxes go towards public works investment, that should really spark something in people to realize that maybe this needs to be a bigger picture item.

Commissioner Johnson said I like the fact that you've chosen areas in diverse areas of the city and I would just only say that is important that you continue to do that. To think about talking to persons in what we would consider to be a rational conversation does not really mean a whole lot when they think about or only hear the constant press about what's going on in certain parts of the city and what's not going on in other parts of the city. I would encourage you to continue. What you've shown us tonight I think is the right strategy and I just want to make sure I double down and say we need to continue to make sure that we are doing things in different parts of the city at the same time. I think that's going to really work to our favor. **Mr. Shaw** said that is one of the reasons that we chose to look at this in terms of lane miles when we're breaking up these areas because we do know that some of the downtown areas are a lot more clustered in lane miles. For

the same square mile area, you get a lot more lane miles east of 635 then you do in some of the other areas. That's why when looking at this map geographically that area that's just above—it's right on the boarder of District 7 and District 8, that's a big stretch of area, but it's all two-lane roads, mile sections, but when you get downtown you have a lot more neighborhoods with a lot more close knit roadways that takes more effort to make an impact on.

Mr. Shaw said thank you very much for giving us this time.

Mr. Bach said, Mayor, I did just want to note, and I think you see the PowerPoint presentation on the snow operations. We were going to deliver this presentation during the 7:00 p.m. meeting tonight. Key staff, along with Jeff, are not going to be here tonight, so you have this information. We'll bring it back another time and present, but since they were taken away, they're not going to come back in for this tonight.

Mayor Alvey said do we have a motion for an Executive Session for consultation with our Attorney to discuss matters related to Labor?

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to go into Executive Session until 7:00 p.m. to discuss confidential matters regarding the status and future direction of labor negotiations, as justified under the Kansas Open Meetings Act; under the attorney/client privilege and the employer/employee negotiations exceptions; and that staff designated by the County Administrator be present to participate in the discussion and that we reconvene in open session at 7:00 p.m. Mayor Alvey asked for a roll call and there were eight "Ayes," McKiernan, Ramirez, Markley, Walters, Philbrook, Bynum, Burroughs, Alvey.

5:41 p.m. in the 5th floor conference room

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District;

and Mayor Alvey presiding. **Staff Present:** Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Chief Callahan, Fire Department; Alan House and Melissa Sieben, Assistant County Administrator's; Shakeva Christian, Manager in Human Resources, and Ryan Denk, Outside Counsel for labor negotiations.

MAYOR ALVEY ADJOURNED
THE MEETING AT 6:56 p.m.

_____
Bridgette Cobbins
Unified Government Clerk

dt

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: October 1, 2020

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

1. PROTEST PETITONS:

Petition signed by individuals in opposition to Special Use Permit:

No. #SP-19402-00043 (#SP-2020-58), 3201 Pomeroy Dr., submitted by James Brennan.
No. #SP-20402-00060, 1634 S. 29th St., submitted by Matthew Sutton.

Action: Received and filed. Original previously forwarded to Urban Planning & Land Use & Legal.

2. COMMUNICATION:

Bridgette Cobbins, UG Clerk, listing bids received September 30, 2020, for B30806 – Outside Lab Testing for WPC.

Action: Received and filed. Copy previously forwarded to County Administrator, Legislative Auditor and Public Works.

3. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND / ACD	Vendor Name/Number	Reason for void (dropdown)
874585	Yes	3/6/2020	$ 20.00	110 2118	US Dept of Justice OCDETF #R0387	Stale dated
877219	Yes	5/15/2020	$ 19,040.00	160 19900015280	Butler County Sheriffs Office #11610	Stale dated
877551	Yes	5/29/2020	$ 15,960.00	160 19900015280	Butler County Sheriffs Office #11610	Stale dated
878563	Yes	6/26/2020	$ 11,440.00	160 19900015280	Butler County Sheriffs Office #11610	Stale dated
879572	Yes	7/31/2020	$ 6,320.00	160 19900015280	Butler County Sheriffs Office #11610	Stale dated

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED SEPTEMBER 29, 2020

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Chimere T Boyd	Transportation	10/1/20	Transit Operator
Ta'Nae S Locke	Sheriff/Juv	10/1/20	Juv Care Worker I

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Michael D Kroening	Sheriff/Admin	9/17/20	Deputy	Sheriff Investigator

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Luvenia J Carr	PW/Parking	9/17/20	School Crossing Guard
Cherry Sui	Health	9/30/20	Admin Supt Asst

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Rickie Martin	Police/Asset	ACD code change effective 1/1/21
Richard Peters	Police	ACD code change effective 9/24/20
Caleb Smith	Police/Asset	ACD code change effective 1/1/21
Nick Vega	Police/Asset	ACD code change effective 1/1/21
Vacant	Police/Asset	ACD code change effective 1/1/21
Robert Youngs	Police/Asset	ACD code change effective 1/1/21

Action: Received and filed. Copy previously forwarded to Payroll.

5. PERSONNEL ACTION COMMUNICATION, DATED OCTOBER 1, 2020

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Denisha R Acon	Sheriff/Detention	9/17/20	Deputy

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Lori L Wilson	NRC	8/6/20	Admin Coordinator	Program Supervisor

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Jacob M Dicks	Fire	9/27/20	Firefighter/MICT II
Zachary R Lodder	Fire	9/27/20	Firefighter/MICT II
Monica S Tyrrell	Human Resources	8/8/20	HR Analyst

Section VII - Reclassifications

Name	Department/Division	Eff. Date	New Job Title
Lori M Peaches	Transit	10/1/20	Lead Transit Operator
James D Scaife	Transit	10/1/20	Lead Transit Operator
Vacant	CAO	9/30/20	Director
Vacant	Sheriff's Office	10/1/20	Court Liaison Officer
Vacant	NRC	8/6/20	Program Supervisor

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Joshua D Thomas	Sheriff/Detention	OC code change effective 9/18/20 with certification
Thomas L Williams Jr	Sheriff/Detention	OC code change effective 9/18/20 with certification

Action: Received and filed. Copy previously forwarded to Payroll.

6. MOTION TO SET ASIDE:

Unified Government of Wyandotte County, Kansas City, KS vs Sam Pride, 2019-PT-000003, 345/470 (COA)

Action: Received and filed. Copy previously forwarded to Legal.

7. SUMMONS:

James R. Kelly, Trustee of the James R. Kelly Trust vs Jason Chadwick, Patrice Gerkovich and Unified Government of Wyandotte County, Kansas City, KS, Case No. 2020-CV-000571.

Action: Referred to Legal.

8. TRAVEL REQUEST:

Troy Bennett and James Turney/KCKPD/Chief's Office/Training Academy/Range, travel to Prior Lake, MN, October 23 – 26, 2020, to attend the Red Dot Sights (RDS) for Duty Pistols**,** Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

9. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Jose J. Hernandez DBA Jalisco's Restaurant, 5000 State Ave.

Action: Referred to License.

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: October 8, 2020

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

1. COMMUNICATION:

Bridgette Cobbins, UG Clerk, listing bids received October 7, 2020, for Project ID #4425 – Wyandotte County Water Line Project Phase 4.

Action: Received and filed. Copies previously forwarded to County Administrator, Public Works and Legislative Auditor.

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND / ACD	Vendor Name/Vendor Number	Reason for void
842172	Yes	7/27/2018	$15.78	160 12100015210	Terry, Bobby # N3159	Stale dated
881472	No	9/25/2020	$960.00	212 2100015279	Insight Public Safety & Forensic Consulting, LLC #18402	Wrong amount
881519	Yes	9/25/2020	$10,648.00	110 8200015279	Swiftly Inc #28273	Other (Explain)
874050	No	2/21/2020	$23.80	160 12100015210	Moore, Kenneth #N9108	Other (Explain)

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED OCTOBER 6, 2020

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Alyssa A Dessert	Police	10/8/20	Patrolman III
Maria I Johnson	Finance/Treasury	9/24/20	Fiscal Supt Asst

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Kristian A Alvarez	Sheriff/Detention	10/1/20	Clerk	Progs Assistant
Wallrine Freeman	Sheriff/Detention	10/1/20	Clerk	Court Liaison Officer
Sir Schad L Hampton	Parks/Rec	10/1/20	Groundskeeper II	Operations Supervisor
Ian Hayes	PW/WPC	10/1/20	General Maint Worker	Sewer Maint Worker I
Kelly L Langton	Comm Corr	10/1/20	ISO	Program Coordinator
Amber R Thomas-Hickerson	Police	10/1/20	Master Patrolman II	Detective

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Karen S Corwine-Warrick	Parking Control	9/25/20	Parking Attendant
Brenda L Harris	Parking Control	9/25/20	Parking Attendant
Sandra L Owens	Parking Control	9/25/20	Parking Attendant

Section IV - Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends	Leave/Pay
Matthew J Chastain	Fire	9/16/20	TBD	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Keona T Ballard	Sheriff/Detention	11/19/20	Sergeant
Jonathan J Cortes	Sheriff/Detention	11/21/20	Deputy
Drew W Dierking	Fire	9/27/20	Firefighter/MICT II
Amy M Erwin	Sheriff/Detention	11/21/20	Deputy
Jess M Ford	Sheriff/Detention	11/21/20	Deputy
David M Kempker	Sheriff/Detention	11/21/20	Deputy
Todd M Kleinschmidt	Sheriff/Detention	11/21/20	Deputy
Abraham A Mesler	Sheriff/Detention	11/21/20	Deputy
Christopher W Parrish	Sheriff/Detention	11/21/20	Deputy
Joshua D Thomas	Sheriff/Detention	11/21/20	Deputy
Brian J Warczakoski	Sheriff/Detention	11/21/20	Deputy

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Laura E Monslow	Police/Animal	10/1/20	Prof Asst	Admin Coordinator
Vacant	PW/Solid Waste	9/30/20	Prog Coordinator	Prog Supervisor
Vacant	PW/Traffic Eng	9/30/20	Equipment Operator III	Equipment Operator II

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Francis Altomare	Legal	ACD code change effective 10/1/20
Vanessa Lopez	Legal	ACD code change effective 10/1/20
Yvette Miller	Comm Development	ACD code change effective 10/1/20

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIM FOR DAMAGES:

Brenda Hayes, 6408 Nogard Ave., KCK, alleging damage to vehicle after hitting a pothole at the Legends Walmart, 10824 Parallel Parkway, on March 19, 2020.

Action: Received and filed. Copy previously forwarded to Legal.

5. TRAVEL REQUESTS:

Katharine Beals, Crime Analyst, travel to North Carolina, October 28 – 30, 2020, to attend the Data Driven Approaches to Crime & Traffic Safety, no cost.

John Diaz and Heron Santana, Police, travel to London, OH, October 4 – 10, 2020, to attend CVSA training, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

6. CERTIFICATES OF INSURANCE:

Asplundh Tree Expert, LLC (3)
Nationwide Construction, Inc.

Action: Referred to License.

7. BUSINESS BONDS:

Electrical Bond:
Interstate Electrical Construction

Mechanical/HVAC Bond:
Michael's Heating & Cooling, LLC

Plumber's Bonds:
H.A. Plumbing, Inc.
Roy D. Mayo DBA Mayo's Quality Plumbing

Portable Restrooms/Waste Services Bond:
Stahla Services, LLC

Sign Hanger's Bonds:

Prairie Fire Signs & Graphics
ROMI Services, LLC

Action: Referred to License.

8. CONTINUATION CERTIFICATES:

Electrical Contractor's Bond:
Greenway Electric, Inc.

Plumber's Bond:
Plumbsmith Service, LLC

Action: Referred to License.

9. CANCELLATION NOTICES:

Electrical Bond:
Three Diamond Electric, LLC

Mechanical Bond:
Cobb Refrigeration, LLC

Miscellaneous Bond:
Hunt Plumbing Co. Inc.

Sign Hanger's Bond:
Vende Mas, LLC

Action: Referred to License.

10. APPLICATION FOR PRIVATE SECURITY BUSINESS:

Critical Protection & Investigation Agency/Matthew Moore DBA Critical Protection & Investigation Agency, PO Box 2253, Independence, MO

Action: Referred to License.

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Suite 323
Kansas City, Kansas 66101-3070

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Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: October 15, 2020

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

1. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND / ACD	Vendor Name/Number	Reason for void (dropdown)
881765	Yes	10/2/2020	$ 83.33	160 20000015300	Thomas, Carrie B #87609	Lost warrant

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED OCTOBER 13, 2020

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Serena R Armenta	Sheriff/Detention	10/15/20	Correctional Specialist
Brandon AS Byers	Parks/Rec	10/15/20	Rec Specialist
Nicole R Garner	Health	10/15/20	Manager
Sabrina H Muller	Human Resources	10/15/20	HR Analyst/PS Recruiter
Brittany N Perry	Finance/Treasury	10/8/20	Fiscal Supt Asst
Jovita M Sanchez	Health	10/15/20	Nurse Practitioner
Samuel J Vallejo	Police/Comm	10/15/20	Public Safety Dispatcher
Joel M Young	Sheriff/Detention	10/15/20	Deputy

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Crystal G Ledesma	DA's Office	10/7/20	Admin Supt Specialist
Rick L Powell	PW/Streets	10/9/20	Equipment Operator III

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Margaret K Landsown	Police	11/7/20	Office Asst III

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Vincent Alonzo	Fire Dept	ACD code change effective 1/1/20
James Bousfield	Fire Dept	ACD code change to effective 1/1/20
Joshua Bubeck	Fire Dept	ACD code change to effective 1/1/20
Blake Hachinsky	Fire Dept	ACD code change to effective 1/1/20
John Harris	Fire Dept	ACD code change effective 1/1/20
Juan Machuca	Fire Dept	ACD code change to effective 1/1/20
Walter Meierarend	Fire Dept	ACD code change effective 1/1/20
Laura E Monslow	Police/Animal Services	Amend PAC 10/6/20 to reflect change effective 10/1/20
Justin Parmalee	Fire Dept	ACD code change effective 1/1/20

Marcos Ramirez	Fire Dept	ACD code change effective 1/1/20
Robert Sanders	Fire Dept	ACD code change effective 1/1/20
Connor Scherer	Fire Dept	ACD code change effective 1/1/20
Andrew Schneider	Fire Dept	ACD code change effective 1/1/20
Brandon Simpson	Fire Dept	ACD code change effective 1/1/20
Gary Wayne	Fire Dept	ACD code change effective 1/1/20
Tom Xiong	Fire Dept	ACD code change effective 1/1/20

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED OCTOBER 15, 2020

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Christopher B Basler	Fire	10/20/20	Sr Firefighter
Scott D Bennett	Fire	10/20/20	Sr Firefighter/MICT
Julie E Boulware	Fire	10/20/20	Sr Firefighter/MICT
Bradley J Flanders	Fire	10/20/20	Sr Firefighter
Paul J Hernandez II	Fire	10/20/20	Sr Firefighter
Bryan P Homer	Fire	10/20/20	Sr Firefighter
Jessica M Kraus	Fire	10/20/20	Sr Firefighter/MICT
Shawnn M Lampson	Fire	10/20/20	Sr Firefighter
Jeffrey S Lane	Fire	10/20/20	Sr Firefighter
Angie L Larson	Fire	10/20/20	Sr Firefighter
Bradley L Landers	Fire	10/20/20	Sr Firefighter
Joshua Magaha	Fire	10/20/20	Sr Firefighter
Christopher R Maleta	Fire	10/20/20	Sr Firefighter/MICT
David L McGinnis	Fire	10/20/20	Sr Firefighter
Michael R Moeschler	Fire	10/20/20	Sr Firefighter/MICT
Gregory E Thornhill	Fire	10/20/20	Sr Firefighter

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Bryan S Kloiber	Fire	10/8/20	Battalion Chief	BC Fire Investigator
Thomas D Stark	Fire	10/8/20	Battalion Chief	BC Fire Investigator
Albert B Welch	Fire	10/8/20	Battalion Chief	BC Fire Investigator
Vacant	PW/Street	10/2/20	Equipment Operator I	General Laborer
Vacant	PW/Street	10/2/20	Equipment Operator I	General Laborer
Vacant	PW/Street	10/2/20	Equipment Operator I	General Laborer
Vacant	PW/Street	10/2/20	Equipment Operator I	General Laborer
Vacant	PW/Street	10/2/20	Equipment Operator I	General Laborer
Vacant	PW/Street	10/2/20	Equipment Operator I	General Laborer
Vacant	PW/Street	10/2/20	Equipment Operator I	General Laborer
Vacant	PW/Street	10/2/20	Equipment Operator I	General Laborer
Vacant	PW/Street	10/2/20	Equipment Operator I	General Laborer

Action: Received and filed. Copy previously forwarded to Payroll

4. CERTIFICATES OF INSURANCE:

Tidd Tree, LLC
Supreme Green Landworks, LLC & Supreme Green KC, LLC, DBA SGKC Excavating

Action: Referred to License.

5. BUSINESS BONDS:

Electrical Contractor's Bonds
Aesir Electric, LLC
Chop Time, LLC
John Clark the Electrician, LLC

Mechanical/HVAC Bonds
Alejandro Ledesma d/b/a – Alex Heating and Cooling
Overland Park Mechanical Co, LLC

Plumber's Bond
James Burlingame DBA Piper Plumbing & Drain Service

Sign Hanger's Bonds
Click Solutions with Creativity, LLC
Kansas City Community Gardens, Inc.
Sign Craft, Inc.

Action: Referred to License.

6. CONTINUATION CERTIFICATES:

Electrical Contractor's Bond
The Lamar Company, LLC

Sign Hanger's Bond
The Lamar Company, LLC

Action: Referred to License.

7. CANCELLATION NOTICES:

Electrical Contractor's Bond
A1 Solar Source, Inc.
Apple Electric, LLC

Miscellaneous Bond
Deluxe Lighting, LLC

Action: Referred to License.

8. NOTICE OF RENEWAL:

Miscellaneous Bond
DCKC, LLC

Action: Referred to License.

9. REINSTATEMENT NOTICE:

Miscellaneous Bond
Deluxe Lighting, LLC

Action: Referred to License.

10. DRINKING ESTABLISHMENT/PUBLIC VENUE:

Daniel Dumovich DBA Chicago's, 534 Central Avenue

Action: Referred to License.

11. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

Clifford Dale DBA Mason Jar, LLC, 941 N. 74th Dr.

Action: Referred to License.

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Suite 323
Kansas City, Kansas 66101-3070

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Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: October 22, 2020

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

1. REPORT:

Financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of September 2020.

Action: Received and filed.

2. PUBLIC NOTICE:

Alandon Tow, 6224 Kansas Avenue, held an online auto auction on October 6, 2020 at 10:00 a.m.

Action: Received and filed.

3. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND / ACD	Vendor Name/Number	Reason for void
875949	Yes	3/27/2020	$10,000.00	263 46207205299	Juntos Center For Advancing #19412	Lost warrant
880372	Yes	8/28/2020	$15,000.00	263 46207215299	Juntos Center For Advancing #19412	Lost warrant
878420	Yes	6/19/2020	$231.10	790 2111	SU CASA LLC #8538P	Stale dated
858129	Yes	5/10/2019	$10.55	160 12100015210	Wilson-Dwight, Rutha #N5796	Stale dated
880536	Yes	8/28/2020	$153.17	162 19000025269	Jacobs, Shirley #E3216	Stale dated
875949	Yes	3/27/2020	$10,000.00	263 46207205299	Juntos Center For Advancing #19412	Lost warrant
880372	Yes	8/28/2020	$15,000.00	263 46207215299	Juntos Center For Advancing #19412	Lost warrant
881893	Yes	10/9/2020	$64,369.50	990 97686995444	Prime Coat Coating System #25155	Lost warrant
			$6,514.90	990 97686995444		
882060	Yes	10/16/2020	$83,300.50	990 97686995444	Prime Coat Coating System #25155	Lost warrant
881230	Yes	9/18/2020	$954.47	160 2098	KS Payment Center #20784	Other (Explain)

Action: Received and filed.

4. PERSONNEL ACTION COMMUNICATION, DATED OCTOBER 20, 2020

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Leroy L Cowhick	Police/Asset	9/17/20	Unarmed Security Officer	Unarmed Security Officer

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
James Bowers	Transit	ACD code change effective 10/22/20
Mark Grandstaff	Transit	ACD code change effective 10/22/20
Edward Gumminger	Transit	ACD code change effective 10/22/20
Irvin Jackson	Transit	ACD code change effective 10/22/20

Rick Powell	PW/Street	Amend PAC 10/13/20 to reflect change in vacation effective 10/9/20
Juanita Seamster	Transit	ACD code change effective 10/22/20
Vacant PIN 6021	Transit	
Andrew Williams	Transit	ACD code change effective 10/22/20
Connie Worrell	Transit	ACD code change effective 10/22/20

Action: Received and filed. Copy previously forwarded to Payroll.

5. NOTICE OF CLAIM:

Anthony Edwards, 7608 W. 88th St., Overland Park, KS, through Chris Biggs #11760, 620 Humboldt, Manhattan, KS, alleging mental distress and physical injuries received while incarcerated at the Wyandotte County Jail on October 17, 2019.

Action: Received and filed. Copy previously forwarded to Legal.

6. NOTICE OF INTENT TO FILE A CLAIM UNDER KANSAS TORT CLAIMS ACT:

Kyle J. Sutton, Wyandotte County Adult Detention Center, 710 N. 7th St., Ste. 20, KCK, alleging deprivation of medication from September 28, 2018 – October 6, 2018, at JCSD and October 19, 2018 – October 24, 2018 at LVCO.

Action: Received and filed. Copy previously forwarded to Legal.

7. CLAIM FOR DAMAGES:

Hannah L. Conner, 5705 N. Delta Ave., KCMO, alleging damage to vehicle after hitting an exposed curb near the exit in the Barnett parking lot on September 25, 2020.

Action: Received and filed. Copy previously forwarded to Legal.

8. TRAVEL REQUESTS:

Jeffrey Irwin, Police, travel to Las Vegas, NV, December 6 – 11, 2020, to attend the Death & Homicide Investigations, Employee Training & Travel.

David Kelly & Brandy Wells, DA's Office, travel to Cheyenne, WY, November 15 – 18, 2020, to attend a Grant Management Class, Employee Training & Travel.

David Kelly & Brandy Wells, DA's Office, travel to Arlington, TX, December 6 – 9, 2020, to attend a Grant Writing Class, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

9. SUMMONSES:

Christopher Keefover vs. Unified Government of Wyandotte County and Kansas City, KS and Robert Ragland, Case 2020-CV-000599. (3)

Action: Received and filed. Copies previously forwarded to Legal.

10. APPLICATIONS FOR CMB LICENSE (PKG):

F & A, LLC/Frederic Ntakirutimana DBA One Stop & Shop, 901 Minnesota Ave.
Three Star Company, Inc./William W. Hutton DBA 7-Eleven #13245, 2500 Central Ave.

Action: Referred to License.

11. APPLICATION FOR CMB LICENSE (OP):

Yard House Kansas City, LLC/Courtney Weber DBA Yard House #8314, 1863 Village West Pkwy.

Action: Referred to License.

12. APPLICATIONS FOR DRINKING ESTABLISHMENT/PUBLIC VENUE CATERER:

Cheeseburger of Kansas City, LLC/Kimberly A. Groves DBA Fuddruckers, 1705 Village West Pkwy.
Willie Kanippie, LLC/William W. Hutton DBA Johnnie's on 7th, 55 S. 7th St.

Action: Referred to License.

13. APPLICATION FOR CATERER:

Jane Monroe/William Hutton DBA Embrace the Grape, 195 Southwest Blvd Unit J174.

Action: Referred to License.

14. APPLICATIONS FOR MASSAGE THERAPISTS LICENSE:

Jacqueline Coleman DB/with Chateau Avalon, 701 Village West Parkway
Angelia D. Watkins DB/with Chateau Avalon, 701 Village West Parkway

Action: Referred to License.

Staff Request for Commission Action

Tracking No. 20481

Full Commission Meeting Date: 10/29/2020
Committee: Economic Development & Finance

Date of Standing Committee Action: 06/01/20
08/31/20
(If none, please explain):

Publication Required: Yes 10/15/2020 10/22/2020

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/22/2020	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:

Resolution and Ordinance to approve the Neighborhood Revitalization Area (NRA) Plan Renewal for 2021-2025.

The NRA Renewal was presented to EDF on June 1st. All affected taxing jurisdictions have approved the proposed changes for the renewal of the NRA Plan.

The 2021-2025 NRA Plan changes will go into effect January 1, 2021.

Action Requested:

Conduct Public Hearing
Adoption of joint Ordinance & Resolution
Mayor to sign Interlocal Agreement

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Resolution approving plan, 2021 NRA Interlocal Agreement, 2021-2026 UG NRA Area Plan - Final 10.23.20

(Published in ***The Wyandotte Echo*** on _____, 2020

ORDINANCE NO. O -_____ -20
RESOLUTION NO. R-_____-20

A JOINT ORDINANCE AND RESOLUTION APPROVING THE DESIGNATION OF NEIGHBORHOOD REVITALIZATION AREAS AND ADOPTING THE 2021-2025 NEIGHBROHOOD REVITALIZATION PLAN.

WHEREAS, K.S.A. 12-17,114 *et. seq*. (the "Act") authorizes the governing body of any city or county to designate areas as neighborhood revitalization areas within such jurisdiction, and to adopt a plan ("Plan") for the revitalization of such areas;

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") intends to designate areas as neighborhood revitalization areas, and adopt a Plan for the areas encompassing Turner USD 202, Bonner Springs/Edwardsville USD 204, Kansas City Kansas USD 500, and the Kansas City, Kansas Community College; and

WHEREAS, the Act provides that prior to designating areas as neighborhood revitalization areas and adoption of a Plan, the governing body shall, by resolution, direct and order a public hearing thereon, and to give notice of the hearing by at least two publications, once each week for two consecutive weeks in the official newspaper; and

WHEREAS, notice of the October 29, 2020 public hearing was provided for by publication in the Wyandotte Echo on October 15, 2020 and October 22, 2020; and

WHEREAS, a public hearing regarding designating areas as neighborhood revitalization areas and adoption of a Plan was held on October 29, 2020; and

WHEREAS, the Governing Body hereby desires to approve the designation of the Neighborhood Revitalization Areas and adopt the 2021-2025 Neighborhood Plan, as shown in Exhibit 1 attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

SECTION 1. **Designation of Neighborhood Revitalization Area.** The Governing Body hereby designates and approves the Neighborhood Revitalization Areas, in substantially the form as shown in Exhibit 1 attached hereto.

SECTION 2. **Adopting of Neighborhood Revitalization Plan.** The Governing Body hereby adopts the 2021-2025 Neighborhood Revitalization Plan, in substantially the form as shown in Exhibit 1 attached hereto.

SECTION 3. Execution of Interlocal Agreements. The Mayor/CEO is authorized to execute, in the name of the Unified Government, Interlocal Agreements with Kansas City Kansas Unified School District 500, Turner Unified School District 202, Bonner Springs/Edwardsville School District 204, and the Kansas City Kansas Community College to effectuate the purposes and intent of this Joint Ordinance and Resolution, in substantially the form as shown in Exhibit 2, attached hereto. Additionally, the County Administrator and all Unified Government employees are authorized to take such actions as are necessary and proper to effectuate the purposes and intent of this Joint Ordinance and Resolution.

SECTION 4. Effective Date. This Resolution shall be effective upon approval and adoption by the Governing Body and publication in the *Wyandotte Echo*.

ARRPOVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 29th DAY OF OCTOBER 2020.

_____
David Alvey, Mayor/CEO

Attest:

_____
Unified Government Clerk

INTERLOCAL AGREEMENT

This Interlocal Agreement (hereinafter referred to as "Agreement") is entered into this 29th day of October, 2020, by and between the Unified Government of Wyandotte County/Kansas City, Kansas, (hereinafter referred to as "Unified Government") and _____ (hereinafter referred to as "_____") and shall be effective upon the approval of the Attorney General and filing with the Kansas Secretary of State and the Wyandotte County Register of Deeds.

WHEREAS, K.S.A. 12-2904 allows public agencies to enter into interlocal agreements to join and perform certain functions, including economic development; and

WHEREAS, K.S.A. 12-17,114 et seq. provides a program for Neighborhood Revitalization and further allows for the use of interlocal agreements between municipalities to further Neighborhood Revitalization; and

WHEREAS, it is the desire and intent of the parties hereto to provide the maximum economic development incentive as provided for in K.S.A. 12-17,119 by acting jointly.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. That the Unified Government, by joint Ordinance No. _____, and Resolution No. _____, has adopted the Neighborhood Revitalization Area Plan 2021-2025; hereinafter "Plan".

2. The parties agree that the Unified Government shall be the party responsible for administering the Plan on behalf of all participating municipalities. The Unified Government shall create a Neighborhood Revitalization Fund pursuant to K.S.A. 12-17,118 as amended, for the purpose of financing the redevelopment and to provide rebates. Any increment and property tax received by the Unified Government resulting from qualified improvements to property, less capital outlay taxes levied by school districts, pursuant to the Plan, shall be credited to the Neighborhood Revitalization Fund. Pursuant to the Plan, an administrative fee of five percent (5%) of the tax increment shall be used to cover administrative costs. _____ shall have no additional obligation or responsibility for any costs of administration of this Agreement or of the Plan.

3. The Unified Government shall at least annually, submit an accounting of the Neighborhood Revitalization Fund. If all of the increment of ad valorem property taxes are not rebated pursuant to the Plan, the Unified Government shall obtain the approval of _____ prior to the expenditure or use of such excess amount. However, such approval shall not be required if the excess amount is distributed

as generally required by law.

4. The Unified Government agrees to encourage commercial taxpayers benefiting from Plan, and the tenants of such commercial taxpayers within the defined Neighborhood Revitalization Area to make a reasonable effort to employ residents of Wyandotte County and Kansas City, Kansas.

5. All notice to be given to_____ shall be deemed to have been properly given if addressed to:

_____ Clerk
_____
_____, Kansas _____

and

_____, _____
_____
_____, Kansas _____

or any other address chosen by, _____ and a) deposited in the United States Mail, b) certified mail, return receipt requested, postage prepaid, or c) be hand-delivered to the above addresses personally or delivered by reputable overnight delivery services.

In the event any notices are to be given to the Unified Government, they shall be deemed to have been properly given if addressed to:

County Administrator
Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street
Kansas City, Kansas 66101

and

The Unified Government Legal Department
701 North 7th Street
Kansas City, Kansas 66101

or any other address chosen by the Unified Government and, a) deposited in the United States Mail, b) certified mail, return receipt requested, postage prepaid, or c) be hand-delivered to the above addresses personally or delivered by reputable overnight delivery services.

6. This Agreement embodies the complete agreement between the Unified Government and _____ and cannot be varied or terminated except by written agreement executed by both parties. If any provision of this Agreement is found to be invalid, such provision shall be considered to be deleted from this Agreement and shall not invalidate the remainder of the provisions hereof.

7. The Unified Government and _____ are separate, legal entities. Nothing in this Agreement shall be construed to create or imply any agency, partnership or joint venture between the parties hereto, nor shall any officer, employee or agent of either party be deemed to be an officer, employee or agent of the other party for any purpose.

8. Each person executing this Agreement hereby represents and warrants that he or she
has the duty to do so and that his or her signature shall bind the entity for which he or she has signed.

9. This Agreement shall remain in force and effect for a period of five (5) years. The parties agree to jointly or independent undertake an annual review of the Plan to determine any modifications.

10. This Agreement may be executed in several counterparts, all of which, together, shall constitute one original Agreement.

IN WITNESS WHEREOF, the parties have hereto executed this Agreement as of the date and year first above written.

THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

By: _____
David Alvey
Mayor/CEO

Attest:
UG Clerk

By: _____

Printed Name _____

Title _____ _____

Attest:

Approved:
Office of the Attorney General

By:_____

Date:_____

Unified Government of
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Kansas City, KS 66101
(913) 573-5730

2021 - 2025

Unified Government of Wyandotte County/Kansas City, Kansas

Neighborhood Revitalization Act (NRA) Area Plan

Unified Government of
Wyandotte County
Kansas City, KS 66101
(913) 573-5730

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UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY KANSAS

NRA Plan 2021 - 2025

I. Purpose

This Plan is intended to promote revitalization through the rehabilitation, conservation, or redevelopment of designated Areas in order to protect the public health, safety, and welfare of Wyandotte County residents. More specifically, a tax rebate incentive will be available for certain improvements within the designated Areas.

In accordance with the provisions of the Neighborhood Revitalization Act (NRA), K.S.A. 12-17, 114 et seq., the Unified Government Commission has held a public hearing and considered the existing conditions and alternatives, with respect to the designated Areas, the criteria and standards for a tax rebate, and the necessity for interlocal cooperation among other taxing units. Accordingly, the Commission has carefully reviewed, evaluated, and determined the Areas meet one or more of the conditions to be designated as a "neighborhood revitalization area."

Interlocal cooperation between the Unified Government, Kansas City Kansas Unified School District 500, Turner Unified School District 202, Bonner Springs/Edwardsville School District 204, and the Kansas City Kansas Community College is a requirement for the implementation of the Plan. Therefore, the effective eligible date is January 1, 2021.

II. Map of the NRA Plan Areas and Legal Descriptions

See Exhibit A and Exhibit H.

Unified Government of
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III. Appraised and Assessed Valuation of Real Property

The assessed valuation of the real estate contained in the designated Areas is listed for each parcel with land and building values provided separately. The listing is available for public inspection at the Unified Government Clerk's Office located on the 3rd Floor of the Municipal Office Building at 701 North 7th Street, Suite 323, Kansas City, Kansas 66101. The listing may be inspected during regular business hours, or any time on the Unified Government website at www.wycokck.org.

The appraised and assessed valuation for the parcels contained within each Area are as follows:

Appraised			
	Land Value	Improvement Value	Total Value
Area 1	$590,129,170	$2,881,067,360	$3,471,196,530
Area 2	$710,182,020	$3,112,962,220	$3,823,144,240
Area 2 - State Avenue East Corridor	$8,477,830	$30,503,850	$38,981,680
Area 2 - State Avenue West Corridor	$8,377,910	$6,389,140	$84,767,050
Area 2 - Leavenworth Road Corridor	$7,238,380	$41,881,240	$49,119,620
Area 3	$21,004,110	$58,553,300	$79,557,410

Assessed			
	Land Value	Improvement Value	Total Value
Area 1	$99,332,272	$299,310,596	$398,642,868
Area 2	$91,384,340	$356,718,318	$448,102,658
Area 2 - State Avenue East Corridor	$1,001,661	$4,419,787	$5,421,448
Area 2 - State Avenue West Corridor	$1,672,949	$16,059,250	$17,732,199
Area 2 - Leavenworth Road Corridor	$1,090,560	$4,155,133	$5,245,693
Area 3	$3,344,318	$10,580,852	$13,925,170

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IV. Listing of Owners of Record in the NRA Plan Areas

The owner of record for each parcel of land is listed together with the corresponding address and is available for public inspection during regular business hours at the Unified Government Clerk's Office, subject to redactions for privacy as provided for by State law.

V. General Eligibility Requirements for NRA Tax Rebate

- The NRA tax rebate percentage is based on the taxes levied by participating NRA taxing entities within the NRA Areas.
- Liquor stores, bars and establishments that sell alcohol with less than 50% in food sales are **not** eligible.
- Improving existing structures or construction of accessory structures such as gazebos, storage buildings, workshops, barns, or swimming pools are **not** eligible.
- The addition of or rehabilitation of a mobile home is **not** eligible.
- Garages are eligible.
- An individual project cannot receive IRB or EDX.
- See the NRA criteria matrices in this section for terms.

A. Residential Improvements

- New construction or rehabilitation of a structure.
- NRA projects are limited to Three Million and 00/100 Dollars ($3,000,000.00) in construction costs.
- Tax credits may be used in addition to the NRA tax rebate in certain situations.

Single-family, Duplex, and Townhomes (New or Rehabilitation):

- Single-family detached on one (1) parcel.
- Duplex on one (1) parcel is considered one (1) single duplex.
- Duplex on two (2) parcels is considered single-family attached.
- Townhomes with three (3) units on three (3) parcels are considered single-family attached.
  NOTE: All the above must be owner-occupied with the exception of a single duplex, or properties where a contract for deed has been filed with the Register of Deeds
- Unlimited transfer of the original application during the term of the rebate.
- There is no application fee for single-family, duplex, and townhouse residential improvements (both new and rehabilitation.)

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Multi-family Structure Projects (New or Rehabilitation):

- Subject to approval by the District Commissioner and At-Large Commissioner for proposed projects.
- Multi-family structures are considered three (3) or more units on one (1) parcel.
- Townhomes on one (1) parcel with three (3) or more units are considered multi-family.
- Unlimited transfer of the original application during the term of the rebate.
- Application fees for multi-family new construction, rehabilitation, and expansion:
  1. All projects have a minimum fee of Five Hundred and 00/100 Dollars ($500.00).
  2. The application fee is waived for Land Bank properties.
  3. Application fees are non-refundable.

All residential improvements located in the NRA Plan Areas, as may be permitted by the Unified Government Code of Ordinances (including zoning ordinances) may be eligible for the NRA tax rebate.

Tax Increment Financing (TIF):

- NRA projects are ineligible within TIF districts.

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NRA Residential Criteria

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner-Occupied), and Single Duplex- New/Rehabilitation	15% assessed value	95%	10
	Multi-family – New/Rehabilitation	15% assessed value	95%	10
	Historical Structures Owner/Rental –Rehabilitation Only	5% assessed value	100%	10
2	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner Occupied), and Single Duplex - New / Rehabilitation	15% assessed value	95%	5
	Multi-family – New/Rehabilitation	15% assessed value	95%	5
	Historic Structures Owner Occupied – Rehabilitation Only	10% assessed value	100%	5
3	Single-family detached, Duplex single-family attached, and Townhomes single-family attached (Owner Occupied), and Single Duplex - New/Rehabilitation	15% assessed value	95%	5
	Multi-family – Rehabilitation Only	15% assessed value	95%	5
	Historic Structures Owner Occupied – Rehabilitation Only	15% assessed value	100%	5

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B. Commercial, Office, Industrial, Retail, and Mixed-Use Improvements

- New construction, rehabilitation, or expansion of a structure.
- NRA projects are under Three Million and 00/100 Dollars ($3,000,000.00) in construction cost.
- Tax credits may be used in addition to the NRA tax rebate in certain situations.
- Unlimited transfer of the original application during the term of the rebate.
- Application fees for Commercial, Office, Industrial, Retail, and Mixed-Use Improvements:
    1. All projects have a minimum fee of One Thousand and 00/100 Dollars ($1,000.00).
    2. The application fee is waived for Land Bank properties.
    3. Application fees are non-refundable.
- New construction, rehabilitation, or expansion of any type of commercial, office, retail, or industrial structure located in the NRA Plan Areas, as may be permitted by the Unified Government Code of Ordinances (including zoning ordinances) may be eligible for the NRA tax rebate, provided the project is not eligible for an Investment Revenue Bond (IRB) or Economic Development Exemption (EDX).

NRA Commercial Criteria

Area	Type of Investment	Minimum Value	Rebate	Yrs.
1	New/Rehabilitation/Expansion	15% assessed value	95%	10
	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	10
	Historic Rehabilitation	15% assessed value	100%	10
2	New/Rehabilitation/Expansion	15% assessed value	95%	5
	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	5
	Historic Rehabilitation	15% assessed value	100%	5
3	New/Rehabilitation/Expansion	15% assessed value	50%	5
	New/Rehabilitation/Expansion for Environmental Contamination	15% assessed value	95%	5
	Historic Rehabilitation	15% assessed value	100%	5

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C. Special Project Areas

- Special projects are permitted in the following areas:
    1. Area 1
    2. State Avenue East Corridor
    3. State Avenue West Corridor
    4. Leavenworth Road Corridor
- Special projects are those over Three Million and 00/100 Dollars ($3,000,000.00) in construction cost.
- Unlimited transfer of the original application during the term of the rebate.
- Application fee is $2,000.00 and is non-refundable.
- Special projects **must** meet one (1) of the following three (3) criteria:
    1. Retail in nature;
    2. Environmentally contaminated area; or
    3. Historic designation by either the State of Kansas or the Federal Register.
- The projects will be subject to construction participation requirements for the utilization of LMW contractors as provided in the IRB tax abatement policy. Projects meeting these criteria will be eligible for consideration of up to a twenty (20) year rebate starting at seventy-five percent (75%) and increased by ten percent (10%) for using LMW business entities as subcontractors or suppliers during the construction portion of the development. The Office of Contract Compliance will verify the available increase in rebate at the time of application and prior to the rebate. If the applicant is unable to achieve the LMW goals set by the Office of Contract Compliance 913-573-5440, the rebate will not increase and will be set at seventy-five percent (75%) for the specified number of years. Projects proposed under this provision will require specific approval by the Full Commission at a public meeting.

Special Project Area	Type of Investment	Minimum Value	Rebate	Yrs.
Area 1	Projects over $3 million	15% assessed value	75-85%	Up to 20
State Avenue East Corridor	Projects over $3 million	15% assessed value	75-85%	Up to 20
State Avenue West Corridor	Projects over $3 million	15% assessed value	75-85%	Up to 20
Leavenworth Road Corridor	Projects over $3 million	15% assessed value	75-85%	Up to 20

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D. Determination of Base Land Value

Base land value is determined by the current use of the property as of January 1 of the application approval year.

E. Transfer of Ownership

The NRA tax rebate has unlimited transfer of ownership during the original application term.

F. Economic Development Staff Establishes Factors for Adjustments in NRA Base

G. Application Fees Waived for Land Bank Properties

H. The NRA Project Value Eligibility Is Based on the Market Value Increase After Completion of Projection *(as of the January 1 Valuation Date)*

I. Economic Development Staff Checks Tax Delinquency Status

J. NRA Plan Implementation

The NRA Plan will only be implemented in the NRA Areas where the Unified Government, the Kansas City Kansas Unified School District 500, Turner Unified School District 202, Bonner Springs/Edwardsville Unified School District 204, and the Kansas City Kansas Community College all agree to participate. The School Districts and the Community College may not alter the Unified Government NRA Plan guidelines. However, the capital outlay portion of the tax levy for the School Districts and the Community College shall be excluded.

K. Effective Date of NRA Plan Implementation

The NRA Plan is effective from January 1, 2021 to December 31, 2025.

L. Administrative Fee

- An administrative fee of five percent (5%) of the tax increment remains in the Neighborhood Revitalization Trust Fund to cover administrative costs.
- The administrative fee is waived for properties with historic designation by the State of Kansas or Federal Register.

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VI. Criteria for Determination of Eligibility

1. Application must be submitted within 30 days of permit issuance, or, if no permit is required, within 30 days after construction has commenced.

2. To be eligible, an applicant cannot have delinquent property taxes on any property currently owned by the applicant in Wyandotte County.

3. Upon submission of the project application, the improvement/construction must be completed within 24 months of the date of submission, unless otherwise approved in writing by the Economic Development Director, or his or her designee.

4. A project is deemed commenced when a completed application (pages 4 thru 8 of Part 2, Section A and Part 2, Section B and required pre-construction, renovation, or expansion documentation) is received by the Economic Development Department.

5. The following documentation is required to accompany Part 2, Section A and B:

Pre- and Post-Construction, Renovation, or Expansion Requirements

Pre-Construction -- The following required documentation must be submitted with the application within 30 days of permit issuance, or, if no permit is required, within 30 days of construction, renovation, or expansion commencing in order to be eligible for the NRA tax rebate:

- *If Applicable*, a copy of the building permit that shows the estimated project cost. In some cases, permits come in stages
- Application fee *(if applicable)*
- Pictures of proposed interior/exterior improvement areas
- Picture of the property with address *(if existing structure)*
- An aerial map of the parcel/property
- Plans/Renderings:
  - Residential new - house plans
  - Residential renovation/addition – project renderings-this can be same as submission to Building Inspections Department
  - Commercial new – architectural front elevation drawing
  - Commercial renovation/expansion – interior/exterior project renderings-this can be same as submission to Building Inspections Department
- A list of improvement costs or improvement bid estimates.

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<u>Post-Construction</u> -- Prior to receiving NRA tax rebate, the following required documentation must be submitted within 3 months of completion of the new construction/rehabilitation:

- A Certificate of Occupancy (CO) or an approved Final Inspection Slip signed by the Building Inspections Division of the Neighborhood Resource Center (NRC).
- Pictures of the completed improvement.
- Receipts or certification of construction expenses.

6. The assessed value of residential and commercial property must be increased as described in the NRA Plan for the designated Area(s) in order to be eligible for the tax rebate. **A rebate is based on the increase in value to the property due solely to Construction Improvements after the UG appraiser has established a new 100% project completed value.** If there is any percentage increase in assessed value and an increase in taxes during the construction or improvement period, then the applicant is required to pay the increase in taxes and it is not subject to a rebate until construction or improvements are completed.

7. The improvements must conform to the Comprehensive Land Use Plan and Zoning Ordinance in effect at the time the improvements are made.

8. The new, as well as the existing improvements on property must conform to all other applicable codes, rules, ordinances, regulations, and building standards in effect at the time the improvements are made and for the length of the NRA tax rebate, or the rebate may be terminated. The Unified Government County Administrator may request to review any updated drawings/renderings, and proposed landscaping, fencing, and lighting plans prior to approval of the NRA tax rebate incentive.

9. Any property that is delinquent in any tax payment or special assessment shall not be eligible for any NRA tax rebate or future rebate until such time as all taxes and special assessments have been paid. If such delinquency occurs after entry into the NRA tax rebate program, the owner shall have no more than ninety (90) days to bring the taxes current or the property shall no longer be eligible for the NRA tax rebate and participation terminates. Any ineligibility does not extend the term of the program.

10. The NRA project value is based on the market value increase due to new improvements only *after* the project is 100% complete and does not include the land and existing building value.

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VII. Unified Government Application for NRA Tax Rebate Sample Application

See Exhibits C, D and E.

VIII. Contents of Application for NRA Tax Rebate

Part 1, Section A: General Information (See Exhibit C)

Part 2, Section A: Application (See Exhibit D)

Part 2, Section B: Status of Construction Completion (See Exhibit E)

IX. Application Procedure

1. The application can be obtained on the Unified Government website at www.wycokck.org/economic/incentives.aspx, from the Economic Development Department (701 N. 7th Street, Suite 421) or the Building Inspections Division of the NRC (4953 State Ave), prior to or concurrent with a building permit.

2. Within 30 days of permit issuance for or, if a permit is not required, 30 days after the start of any new construction, renovation, or expansion, the applicant shall submit to Economic Development staff a completed application pages 4 thru 8 of Part 2, Section A and Part 2, Section B and required pre-construction, renovation, or expansion documentation. When the project is completed, the applicant shall submit required post-construction documentation within three months of completion prior to receiving the NRA tax rebate.

3. The applicant shall request the Building Inspections Division to reference in its files that the applicant is applying for the NRA tax rebate and to forward a copy of the building permit to the Unified Government Appraiser.

4. Prior to December 1, following commencement of construction, renovation, or expansion and each succeeding December 1 until and including the year of project completion, the applicant shall complete and sign a new copy of Part 2, Section B of the NRA application, indicating the anticipated status of the project as of the following January 1 to the Economic Development Department.

5. In Kansas, the effective date of appraisals for taxation purposes is January 1st. Therefore, the Wyandotte County Appraiser's Office will establish the new valuation as of January 1, but only after the project is fully complete. The Appraiser's Office

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shall submit a report of the new valuation and the revised tax information by June 1 to the Unified Government Treasurer.

6. Upon determination that the status of the improvements as of January 1 meets the eligibility criteria, the Appraiser's Office shall certify the percentage requirements of Part 2, Section C to the Unified Government Clerk, Treasurer, and Economic Development Department.

7. Economic Development Department staff will notify the Appraiser's Office of any new NRA applications and input the documentation for tracking.

8. Economic Development Department staff will notify the Finance Department of completed NRA tax rebates on an annual basis.

9. Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year extending through the specified NRA tax rebate period, and within a thirty (30) day period following the date of tax distribution by the Unified Government to the other taxing units, the NRA tax rebate, less the appropriate administrative fee, shall be made to the applicant. The tax rebate shall be made by the Unified Government Treasurer from the Neighborhood Revitalization Fund established in conjunction with the Unified Government and the other taxing units participating by Interlocal Agreement. The Unified Government Finance Department and the Economic Development Department staff will make reports to the Unified Government Commission and other taxing units.

10. Applicant is **required** to pay taxes each year. A **rebate check** will be issued to applicant from the Treasurer's Office **after taxes are paid**. The NRA tax rebate applies only to the **additional taxes** resulting from the increase in assessed value of the property based **solely** on the improvements and the participating taxing jurisdictions. Therefore, it should be noted that the valuation subject to rebate will remain fixed for the term of the NRA, however the mill levy calculation is subject to change, which may impact the rebate amount.

    For example, if taxes paid on vacant land is Five Hundred and 00/100 Dollars ($500.00) and a structure is built on the vacant land (improvement) that raises the taxes to Two Thousand Five Hundred and 00/100 Dollars ($2,500.00) (assuming the required assessed value has occurred), the incremental increase in tax is Two Thousand and 00/100 Dollars ($2,000.00). The Two Thousand and 00/100 Dollars ($2,000) less an administrative fee is the portion that will be rebated.
    NOTE: The above example is for illustrative purposes only.

11. Applicants appealing their appraised values may jeopardize their eligibility for NRA participation for that year and following tax years and may initially encounter a one (1) year delay in determining their eligibility for NRA participation.

12. A copy of the certification for transfer (NRA Transfer of Deed form at the end of the application) must be used when transferring the NRA tax rebate. The certification should be completed when the property is sold and then sent to the Economic Development Department, Attention: NRA Program Staff, 701 North 7th Street, Suite 421, Kansas City, Kansas 66101. In such situations, the occupant may then be eligible to receive the NRA tax rebate pursuant to all other program criteria.

X. Planning and Development Zoning and District Regulations

See Exhibit B for a summary of the overall framework, design, districts, and definitions.

XI. Capital Improvements Planned for the NRA Plan Areas (2020 – 2025)

The 2020-2025 Proposed Capital Maintenance Improvement Program was adopted on July 2, 2019.

The Capital Improvements planned for the NRA Plan Areas is available for public inspection during regular business hours at the Unified Government Clerk's Office.

XII. Unified Government Tax Levy Schedule

See Exhibit G.

XIII. Neighborhood Revitalization Trust Fund

The Unified Government Commission established a Neighborhood Revitalization Trust Fund in accordance with the provisions of K.S.A. 12-17, 118.

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XIV. Exhibits

Exhibit A Map of the NRA Plan Areas

Exhibit B Comprehensive Land Use and Zoning Ordinance
http://online.encodeplus.com/regs/kansascity-ks/doc-viewer.aspx#secid-1

Exhibit C NRA Application, Part 1, Section A: *General Information*

Exhibit D NRA Application, Part 2, Section A: *NRA Application*

Exhibit E NRA Application, Part 2, Section B: *Status of Construction Completion*

Exhibit F Certification of Transfer of Deed for NRA Program

Exhibit G Unified Government Tax Levy Schedule

Exhibit H NRA Project Area Legal Description

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Exhibit A Map of the NRA Plan Areas

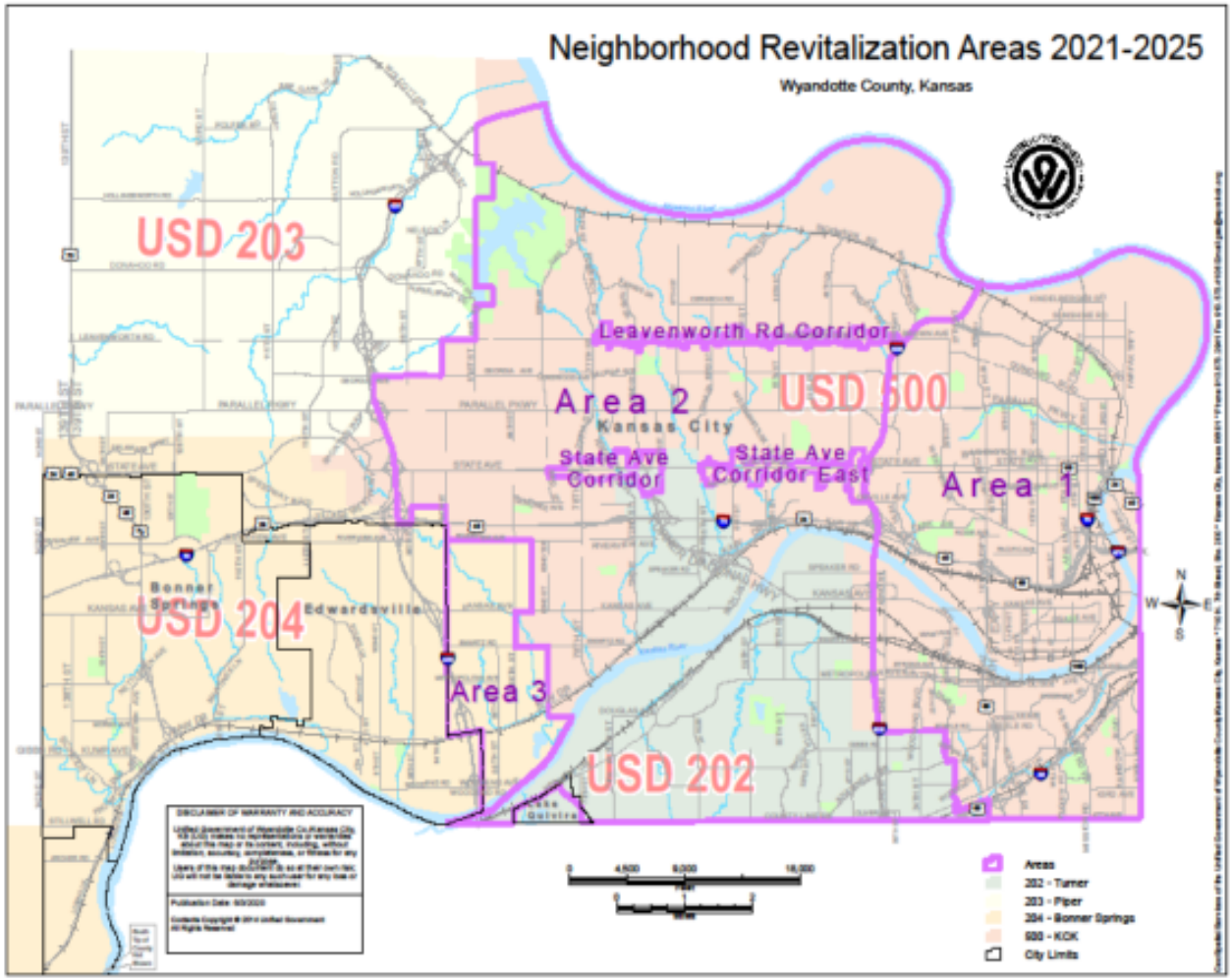

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Exhibit B Comprehensive Land Use and Zoning Ordinance
http://online.encodeplus.com/regs/kansascity-ks/doc-viewer.aspx#secid-1

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Exhibit C NRA Application, Part 1, Section A: *General Information*

The applicant is responsible for the following (as applicable) information and documentation when submitting the NRA application:

1. Application information
2. Property Area, Type, and Use
3. Improvement
4. Building Permits
5. Construction Timeline
6. Demolition of Structures
7. Tax Credits
8. Application Fee
9. Utilization of Local, Minority, or Woman Owned Business Enterprise
10. Historic Designation
11. Pre and Post Construction, Renovation, or Expansion Requirements
12. Applicant Signature and Date

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Exhibit D NRA Application, Part 2, Section A: *NRA Application*

Date _____

Applicant's Name_____ Phone: _____

Email Address _____

Applicant's mailing address _____

Owner's name _____ Phone: _____

Owners Mailing address _____

Project property address _____

Are you the owner of the property? Yes ◯ No ◯

Are you the developer? Yes ◯ No ◯

Developer's name _____

Company _____ Phone (____) _____
Check if there are 20 or less Full Time Employees ◯

Parcel Identification Number: _____School District: _____
(Take Parcel ID number and legal description from your tax statement or call the Unified Government Clerk at 573-2874)

Legal Description of Parcel: (Use additional sheets if necessary)

_____

_____

Property Area, Type, and Use (check all that apply)

A. The Project is in: (Refer to Map)
   - Area 1 ◯
   - Area 2 ◯
   - Area 2 East–State Avenue East Corridor ◯
   - Area 2 East–State Avenue West Corridor ◯
   - Area 2 East–Leavenworth Road Corridor ◯
   - Area 3 ◯

B. The Special Project Area is:

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Retail , Environmentally Contaminated , Historic

C. The Project is: New Construction , Renovation , Expansion

D. The Project is: Residential , Commercial , Office , Industrial , Retail , Historic , Environmentally Contaminated

E. End use will be: Owner Occupied , Rental , Leased

Improvements

Describe the Improvements (Be specific):

_____
_____
_____
_____

Building Permit

Estimated cost of improvement: $_____
Building permit value: $_____

Construction Timeline

Construction commences on _____
Projected Date of competition_____ (estimate)

Demolition of Structure(s)

List buildings to be demolished: _____
(Use another sheet of paper if needed)

If demolishing residential structures complete the following:

- Number of dwelling units: _____(List tenants if known occupying the building when purchased, or present tenants and note the date of occupancy or relocation. If needed, use a separate sheet of paper and attach it to this application)
- Demolition-permit number: (Attach copy of permit): _____

Tax Credits

Are you planning on applying for any tax credits? Yes ◯ No ◯

Which type of tax credits? _____

Application Fee

An application fee of $500.00 is required for all multi-family projects.

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An application fee of $1,000.00 is required for commercial, industrial, office, retail, historical, and environmentally contaminated projects.
If the project is in a Special Projects Area and the construction cost is over $3 million, the application fee is $2,000.00.
Make checks out to the Unified Government Treasurer.

Utilization of Local, Minority, and Women Owned Business Enterprise

Yes ◯ No ◯ (Applicant will contact the UG Contract Compliance Department 913-573-5440 for goals)

Historic Designation

Yes ◯ No ◯ (Please attach proof of Historic State and or Federal designation)

Pre and Post Construction, Renovation, or Expansion Requirements

The following required documentation must be submitted with the application at time of application or within 30 days of construction, renovation, or expansion to be eligible for the NRA tax rebate program:

1. *If applicable*, A copy of the building permit that shows the estimated cost (not the placard that is posted on site)
   a. In some cases, permits are in stages
   b. All permits must be submitted
2. Application fee (*if applicable)*
3. Pre-pictures of proposed interior/exterior improvement areas
4. A picture of the property with address (*if an existing structure)*
5. An aerial map showing the parcel/property
6. Plans/Renderings:
   a. Residential new - house plans
   b. Residential renovation/addition – project renderings-this can be what was submitted to Building Inspections Department
   c. Commercial new – architectural front elevation drawing
   d. Commercial renovation/expansion – interior/exterior project renderings – this can be what was submitted to Building Inspections Department
7. A list of improvement cost or improvement bid estimates

Prior to receiving a rebate, the following required post-construction documents must be submitted within 3 months of project completion:

1. Certificate of Occupancy (CO) or approved Final Inspection Slip issued by the Building Inspections Division of NRC
2. Pictures of the completed improvements
3. Receipts or certification of construction expenses

Applicant Signature and Date

Submitted By: _____

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(Print Name)

_____ Date: _____
(Signature)

DO NOT WRITE BELOW THIS LINE - *FOR OFFICE USE ONLY*

Staff Review of Application

Date application came into this office:_____, 20 ____

Application completed in full and all documentation is attached: Yes ◯ No ◯

Comments: _____
_____
_____

Accept ◯ Reject ◯

Authorized Signature_____

Exhibit E NRA Application, Part 2, Section B: *Status of Construction Completion*

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Prior to December 1, following commencement of construction and each succeeding December 1 until and including the year of project completion, the applicant shall complete and sign a new copy of Part 2, Section B of the Neighborhood Revitalization Tax application, indicating the anticipated status of the project as of the following January 1 to the Economic Development Department Attention: NRA Program, at 701 North 7th Street Room 421 Kansas City, KS 66101.

Applicant's Name: _____

Property Address:_____

Parcel ID Number: _____

Status of Construction Completion:

◯ Incomplete project as of January 1 following commencement

◯ Completed project as of January 1 following commencement

Exhibit F Certification of Transfer of Deed for NRA Program

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Developer Name/Builder Name: _____.
This is to certify that Parcel Number _____, commonly known as _____Kansas City, Kansas, 66_____, where an existing structure was renovated ◯, or built a new structure ◯, and was sold to the new owners:_____
on the _____ day of _____, 20_____.

The deed has been recorded at the Register of Deeds office on the _____day of _____ 20_____. Document Number _____

By: _____
(Print Name)

_____ _____
(Signature) *(Date)*

Please return completed form to:
Unified Government – Department of Economic Development
Attention: NRA Program Staff
701 North 7th Street, Suite 421
Kansas City, Kansas 66101

To: Unified Government Appraiser
Unified Government Treasurer

FROM: Unified Government Economic Development Department

This certification from the Developer/ Builder indicates that the NRA eligible structure was sold/transferred to the new owner on the date above.

Pursuant to the terms of the NRA Plan please transfer the Property Tax Rebate to the new owner effective on the date the deed was recorded.

_____ _____
Economic Development Department Staff *Title*

_____, 20 _____
Date

Exhibit G Unified Government Tax Levy Schedule*

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**The Schedule is currently being developed; it will be included when finalized.*

Exhibit H NRA Project Area Legal Description

Legal Description for NRA 1

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Beginning at the intersection of the Kansas and Missouri State line and the Wyandotte-Johnson County line said point being the Southeast corner of Section 35, Township 11, Range 25;

thence West along Wyandotte-Johnson County Line to the Southwest Corner of Section 33, Township 11, Range 25 said point being the intersection of 47th Avenue (County Lind Road) and 18th Street Extended;

thence North along the west line of Section 33, Township 11, Range 25 to 18th Street;

thence continuing North on 18th Street to the Burlington Northern and Santa Fe Railroad tracks;

thence Southwesterly along the centerline of the tracks of the Burlington Northern and Santa Fe Railroad to the West line of the Southeast Quarter of Section 32, Township 11, Range 25;

thence North along the West line of the Southeast Quarter of Section 32, Township 11, Range 25 to the centerline of Merriam Lane;

thence Northeasterly along the centerline of Merriam Lane to its intersection with centerline of 26th Street;

thence Northerly along the centerline of 26th Street to the point where it ends said point being Woodend Road;

thence continue North along the centerline of the extension of 26th Street to its intersection with North right-of-way lined of Shawnee Drive;

thence Westerly along the North right-of-way line of Shawnee Drive to the Southwest corner of EDWARD STEELE SUBDIVISION, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of EDWARD STEELE SUBDIVISION to the Northwest corner of EDWARD STEELE SUBDIVISION;

thence East along the North line of EDWARD STEELE SUBDIVISION to the Southeast corner of KERRYCREEK, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the East line of KERRYCREEK to centerline of Steele Road;

thence West along the centerline of Steele Road to the point where Steel Road ends;

thence continuing west along the extension of Steele Road to its intersection with centerline of Interstate Highway 635;

thence North along the centerline of Interstate Highway 635 to its intersection with the right bank of the Missouri River;

thence continuing in a Easterly direction along the right bank of the Missouri River to its intersection with the East line if Section 29, Township 10, Range 25, said line also being the West line of Section 28, Township 10, Range 25;

thence continuing in a Northeasterly direction along the right bank of the Missouri River to its intersection with the East line if Section 28, Township 10, Range 25, said line also being the West line of Section 27, Township 10, Range 25;

thence continuing in a Easterly direction along the right bank of the Missouri River to its intersection with the Northern extension of the East line if Section 27, Township 10, Range 25, said line also being the Northern extension of the West line of Section 26, Township 10, Range 25;

thence continuing in a Southeasterly direction along the right bank of the Missouri River to its intersection with the Eastern extension of the South line if Section 26, Township 10, Range 25, said line also being the Eastern extension of the North line of Section 35, Township 10, Range 25;

thence continuing in a Southwesterly direction along the right bank of the Missouri River to its intersection with the South line if Section 35, Township 10, Range 25, said line also being the North line of Section 35, Township 10, Range 25;

thence East along the South line of Section 35, Township 10, Range 25, to its intersection with the Kansas and Missouri State Line;

thence in a Southwesterly and Southerly direction along the Kansas and Missouri State Line to the point of beginning,

all in Wyandotte County, Kansas.

Legal Description for NRA 2

Beginning at the Southwest Corner of Section 33, Township 11, Range 25 said point being the intersection of 47th Avenue (County Lind Road) and 18th Street Extended;

thence West along Wyandotte-Johnson County Line to the Southwest Corner of Section 33, Township 11, Range 24;

thence North along the West line of said section 33 to its intersection with the Northeast right-of-way line of Quivira Lane;

thence in a Northwesterly direction along the Northeast right-of-way line of Quivira Lane and Quivira Cut-Off to its point of intersection with the prolongation of a line extending North 18 degrees 45’ 04” West from a point on the South line and 666.81’ West of the Southeast corner of Section 32, Township 11, Range 24;

thence North 18 degrees 45’ 04” West along said prolongation line to its intersection with the Northwesterly right-of-way line of Holliday Drive;

thence in a Southwesterly direction along the Northwesterly right-of-way line of Holliday Drive to its intersection with the West line of Section 32, Township 11, Range 24 said line also being the East line of Section 31, Township 11, Range, 24;

thence South along the East line of Section 31, Township 11, Range 24, to its intersection with the Wyandotte-Johnson County line;

thence continuing West along the Wyandotte-Johnson County line to its intersection with the Centerline of the Kansas River;

thence Northeasterly along the centerline of the Kansas River downstream to its intersection with the East-West centerline of Section 29, Township 11, Range 24;

thence West along said East-West centerline Section 29, Township 11, Range 24 to the Center of Section 29, Township 11, Range 24;

thence North along the North-South centerline of Section 29, Township 11, Range 24 to its intersection with the North line of Section 29, Township 11, Range 24 said line also being the South line of Section 20, Township 11, Range 24;

thence continuing North along the North-South centerline of Section 20, Township 11, Range 24 to the center of Section 20, Township 11, Range 24;

thence West along the East-West centerline of Section 20, Township 11, Range 24 to its intersection with the West line of Section 20, Township 11, Range 24;

thence North along the West line of Section 20, Township 11, Range 24 to the to the Northwest corner of Section 20, Township 11, Range 24;

thence East along the North line of Section 20, Township 11, Range 24 to the center of the North line of the Northwest Quarter Section of Section 20, Township 11, Range 24 said corner also being the center of the South line of the Southwest Quarter Section of Section 17, Township 11, Range 24;

thence North to the North line of Section 17, Township 11, Range 24 said line also being the south line of Section 8, Township 11, Range 24;

thence West along the South line of Section 8, Township 11, Range 24 to the Southeast corner of Section 8, Township 11, Range 24 said corner also being the Southwest corner of Section 7, Township 11, Range 24;

thence West along the South line of Section 7, Township 11, Range 24 to the Southwest corner of Section 7, Township 11, Range 24;

thence North along the West line of Section 7, Township 11, Range 24 to the center of the West line of Section 7, Township 11, Range 24 said line also being the East line of Section 12, Township 11, Range 23;

Thence West along the East-West centerline of Section 12, Township 11, Range 23 to the center of Section 12, Township 11, Range 23;

thence South along the North-South centerline of Section 12, Township 11, Range 23 to its intersection with the South right-of-way line of the Interstate Highway 70;

thence in a Westerly direction along the South right-of-way line of Interstate Highway 70 to its intersection with the centerline of Interstate Highway 435;

thence Northerly along the centerline of Interstate Highway 435 to a point that intersects the North-South centerline of Section 35, Township 10, Range 23;

thence North along the North-South centerline of Section 35, Township 10, Range 23 to the center of Section 35, Township 10, Range 23;

thence East along the East-West centerline of Section 35, Township 10, Range 23 to the center of the East line of Section 35, Township 10, Range 23 said line also being the West line of Section 36, Township 10, Range 23;

thence East along the East-West centerline of Section 36, Township 10, Range 23 to the center of Section 36, Township 10, Range 23;

thence North along the North-South centerline of Section 36, Township 10, Range 23 to the center of the North line of Section 36, Township 10, Range 23;

thence East along the North line of Section 36, Township 10, Range 23 to the Northeast corner of Section 36, Township 10, Range 23 said corner also being the Southeast corner of Section 25, Township 10, Range 23;

thence North along the East line of Section 25, Township 10, Range 23 to the center of the East line of Section 25, Township 10, Range 23 said line also being the West line of Section 30, Township 10, Range 24;

thence East along the East-West centerline of Section 30, Township 10, Range 24 to the center of the South line of Northwest Quarter Section of Section 30, Township 10, Range 24;

thence North to the center of the Northwest Quarter Section of Section 30, Township 10, Range 24:

thence West to the West line of Section 30, Township 10, Range 24;

thence North along the West line of Section 30, Township 10, Range 24 to the Northwest corner of Section 30, Township 10, Range 24 said corner also being the Southwest corner of Section 19, Township 10, Range 24;

thence North along the West line of Section 19, Township 10, Range 24 to the Northwest corner of Section 19, Township 10, Range 24;

thence East along the North line of Section 19, Township 10, Range 24 to the center of the North line of the Northwest Quarter Section of Section 19, Township 10, Range 24 said line also being the South line of the Southwest Quarter Section of Section 18, Township 10, Range 24;

thence North to the East-West Centerline of Section 18, Township 10, Range 24;

thence West along the East-West centerline to the center of West line of Section 18, Township 10, Range 24;

thence North to along the West line of Section 18, Township 10, Range 24 to the Northwest corner of Section 18, Township 10, Range 24 said corner also being the Southwest corner of Section 7, Township 10, Range 24;

thence North along the West line of Section 7, Township 10, Range 24 to its intersection with the centerline of Interstate Highway 435;

thence Northeasterly along the centerline of Interstate Highway 435 to its intersection with the right bank of the Missouri River;

thence continuing in a Southeasterly direction along the right bank of the Missouri River to its intersection with the South line if Section 17, Township 10, Range 24, said line also being the North line of Section 20, Township 10, Range 24;

thence continuing in a Southeasterly direction along the right bank of the Missouri River to its intersection with the East line if Section 20, Township 10, Range 24, said line also being the West line of Section 21, Township 10, Range 24;

thence continuing East along the right bank of the Missouri River to its intersection with the East line if Section 21, Township 10, Range 24, said line also being the West line of Section 22, Township 10, Range 24;

thence continuing East along the right bank of the Missouri River to its intersection with the East line if Section 22, Township 10, Range 24, said line also being the West line of Section 23, Township 10, Range 24;

thence in a Northeasterly direction along the right bank of the Missouri River to the North line if Section 23, Township 10, Range 24, said line also being the South line of Section 14, Township 10, Range 24;

thence continuing in a Northeasterly direction along the right bank of the Missouri River to its intersection with the East line if Section 14, Township 10, Range 24, said line also being the West line of Section 13, Township 10, Range 24;

thence continuing in a Northeasterly direction along the right bank of the Missouri River to its intersection with the East line if Section 13, Township 10, Range 24, said line also being the West line of Section 18, Township 10, Range 25;

thence continuing in an East and Southerly direction along the right bank of the Missouri River to its intersection with the South line if Section 18, Township 10, Range 25, said line also being the North line of Section 19, Township 10, Range 25;

thence continuing South along the right bank of the Missouri River to its intersection with the South line if Section 19, Township 10, Range 25, said line also being the North line of Section 30, Township 10, Range 25;

thence Southeasterly direction along the right bank of the Missouri River to its intersection with the East line if Section 30, Township 10, Range 25, said line also being the West line of Section 29, Township 10, Range 25;

thence continuing East along the right bank of the Missouri River to its intersection with the Centerline of Interstate Highway 635;

thence South along the centerline of Interstate Highway 635 to its intersection with the centerline of the Western extension of Steele Road;

thence East along the centerline of the extension of Steele Road to the point where Steele Road begins;

thence continuing East along centerline of Steele Road to the point Northeast corner of KERRYCREEK, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of KERRYCREEK, to the Southeast corner of KERRYCREEK, said point being on the North line of EDWARD STEELE SUBDIVISION, as subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the North line of EDWARD STEELE SUBDIVISION to the Northwest corner of EDWARD STEELE SUBDIVISION;

thence South along the West line of EDWARD STEELE SUBDIVISION to the North right-of-way line of Shawnee Drive;

thence East along the North right-of-way line of Shawnee Drive to its intersection with the centerline of the Northern extension of 26th Street;

thence South along the centerline of the Northern extension of 26th Street to the point where 26th Street begins said point being Woodend Road;

thence continuing South along the centerline of 26th Street to its intersection with the centerline of Merriam Lane;

thence Southwest along the centerline of Merriam Lane its intersection with the West line of Southeast Quarter of Section 32, Township 11, Range 25;

thence south along the West line of Southeast Quarter of Section 32, Township 11, Range 25 to the centerline of the Burlington Northern and Santa Fe Railroad tracks;

thence Northeast along the centerline of the Burlington Northern and Santa Fe Railroad tracks to its intersection with 18th Street;

thence south along 18th Street and its Southern extension to the point of beginning; all in Wyandotte County, Kansas.

Legal Description for NRA 3

Beginning at the centerline of the Kansas River and its intersection with the East-West centerline of Section 29, Township 11, Range 24;

thence West along said East-West centerline Section 29, Township 11, Range 24 to the Center of Section 29, Township 11, Range 24;

thence North along the North-South centerline of Section 29, Township 11, Range 24 to its intersection with the North line of Section 29, Township 11, Range 24 said line also being the South line of Section 20, Township 11, Range 24;

thence continuing North along the North-South centerline of Section 20, Township 11, Range 24 to the center of Section 20, Township 11, Range 24;

thence West along the East-West centerline of Section 20, Township 11, Range 24 to its intersection with the West line of Section 20, Township 11, Range 24 said line also being the East line Section 19, Township 11, Range 24;

thence North along the East line of Section 19, Township 11, Range 24 to the to the Northeast corner of Section 19, Township 11, Range 24 said point also being the Southwest corner of Section 17, Township 11, Range 24;

thence East along the South line of Section 17, Township 11, Range 24 to the center of the South line of the Southwest Quarter Section of Section 17, Township 11, Range 24;

thence North to the North line of Section 17, Township 11, Range 24;

thence West along the North line of Section 17, Township 11, Range 24 to the Northwest corner Section 17, Township 11, Range 24 said point also being the Northeast corner of Section 18, Township 11, Range 24;

thence continuing West along the North line of Section 18, Township 11, Range 24 to the Northwest corner Section 18, Township 11, Range 24;

thence continuing South along the West line of Section 18, Township 11, Range 24 to the Southwest corner Section 18, Township 11, Range 24 said point also being the Northwest corner of Section 19, Township 11, Range 24;

thence continuing South along the West line of Section 19, Township 11, Range 24 to the Southwest corner Section 19, Township 11, Range 24 said point also being the Northwest corner of Section 30, Township 11, Range 24;

thence continuing South along the West line of Section 30, Township 11, Range 24 to the North right-of-way line of Kansas Highway No. 32;

thence in a easterly direction along the North right-of-way line of Kansas Highway No. 32 to its intersection with the North-South centerline of Section 30, Township 11, Range 24;

thence south along the North-South centerline of Section 30, Township 11, Range 24 to the South line Section 30, Township 11, Range 24 said line also being the North line of Section 31, Township 11, Range 24;

thence south along the North-South centerline of Section 31, Township 11, Range 24 to its intersection with the centerline of the Kansas River;

thence Northeasterly along the centerline of the Kansas River to the point of beginning;
all in Wyandotte County, Kansas.

Legal Description for NRA 2 State Ave Corridor

Beginning at the Southwest corner of Southeast Quarter of Section 32, Township 11, Range 25, said point being on the intersection of 82nd Street and State Avenue;

thence North to the North right-of-way line of State Avenue;

thence East along the North right-of-way line of State Avenue to the Southwest corner of WESTFIELD GREEN, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West boundary line of WESTFIELD GREEN to the Southwest corner of DEWERCS, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence continuing North 175 feet more or less along the West boundary line of DEWERCS to a point that is due West of the Northwest corner of Lot 7 DEWERCS;

thence east to the Northwest corner of Lot 7 DEWERCS;

thence continuing East along the North boundary line of Lot 7 DEWERCS to the Northeast corner of Lot7 DEWERCS, said point also being on the West right-of-way line of 79th Street;

thence North along the West right-of-way line of 79th Street to the its intersection with the North right-of-way line of Washington Avenue;

thence East along the North right-of-way line of Washington Avenue to its intersection with the East right of way line of 78th Street;

thence South along the East right-of-way line of 78th Street to a point that is 661.12 feet more or less south of the Northwest corner of the Southwest quarter of the Southwest quarter of Section 4, Township 11, Range 24;

thence west to the West boundary line of WHITE SUB, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West boundary line of WHITE SUB, to the Northwest corner of WHITE SUB;
thence West along the North boundary line of WHITE SUB, to the Northeast corner of WHITE SUB;

thence continuing West to the East boundary line of CANTERBURY MANOR NO 1, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence southeast along the East boundary line of CANTERBURY MANOR NO 1 to the Southwest corner of Block 4 Lot 12 CANTERBURY MANOR NO 1, said point also being on the North right-of-way line of Nebraska Avenue;

thence East along the South boundary line of Block 4 Lot 12 CANTERBURY MANOR NO 1, to the Southeast corner of Block 4 Lot 12 CANTERBURY MANOR NO 1 said point being on the East right-of-way line of 75th Street;

thence Northeast to the Southwest corner Block 5 Lot 4 CANTERBURY MANOR NO 1;

thence East along the South boundary line of Block 5 Lot 4 CANTERBURY MANOR NO 1, to the Southeast corner of Block 5 Lot 4 CANTERBURY MANOR NO 1 said point being on the West line of the Southeast Quarter of Section 4, Township 11, Range 24;

thence North along the West line of the Southeast Quarter of Section 4, Township 11, Range 24 to the of the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 4, Township 11, Range 24;

thence East along the North line of the Southwest Quarter of the Southeast Quarter of Section 4, Township 11, Range 24 East to a point that is 577 feet more or less East of the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 4, Township 11, Range 24;

thence South to the North right-of-way line of State Avenue;

thence East along the North right-of-way line of State Avenue to the Wyandotte-Delaware Reserve Line;

thence North along the Wyandotte-Delaware Reserve line to a point 434.64 feet North of the South lined of Section 4, Township 11, Range 24;

thence East to the West right-of-way line of Collage Parkway;

thence North along the West right-of-way line of Collage Parkway to a point 1233.19 feet more or less North of the South line of Section 4, Township 11, Range 24;

thence East to the West right-of-way line of 69th Street;

thence South along the East right-of-way line of 69th street to the North right of way line of State Avenue;

thence West along the North right-of-way line of State Avenue to the northern prolongation of the West right-of-way line of 69th Street;

thence South along the prolongation of the West right-of-way line of 69th Street to the South right-of-way line of State Avenue;

thence continuing South along the West right-of-way line of 69th Street to a point that is 429.00 feet more or less South of the North line of the Southwest Quarter of the Northwest quarter of Section 4, Township 11, Range 24;

thence west to the West right-of-way line of College Parkway;

thence Southwest to the Southeast corner of REDWOOD GARDENS, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence west along the South boundary line of REDWOOD GARDENS, to the Southwest corner of REDWOOD GARDENS;

thence north along the west boundary line of REDWOOD GARDENS, to the Southwest right-of-way line of Garden Drive;

thence Northwest along the Southwest right-of-way line of Garden Drive to the West right-of-way line of 71st Street;

thence North along the West right-of-way line of 71st Street to the Southeast corner of Block 1 REDWOOD GARDENS;

thence West along the South boundary line of Block 1 REDWOOD GARDENS to the Southwest corner of Block 1 REDWOOD GARDENS;

thence North along the West line of Block 1 REDWOOD GARDENS to the Northwest corner of Block 1 REDWOOD GARDENS, said point being on the South right-of-way line of Armstrong Avenue;

thence West along the South right-of-way line of Armstrong Ave to the West right-of-way line of 72nd Street;

thence North along the West right-of-way line of 72nd Street to the Southeast corner of JENKINS STATUTORY REQUIREMENT PLAT, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the South line of JENKINS STATUTORY REQUIREMENT PLAT, to the Southwest corner of JENKINS STATUTORY REQUIREMENT PLAT, said point being on the East right-of-way line of 74th Drive;

thence West to the intersection of the West right-of-way line of 74th Drive and the North right-of-way line of Armstrong Avenue;

thence West along the North right-of-way line of Armstrong Avenue to the West right-of-way line of 78th Street;

thence North along the West right-of-way of 78th Street to the Northeast corner of WESTRIDGE HEIGHTS, as subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the North boundary line of WESTRIDGE HEIGHTS to Northwest corner of WESTRIDGE HEIGHTS, said point being on the East boundary line of STONY POINT HEIGHTS, a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East boundary line of STONY POINT HEIGHTS to the North right-of-way line of Minnesota Avenue;

thence West along the North right-of-way line of Minnesota Avenue to the centerline of 82nd Street;

thence north along the centerline of 82nd Street to the Point of Beginning

Beginning at the intersection of the South right-of-way line of State Avenue and the East right-of-way line of 57th Street;

thence South along the East right-of-way line of 57th Street to a point 487 feet South of the South right-of-way line of State Avenue;

thence East to the Southwest corner of Lot 1 AHEARN'S CORNER a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence East along the South line of Lots 1 and 2 AHEARN'S CORNER to the Southeast corner of Lot 2 AHEARN'S CORNER said corner being on the West right-of-way line of 55th Street;

thence East to the East right-of-way line of 55th Street;

thence North along the East right-of-way line of 55th Street to a point 310.96 feet South of the South right-of-way line of State Avenue;

thence East 433.73 feet;

thence North to a point 79 feet South of the South right-of-way line of State Avenue;

thence East to the West right-of-way line of 54th Street;

thence East to the East right-of-way line of 54th Street;

thence North along the East right-of-way line of 54th Street to a point 147.92 feet South of the South right-of-way line of State Avenue;

thence East to the West line of Lot 2 LENOX FARMS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the West line to the Southwest corner of Lot 2 LENOX FARMS;

thence East along the South line of Lot 1 and 2 LENOX FARMS to the Southeast corner of Lot 1 LENOX FARMS said corner being on the West line of Lot 9 THE ALDEN FARMS a subdivision of land in Kansas City, Wyandotte County, Kansas:

thence South along the West line of Lot 9 THE ALDEN FARMS to the Southwest corner of Lot 9 THE ALDEN FARMS;

thence East along the South line of Lot 9 THE ALDEN FARMS to the Southeast corner of Lot 9 THE ALDEN FARMS;

thence North along the East line of Lot 9 THE ALDEN FARMS to the Northeast corner of Lot 9 THE ALDEN FARMS said corner also being the Southwest corner of Lot 15 THE ALDEN FARMS;

thence East along the South line of Lots 13 through 15 THE ALDEN FARMS to the Southeast corner of Lot 13 THE ALDEN FARMS said corner also being on the East right-of-way line 52nd Street;

thence East to the Southwest corner of Lot 1 THE ALDEN FARMS;

thence East along the South line of Lot 1 THE ALDEN FARMS to the Southeast corner of Lot 1 THE ALDEN FARMS;

thence South to the North right-of-way line of Muncie Drive;

thence Northeasterly along the North right-of-way line of Muncie Drive to the North right-of-way line of Armstrong Avenue;

thence East along the North right-of-way line of Armstrong Avenue to the West right-of-way line of 48th Street;

thence North along the West right-of-way line of 48th Street to the North right-of-way line of Minnesota Avenue;

thence East along the North right-of-way line of Minnesota Avenue to the East right-of-way line of 47th Terrace;

thence Southeasterly along the East right-of-way line of 47th Terrace to the South right-of-way line of Ann Avenue;

thence West 151 feet along the South right-of-way line of Ann Avenue;

thence South 297 feet:

thence East 359 feet to the West right-of-way line of 47th Street;

thence East to the East right-of-way line of 47th Street:

thence South along the East right-of-way line of 47th Street to the North right-of-way line of Orville Ave:

thence East along the North right-of-way line of to the West right-of-way line of Interstate 635;

thence Northerly along the West right-of-way line of Interstate 635 to a point 549.57 feet North and 987 feet East of the Southwest corner of Section 6 Township 11 Range 25;

thence North 110.43 feet;

thence East 69 feet;

thence North to the South right-of-way line of Everett Avenue;

thence West along the South right-of-way line of Everett Avenue to a point 160 feet East of the East right-of-way line of 47th Street;

thence South to a point 312.5 feet South of the South right-of-way line of Everett Avenue

thence West 100 feet to the East right-of-way line of 47th Street;

thence West to the West right-of-way line of 47th Street said line also being the East line of COMBS PARK a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of COMBS PARK to the Northeast corner of Lot 14 COMBS PARK;

thence West along the North line of Lot 14 COMBS PARK to the Northwest corner of Lot 14 COMBS PARK said corner also being on the East line of Lot 15 COMBS PARK;

thence North along the East line of Lot 15 COMBS PARK to the Northeast corner of Lot 15 COMBS PARK;

thence Westerly along the North line of Lot 15 COMBS PARK to the Northwest corner of Lot 15 COMBS PARK;

thence South 110 feet along the West line of Lot 15 COMBS PARK;

thence West 60 feet:

thence North to the North line of Lot 16 COMBS PARK;

thence West to the East line of Lot 19 COMBS PARK;

thence Northeast along the East line of Lot 19 COMBS PARK to the Northwest corner of Lot 19 COMBS PARK said point also being the Southeast corner of Lot 35 COMBS PARK;

thence North along the East line of Lot 35 COMBS PARK to the Northeast corner of Lot 25 COMBS PARK:

thence East along the North line of Lot 35 COMBS PARK to the Northwest corner of Lot 35 COMBS PARK;

thence South along the West line of Lot 35 COMBS PARK to the Southwest corner of Lot 35 COMBS PARK said corner being on the East right-of-way line of 48th Terrace;

thence East to the West right-of-way line of 48th Terrace;

thence South along the West right-of-way line of 48th Terrace to a point 65 feet North of the Southwest corner of Lot 39 COMBS PARK;

thence West to the East line of Lot 47 COMBS PARK;

thence North along the East line of Lot 47 COMBS PARK to the Northeast corner of Lot 47 COMBS PARK;

thence West along the North line of Lot 47 COMBS PARK to the Northwest corner of Lot 47 COMBS PARK said corner also being on the East right-of-way line of 49th Street;

thence West to the Southeast corner of Lot 51 COMBS PARK;

thence North along the east line of Lot 51 COMBS PARK to the Northeast corner of Lot 51 COMBS PARK;

thence West along the North lint of Lot 51 COMBS PARK to the Northwest corner of Lot 51 COMBS PARK;

thence South along the West line of Lot 51 COMBS PARK to the Southwest corner of Lot 51 COMBS PARK said corner also being the Northeast corner of Lot 58 COMBS PARK;

thence West along the North line of Lot 58 COMBS PARK to the Northwest corner of Lot 58 COMBS PARK;

thence 180 feet South along the West line of Lots 58 and 59 COMBS PARK;

thence West to the West line of 50th Street said line also being the East line of Lot 71 COMBS PARK;

thence Northwesterly along the East line of lots 71 through 73 to a point 8 feet North of the Southeast corner of Lot 73 COMBS PARK;

thence West to the West line of Lot 73 COMBS PARK said line also being the East line of Lot A VILLANOVO a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the East line of Lot A VILLANOVO to the Northeast corner of Lot A VILLANOVO;

thence West along the North line of Lot A VILLANOVO to the Northwest corner of Lot A VILLANOVO;

thence South along the West line of Lot A VILLANOVO to the Southwest corner of Lot A VILLANOVO;

thence West to the West right-of-way line of 50th Place;

thence Northwesterly 312 feet more or less along the right-of-way line of 50th Place;

thence West 348.73 feet;

then North 343.35 feet to the South right-of-way line of Nebraska Avenue;

thence Southwesterly along the South right-of-way line of Nebraska Avenue 429.85 feet;

thence South 188.9 feet:

thence West 293 feet to the Northeast corner of Lot 2 REIDY RIDGE a subdivision of land in Kansas City, Wyandotte County, Kansas;
thence West along North line of Lot 2 REIDY RIDGE to the Northwest corner of Lot 2 REIDY RIDGE;

thence South along the West line of Lot 2 REIDY RIDGE to a point 160 feet North of the North right-of-way line of State Avenue;

thence West 150 feet;

thence North to a point 309.38 feet North of the North right-of-way line of State Avenue;

thence West to the East right-of-way line of 55th Street;

thence West to the West right-of-way line of 55th Street;

thence North along the West right-of-way line of 55th Street to a point 532 feet more or less North of the North right-of-way line of State Avenue;

thence Northwest 539.13 feet;

thence Southwest 457.97 feet;

thence South 117.7 feet;

thence Southwest 39.74 feet;

thence Southeasterly 69.75 feet;

thence West 207.71 feet to the East right-of-way line of Meadowlark Lane;

thence South along the East right-of-way line of Meadowlark Lane to the North right-of-way line of State Avenue;

thence South to the point of beginning.

Legal Description for NRA 2 Leavenworth Road Corridor

Beginning at the intersection of 38th Street and Leavenworth Road;

thence North to the North right-of-way of Leavenworth Road;

thence West along the North right-of-way line of Leavenworth Road to the West right-of-way of 38th Street;

thence North along the West right-of-way of 38th Street 140 feet;

thence West 103.54 feet;

thence North 24 feet;

thence West 67 feet;

thence North 100 feet;

thence West to the Northeast corner of Lot 1 NEIDHARTS SUBDIVISION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the North line of Lots 1 and 2 NEIDHARTS SUBDIVISION to the Northwest Corner of Lot 2 NEIDHARTS SUBDIVISION;

thence West 484.5 feet to the Northeast corner of Lot 7 NEIDHARTS SUBDIVISION;

thence West along the North line of Lots 7 and 8 NEIDHARTS SUBDIVISION to the Northwest Corner of Lot 8 NEIDHARTS SUBDIVISION;

thence North along the West line of Lot 9 and 20 NEIDHARTS SUBDIVISION to 427.4 feet;

thence West to the East right-of-way line of 42nd Terrace; thence South along the East right-of-way line of 42nd Terrace 566.4 feet;

thence West to the West right-of-way line of 42nd Terrace;

thence West to the East right-of-way line of 43rd Street;

thence West to the West right-of-way line of 43rd Street said line also being the East line of Lot 1 SEIFERTS ADDITION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the East line of Lot 1 SEIFERTS ADDITION to the Northeast corner of Lot 1 SEIFERTS ADDITION;

thence West along the North line of Lots 1 through 3 SEIFERTS ADDITION to the Northwest corner of Lot 3 SEIFERTS ADDITION;

thence North along the West line of SEIFERTS ADDITION to the Southeast corner of Lot 10 SEIFERTS ADDITION;

thence West along the South line of Lot 10 SEIFERTS ADDITION to the Southwest corner of Lot 10 SEIFERTS ADDITION;

thence Northerly along the West line of Lots 10 and 11 SEIFERTS ADDITION to the Northwest corner of Lot 11 SEIFERTS ADDITION;

thence West 281 feet;

thence Northly to the Southeast corner of Lot 10 CUTLER FARMS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the South line of Lot 10 CUTLER FARMS to the Southwest corner of Lot 10 said corner also being the Southeast corner of Tract B WESTERN FIELDS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the South line of Tract B and Lots 17 through 20 to the Southwest corner of Lot 20 WESTERN FIELDS said corner being on the East right-of-way line of 46th Street;

thence West to the West right-of-way line of 46th Street;

thence South along the West right-of-way line of 46th Street to the South right-of-way line of Farrow Avenue;

thence West along the South right-of-way line of Farrow Avenue to the West line of lot 8 LAUREL ACRES a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the West line of Lot 8 LAUREL ACRES to the Southwest corner of Lot 8 LAUREL ACRES said point also being the Northeast corner of Lot 1 LAUREL ACRES;

thence West along the North line of Lot 1 LAUREL ACRES 50 feet;

thence South 104 feet;

thence West to the East right-of-way line of 47th Street;

thence West to the West right-of-way line of 47th Street said line also being the East line of GRAYS ADDITION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North 88 feet;

thence West 142 feet;

thence North 50 feet to the North line of Lot 1 GRAYS ADDITION;

thence West along the North line of Lot 1 GRAYS ADDITION to the Northwest corner of Lot 1 GRAYS ADDITION;

thence South 50.8 feet along the West line of Lot 1 GRAYS ADDITION said line also being the East right-of-way line of 47th Terrace;

thence West to the Northeast corner of Lot 9 GRAYS ADDITION;

thence West along the North line of Lot 9 GRAYS ADDITION to the Northwest corner Lot 9 GRAYS ADDITION;

thence North to the North line of Lot 7 GRAYS ADDITION;

thence West along the North line of Lot 7 GRAYS ADDITION to the Northwest corner of Lot 7 GRAYS ADDITION said corner being on the West line of Lot 9 LU ELLA CONNELY ADDITION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North to the Northeast corner of Lot 9 LU ELLA CONNELY ADDITION;

thence West along the North line of Lots 4 through 9 LU ELLA CONNELY ADDITION to the Northwest corner of Lot 4 LU ELLA CONNELY ADDITION said corner also being on the East right-of-way line of 49th Street;

thence continuing West to the West right-of-way line of 49th Street;

thence South along the West right-of-way line of 49th Street to the Southeast corner of Lot 7 BLUE LANE ADDITION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the South line of Lots 7 through 12 BLUE LANE ADDITION to the Southwest corner of Lot 12 BLUE LANE ADDITION;

thence North along the West line of BLUE LANE ADDITION to the Northwest corner of BLUE LANE ADDITION said corner being on the North line of Lot 1 LU ELLA CONNELY ADDITION;

thence West along the North line of LU ELLA CONNELY ADDITION to the East right-of-way line of 49th Drive; thence West to the West right-of-way line of 49th Drive;

thence Southwest along the West right-of-way line of 49th Drive to a point 173.97 feet Northeast of the North right-of-way line of Leavenworth Road;

thence West 229.02 feet;

thence North to the South line of NOSLEN ADDITION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the South line of NOSLEN ADDITION to the Southwest corner of NOSLEN ADDITION;

thence South to the Northwest corner of THE KASTERS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of THE KASTERS to the Southeast corner of THE KASTERS;

thence West along the South line of THE KASTERS to the Southwest corner of THE KASTERS said point begin on the West right-of-way line of 51st Street;

thence West to the East right-of-way line of 51st Street;

thence North along the East right-of-way line of 51st Street to the Southeast corner of BARKER'S ADDITION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence Northwest along the South line of BARKER'S ADDITION to the Northeast corner of MILGARDEN a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of MILGARDEN to the Southeast corner of MILGARDEN;

thence West along the South line of MILGARDEN to the Southwest corner of Lot 21 MILGARDEN;

thence North 268.50 feet along the West line of MILGARDEN to the South line of MILGARDEN;

thence West along the South line of MILGARDEN to the Southwest corner of Lot 15 MILGARDEN said point also being the Southeast corner of OSAGE HILLS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the South line of OSAGE HILLS to the Southeast corner of Lot 9 OSAGE HILLS;

thence South along the West line of OSAGE HILLS to the Southeast corner of Lot 14 OSAGE HILLS said point also being on the North right-of-way line of Leavenworth Road;

thence West along the North right-of-way line of Leavenworth Road to the Southeast corner of GLEASON PLACE a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of GLEASON PLACE to the Northeast corner of Lot 10 GLEASON PLACE;

thence West along the North line of Lots 9 through 10 GLEASON PLACE to the Northwest corner of Lot 9 GLEASON PLACE said point being on the East right-of-way line of 54th Street;

thence West to the West right-of-way line of 54th Street said point also being the Northeast corner of HAPPY FOODS SUBDIVISION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the North line of HAPPY FOODS SUBDIVISION to the Northwest corner of HAPPY FOODS SUBDIVISION said point being on the East right-of-way line of 55th Street;

thence West to the West right-of-way line of 55th Street;

thence South along the West right-of-way line of 55th Street to a point 160 feet North of the North right-of-way line of Leavenworth Road;

thence West 107.25 feet;

thence North 175 feet;

thence West 220 feet;

thence South 75 feet;

thence West 109.85 feet

thence South 225 feet;

thence West 140 feet to the East right-of-way line of 55th Terrace;

thence West to the West right-of-way line of 55th Terrace;

thence North along the West right-of-way line of 55th Terrace to a point 107.5 feet North of the North right-of-way line of Leavenworth Road;

thence West 227.5 feet to the East right-of-way line for 56th Street;

thence West to the West right-of-way line for 56th Street said line also being the East line of Lot 18 LEON E NELSON'S SUBDIVISION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North to a point 110 feet North of the North right-of-way line of Leavenworth Road;

thence West to the West line of Lot 16 LEON E NELSON'S SUBDIVISION;

thence North along the West line of Lot 16 LEON E NELSON'S SUBDIVISION to the Northwest corner of Lot 16 LEON E NELSON'S SUBDIVISION said point being on the South line of Lot 12 LEON E NELSON'S SUBDIVISION;

thence West along the South line of Lots 9, 11, 12 LEON E NELSON'S SUBDIVISION to the Southwest Corner of Lot 9 LEON E NELSON'S SUBDIVISION said point being on the East line of Lot 10 LEON E NELSON'S SUBDIVISION;

thence South along the East line of Lots 10 and 15 LEON E NELSON'S SUBDIVISION to the Southeast corner of Lot 15 LEON E NELSON'S SUBDIVISION;

thence West along the South line of Lot 15 LEON E NELSON'S SUBDIVISION to the Southwest corner of Lot 15 LEON E NELSON'S SUBDIVISION said point being on the East right-of-way line of 57th Street;

thence West to the West right-of-way line of 57th Street said line also being the West line of Lot 14 U S BRENNER'S SUBDIVISION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of Lot 14 U S BRENNER'S SUBDIVISION to a point 95 feet North of the Southeast corner of U S BRENNER'S SUBDIVISION;

thence West to the West line of Lot 14 U S BRENNER'S SUBDIVISION;

thence North along the West line of Lot 14 U S BRENNER'S SUBDIVISION to the Northwest corner of U S BRENNER'S SUBDIVISION said point being on the South line of Lot 15 U S BRENNER'S SUBDIVISION;

thence West along the South line of Lots 13 and 15 U S BRENNER'S SUBDIVISION to the Southwest corner of Lot 13 U S BRENNER'S SUBDIVISION said point being on the East right-of-way line of 55th Street;

thence West to the West right-of-way line of 55th Street said line also being the East line of Lot 1 U S BRENNER'S SUBDIVISION;

thence North along the East line of Lot 1 U S BRENNER'S SUBDIVISION to the Northeast corner of Lot 1 U S BRENNER'S SUBDIVISION;

thence West along the North line of Lot 1 U S BRENNER'S SUBDIVISION to the Northwest line of Lot 1 U S BRENNER'S SUBDIVISION;

thence West to the East right-of-way line of 59th Street;

thence West to the West right-of-way line of 59th Street;

thence West to the East line of Lot 2 WESTGATE CENTER a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the East line of Lot 2 WESTGATE CENTER;

thence East 350 feet along the South line of Lot 2 WESTGATE CENTER

thence North 124.25 feet along the West line of Lot 2 WESTGATE CENTER;

thence West along North line of Lot 2 WESTGATE CENTER to the Southeast corner of Lot 1 WESTGATE CENTER;

thence North to the Northeast corner of Lot 1 WESTGATE CENTER;

thence West along the North line of Lot 1 WESTGATE CENTER to the Northwest corner of Lot 1 WESTGATE CENTER;

thence West 300 feet to a point 210.37 feet North of the Northwest corner of Lot 4 WESTGATE CENTER;

thence South 210.37 feet to the Northwest corner of Lot 4 WESTGATE CENTER;

thence South 39.63 feet along West line of Lot 4 WESTGATE CENTER;

thence South 45 degrees 8 minutes 19 West seconds 70.88 feet along the West line of Lot 4 WESTGATE CENTER;

thence South 29 degrees 59 minutes 47 West seconds 167.42 feet along the West line of Lot 4 WESTGATE CENTER;

thence West 25 feet along the West line of Lot 4 WESTGATE CENTER;

thence South 180 feet along West line of Lot 4 WESTGATE CENTER;

thence West 20 feet along the West line of Lot 4 WESTGATE CENTER;

thence West to the East right-of-way line of 61st Street;

thence West to the West right-of-way line of 61st Street;

thence South along the West right-of-way line of 61st Street to the Northeast corner of Lot 1 FRIEDBERG HEIGHTS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the North line of Lots 1 through 3 FRIEDBERG HEIGHTS to the Northwest corner of Lot 3 FRIEDBERG HEIGHTS said corner also being the Northeast corner of Lot 4 FRIEDBERG HEIGHTS;

thence Southwest along the North line of Lot 4 FRIEDBERG HEIGHTS to the Northwest corner of Lot 4 FRIEDBERG HEIGHTS said corner being on the East right-of-way line of May Lane;

thence West to the West right-of-way line of May Lane said line also being the Northeast line of Lot 5 RESURVEY OF FRIEDBERG HEIGHTS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence Northwest along the Northeast line of Lot 5 RESURVEY OF FRIEDBERG HEIGHTS to the North corner of Lot 5 RESURVEY OF FRIEDBERG HEIGHTS;

thence Southwest to the Northwest corner of Lot 5 RESURVEY OF FRIEDBERG HEIGHTS said corner also being the Northeast corner of Lot 4 RESURVEY OF FRIEDBERG HEIGHTS;

thence West along the North line of Lots 3 and 4 RESURVEY OF FRIEDBERG HEIGHTS to the Northwest corner of Lot 3 RESURVEY OF FRIEDBERG HEIGHTS;

thence North along the West line of Lots 1 and 2 RESURVEY OF FRIEDBERG HEIGHTS to the Northwest corner of Lot 1 RESURVEY OF FRIEDBERG HEIGHTS said corner also being on the North Line of Lot 7 FRIEDBERG HEIGHTS;

thence West along the North line of Lots 7 and 8 FRIEDBERG HEIGHTS to the Northwest corner of Lot 8 FRIEDBERG HEIGHTS;

thence South 88 feet along the West line of Lot 8 FRIEDBERG HEIGHTS said line also being the East line of Lot 9 FRIEDBERG HEIGHTS;

thence West to the West line of Lot 9 FRIEDBERG HEIGHTS said line also being the East line of 63rd Street;

thence West to the West line of 63rd Street;

thence South along the West line of 63rd Street to the Northeast corner of Lot 9 SUNSET HILLS ADDITION NO ONE a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the North line of Lots 9 through 28 SUNSET HILLS ADDITION NO ONE to the Northwest corner of Lot 28 SUNSET HILLS ADDITION NO ONE said corner also being the Northeast corner of Lot 79 SUNSET HILLS ADDITION NO THREE a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the North line of Lot 79 SUNSET HILLS ADDITION NO THREE to the Northeast corner of Lot 79 SUNSET HILLS ADDITION NO THREE said corner also being on the East right-of-way line of 66TH Terrace;

thence West to the West right-of-way line of 66th Terrace said line being the East line of Lot 78 SUNSET HILLS ADDITION NO THREE;

thence North along the West line of Lot 78 SUNSET HILLS ADDITION NO THREE to the Northeast corner of Lot 78 SUNSET HILLS ADDITION NO THREE said corner also being the Southeast corner of Lot 77 SUNSET HILLS ADDITION NO THREE;

thence West along the South line of Lot 77 SUNSET HILLS ADDITION NO THREE to the Southwest corner of Lot 77 SUNSET HILLS ADDITION NO THREE said corner also being on the East line of Lot 30 SUNSET HILLS ADDITION NO ONE;

thence South along the East line of Lot 30 SUNSET HILLS ADDITION NO ONE to the Southeast corner of Lot 30 SUNSET HILLS ADDITION NO ONE;

thence West along the South line of Lot 30 SUNSET HILLS ADDITION NO ONE to the Southwest corner of Lot 30 SUNSET HILLS ADDITION NO ONE said corner being on the East right-of-way line of 67th Street;

thence West to the West right-of-way line of 67th Street;

thence North along the West right-of-way line of 67th Street to a point 241 feet North of the North right-of-way line of Leavenworth Road;

thence West 170 feet;

thence South 90 feet;

thence West 136 feet to the East right-of-way line of 67th Terrace;

thence West to the West right-of-way line of 67th Terrace;

thence North along the West right-of-way line of 67th Terrace to a point 190 feet North of the North right-of-way line of Leavenworth Road;

thence West 134 feet;

thence North 32.62 feet;

thence West to the East line of LOUISVILLE SQUARE a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of LOUISVILLE SQUARE to the Northeast corner of Lot 10 LOUISVILLE SQUARE;

thence West along the North line of Lot 10 LOUISVILLE SQUARE to the Northwest corner of Lot 10 LOUISVILLE SQUARE said corner also being on the East right-of-way line of 68th Terrace;

thence West to the West right-of-way line of 68th Terrace;

thence South along the West right-of-way line of 68th Terrace to the Northeast corner of Lot 9 LOUISVILLE SQUARE;

thence West along the North line of Lot 9 LOUISVILLE SQUARE to the Northwest corner of Lot 9 LOUISVILLE SQUARE;

thence West 15 feet;

thence North to a point 337 feet North of the North right-of-way line of Leavenworth Road;

thence West 664 feet to the East line of J L SARTIN'S SUBDIVISION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of J L SARTIN'S SUBDIVISION to the Northeast corner of Lot 3 J L SARTIN'S SUBDIVISION;

thence West 175 feet;

thence North 117.6 feet;

thence West 175 feet;

thence South 117.6 feet;

thence West 140 feet;

thence South 107.5 feet;

thence West to the East right-of-way line of 70th Terrace;

thence West to the West right-of-way line of 70th Terrace;

thence North to a point 242 feet North of the North right-of-way line of Leavenworth Road;

thence West 267.17 feet;

thence North 30 feet;

thence West 130 feet to the East right-of-way line of 71st Terrace;

thence West to the West right-of-way line of 71st Terrace said line being the East line of Block 2 Lot 6 VANCE a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence West along the North line of Block 2 Lot 6 VANCE to the Northwest corner of Block 2 Lot 6 VANCE said point being on the East line of the unimproved STREET right-of-way between Blocks 1 and 2 VANCE;

thence West to the West line of the unimproved STREET right-of-way between Blocks 1 and 2 VANCE said line also being the East line of Block 1 VANCE;

thence South along the East line of Block 1 VANCE to the Northeast corner of Block 1 Lot 13 VANCE;

thence West along the North line of Block 1 Lot 13 VANCE to the Northwest corner of Block 1 Lot 13 VANCE said corner also being the Southeast corner of Block 1 Lot 6 VANCE;

thence North along the East line of Block 1 Lot 6 VANCE to the Northeast corner of Block 1 Lot 6 VANCE;

thence West along the North line of Block 1 Lot 6 VANCE to the Northwest corner of Block 1 Lot 6 VANCE said corner also being on the East right-of-way line of 72nd Street;

thence West to the West right-of-way line of 72nd Street;

thence North along the West right-of-way line of 72nd Street to a point 465.62 feet North of the North right-of-way line of Leavenworth Road;

thence Westerly 301.02 feet;

thence North 314.37 feet to the South line of Lot 27 WASHINGTON HEIGHTS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence Southerly along the South line of Lots 27, 28 and 31 WASHINGTON HEIGHTS to the Southwest corner of Lot 31 WASHINGTON HEIGHTS said corner being on the South right-of-way line of Farrow Avenue;

thence Southerly along the South right-of-way line of Farrow Avenue to the East right-of-way line of 75th Street;

thence West to the West right-of-way line of 75th Street;

thence North 1286.5 feet;

thence West 653 feet;

thence South 705 feet;

thence West 332.13 feet;

thence South 185.3 feet;

thence West 75 feet;

thence South 100 feet;

thence West to the East right-of-way line of 77th Street;

thence South along the East right-of-way line of 77th Street to the North right-of-way line of Leavenworth Road;

thence South to the intersection of the East right-of-way line of 77th Street and the South right-of-way line of Leavenworth Road;

thence South along the East right-of-way line of 77th Street to a point 200 feet South of the South right-of-way line of Leavenworth Road;

thence East to the West line of MELODY APRIL ESTATES a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of MELODY APRIL ESTATES to the Northwest corner of MELODY APRIL ESTATES;

thence East along the North line of Lots 7 through 13 MELODY APRIL ESTATES to the Northeast corner of Lot 13 MELODY APRIL ESTATES;

thence East to the West right-of-way line of 75th Terrace;

thence East to the East right-of-way line of 75th Terrace said line also being the West line lot 47 LILLIE HEIGHTS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of Lot 47 LILLIE HEIGHTS to a point 125 South of the South right-of-way line of Leavenworth Road;

thence East 141 feet to the East line of Lot 48 LILLIE HEIGHTS;

thence South along the East line of Lots 45, 46 and 48 LILLIE HEIGHTS to the Southeast corner of Lot 45 LILLIE HEIGHTS;

thence East 99 Feet;

thence North 399 feet;

thence East 66 feet to the West line of Lot 1 MALLOTT'S 1ST SUBDIVISION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the West line of Lot 1 MALLOTT'S 1ST SUBDIVISION to the Southwest corner of Lot 1 MALLOTT'S 1ST SUBDIVISION;

thence East along the South line of Lots 1 and 2 MALLOTT'S 1ST SUBDIVISION to the Southeast corner of Lot 2 MALLOTT'S 1ST SUBDIVISION said corner being on the West right-of-way line of 74th Terrace;

thence East to the Northwest corner of Lot 3 MALLOTT'S 1ST SUBDIVISION HEIGHTS;

thence East along the South line of Lots 3 and 4 MALLOTT'S 1ST SUBDIVISION to the Southeast corner of Lot 3 MALLOTT'S 1ST SUBDIVISION said point being on the West right-of-way line of 74th Street;

thence East to the East right-of-way line of 74th Street;

thence North along the East right-of-way line of 74th Street to the Northwest corner of Lot 1 WASHINGTON COURT a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence East along the North line of Lot 1 WASHINGTON COURT to the Northeast corner of WASHINGTON COURT;

hence South 121.87 feet along the East line of Lots 1 and 2 WASHINGTON COURT to the North line of Lot 4 WASHINGTON COURT;

thence West along the North line of Lot 4 and 5 WASHINGTON COURT to the Northeast corner of Lot 5 WASHINGTON COURT set corner being on the West line of Lot 34 MALLOTT'S 1ST SUBDIVISION;

thence North along the West line of Lot 34 MALLOTT'S 1ST SUBDIVISION to the Northwest corner of Lot 34 MALLOTT'S 1ST SUBDIVISION said corner also being the Southwest corner of Lot 35 MALLOTT'S 1ST SUBDIVISION;

thence East along the South line of Lot 35 MALLOTT'S 1ST SUBDIVISION to the Southeast corner of Lot 35 MALLOTT'S 1ST SUBDIVISION said corner being on the West right-of-way line of 73rd Place;

thence East to the Southwest corner of Lot 36 MALLOTT'S 1ST SUBDIVISION;

thence East along the South line of Lots 36 and 37 MALLOTT'S 1ST SUBDIVISION to the Southeast corner of Loy 37 MALLOTT'S 1ST SUBDIVISION; thence South to a point 384 feet South of the South right-of-way line of Leavenworth Road;

thence East 90 feet to the West line of Lot 7 WASHINGTON VIEW a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of Lots 5 and 7 WASHINGTON VIEW to the Southwest corner of lot 1 WASHINGTON VIEW;

thence East along the South line of Lots 1 and 2 WASHINGTON VIEW to the Southeast corner of Lot 2 WASHINGTON VIEW said corner being the West right-of-way line of 73rd Street;

thence East to the Southwest corner of Lot 3 WASHINGTON VIEW;

thence East along the South line of Lot 3 and 4 WASHINGTON VIEW to the Southeast corner of Lot 4 WASHINGTON VIEW;

thence South to a point 453.3 feet South of the South right-of-way line of Leavenworth Road;

thence East 270 feet;

thence North to a point 143.51 feet South of the South right-of-way line of Leavenworth Road;

thence East to the West right-of-way line of 72nd Street;

thence East to the East right-of-way line of 72nd Street said line being on the West line of Lot 1 FAIR PLACE ESTATES a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the West line of Lot 1 FAIR PLACE ESTATES to the Southwest corner of FAIR PLACE ESTATES;

thence East along the South line of Lot 1 FAIR PLACE ESTATES to the Southeast corner of Lot 1 FAIR PLACE ESTATES;

thence South to the North right-of-way line of Roswell Avenue;

thence East along the North right-of-way line of Roswell Avenue 217.8 feet;

thence North to a point 178.87 feet South of the South right-of-way line of Leavenworth Road;

thence East to the West right-of-way line of 71st Street;

thence East to the East right-of-way line of 71st Street;

thence South along the East right-of-way line of 71st Street to the Northwest corner of Lot 4 MIROS HEIGHTS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence East 165 feet;

thence North along the West line of Lots 3 and 4 MIROS HEIGHTS to the Northwest corner of Lot 3 MIROS HEIGHTS;

thence East along the North line of Lot 3 MIROS HEIGHTS to the Northeast corner of Lot 3 MIROS HEIGHTS said corner being on the West right-of-way line of 70th Terrace;

thence East to the Southwest corner of Lot 32 MIROS HEIGHTS;

thence East along the South line of Lots 29 through 32 MIROS HEIGHTS to the Southeast corner of Lot 29 MIROS HEIGHTS said corner being on the West right-of-way line of 70th Street;

thence East to the East right-of-way line of 70th Street said line also being the East line of Lot 27 MIROS HEIGHTS;

thence North along the East line of Lot 27 MIROS HEIGHTS to the Northwest corner of Lot 27 MIROS HEIGHTS;

thence East along the North line of Lot 27 MIROS HEIGHTS to the Northeast corner of Lot 27 MIROS HEIGHTS;

thence South along the East line of Lots 27 and 26 MIROS HEIGHTS to a point 217.5 feet South of the South right-of-way line of Leavenworth Road;

thence East 105 feet;

thence North to a point 127.5 feet South of the South right-of-way line of Leavenworth Road;

thence East to the East right-of-way line of 69th Street;

thence East to the West right-of-way line of 69th Street said line also being the West line of Lot 5 MALLOTT'S 2ND SUBDIVISION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the West line of Lot 5 MALLOTT'S 2ND SUBDIVISION to the Southwest corner of Lot 5 MALLOTT'S 2ND SUBDIVISION;

thence East along the South line of Lots 4 and 5 MALLOTT'S 2ND SUBDIVISION to the Southeast corner of Lot 4 MALLOTT'S 2ND SUBDIVISION said corner being on the West line of Lot 3 MALLOTT'S 2ND SUBDIVISION;

thence South along the West line of Lot 3 MALLOTT'S 2ND SUBDIVISION to the Southwest corner Lot 3 MALLOTT'S 2ND SUBDIVISION;

thence East along the South line of Lots 1 through 3 MALLOTT'S 2ND SUBDIVISION to the Southeast corner of Lot 1 MALLOTT'S 2ND SUBDIVISION said corner also being on the North line of Malott Cemetery MALLOTT'S 2ND SUBDIVISION;

thence East along the North line of Malott Cemetery MALLOTT'S 2ND SUBDIVISION to the Northeast corner of Malott Cemetery MALLOTT'S 2ND SUBDIVISION;

thence East 396 feet;

thence North to a point 227.5 feet South of the South right-of-way line of Leavenworth Road;

thence East to the West right-of-way line of 67th Street;

thence East to the East right-of-way line of 67th Street;

thence North along the East right-of-way line of 67th Street to a point 160 feet South of the South right-of-way line of Leavenworth Road;

thence East 157.92 feet;

thence South to a point 320 feet South of the South right-of-way line of Leavenworth Road;

thence East 125 feet;

thence South to a point 584.24 feet South of the South right-of-way line of Leavenworth Road;

thence East to the East line of Lot 1 TRULL SUBDIVISION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of Lot 1 TRULL SUBDIVISION to the Southwest corner of Lot 1 TRULL SUBDIVISION;

thence East along the South line of Lot 1 TRULL SUBDIVISION to the Southeast corner of Lot 1 TRULL SUBDIVISION

thence North along the East line of Lot 1 TRULL SUBDIVISION to the South Line of Lot 2 TRULL SUBDIVISION;

thence East along the South line of Lot 2 TRULL SUBDIVISION to the Southeast corner of Lot 2 TRULL SUBDIVISION said corner being on the West right-of-way line of 65th Terrace;

thence East to the East line of 65th Terrace;

thence North along the East line of 65th Terrace to a point 118.71 feet South of the South right-of-way line of Leavenworth Road;

thence East 183.6 feet;

thence South to a point 178.71 feet South of the South right-of-way line of Leavenworth Road;

thence East 108.72 feet to the West line of Lot 1 SUNSET MANOR a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of Lot 1 SUNSET MANOR to a point 150 feet South of the Northwest corner of Lot 1 SUNSET MANOR;

thence East to the East line of Lot 1 SUNSET MANOR said line also being the West right-of-way line of 64th Terrace;

thence East to the East right-of-way line of 64th Terrace said line also being the West line of Lot 8 SUNSET MANOR;

thence South along the West line of Lot 8 SUNSET MANOR to the Southwest corner of Lot 8 SUNSET MANOR;

thence East along the South line of Lot 8 SUNSET MANOR to the Southeast corner of Lot 8 SUNSET MANOR;

thence South to a point 200 feet South of the South right-of-way line of Leavenworth Road;

thence East 310 feet to the West right-of-way line of 64th Street;

thence East to the East right-of-way line of 64th Street;

thence South along the East right-of-way line of 64th Street to a point 630 feet South of the South right-of-way line of Leavenworth Road;

thence East 314.72 feet;

thence North to a point 180 feet South of the South right-of-way line of Leavenworth Road;

thence East 110 feet;

thence North 100 feet to a point 80 feet South of the South right-of-way line of Leavenworth Road;

thence East 180 feet to the West right-of-way line of 63rd Street;

thence East to the East right-of-way line of 63rd Street;

thence South along the East right-of-way line of 63rd Street to a point 80 feet South of the South right-of-way line of Leavenworth Road;

thence East 308.48 feet;

thence South to a point 357.4 feet South of the South right-of-way line of Leavenworth Road said point on the South line of Lot 1 CHRISTINE BRUNE ESTATE a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence East along the South line of Lot 1 and 2 CHRISTINE BRUNE ESTATE 338.72 feet;

thence North to a point 118 feet South of the South right-of-way line of Leavenworth Road;

thence East to the West right-of-way line of 62nd Street;

thence East to the East right-of-way line of 62nd Street;

thence North along the East right-of-way line of 62nd Street to a point 120 feet South of the South right-of-way line of Leavenworth Road;

thence East 197 feet;

thence South to a point 300 feet South of the South right-of-way line of Leavenworth Road;

thence East 697.15 feet;

thence North 100 feet;

thence East 100 feet to the West right-of-way line of 60th Street;

thence East to the East right-of-way line of 60th Street;

thence North to a point 150 feet South of the South right-of-way line of Leavenworth Road;

thence East 100 feet;

thence South to a point 300 feet South of the South right-of-way line of Leavenworth Road;

thence East 200 feet;

thence North to a point 240 feet South of the South right-of-way line of Leavenworth Road;

thence East to the West right-of-way line of 59th Street;

thence East to the East right-of-way line of 59th Street;

thence East to a point 270.50 feet South of the South right-of-way line of Leavenworth Road and on the West right-of-way line of 58th St;

thence East to the East right-of-way line of 58th St;

thence East 270.5 feet;

thence South to a point 255.6 feet South of the South right-of-way line of Leavenworth Road;

thence East 100 feet;

thence North to the Southwest corner of Lot 1 RODGERS MANOR a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence East along the South line of Lot 1 RODGERS MANOR to the Southeast corner Lot 1 RODGERS MANOR said corner being on the West right-of-way line of 57th Street;

thence East to the East line of Lot 1 STUDTS HIGHLAND a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South to the Southeast corner of Lot 1 STUDTS HIGHLAND;

thence East along the South line of Lot 1 through 3 STUDTS HIGHLAND to the Southeast corner of Lot 3 STUDTS HIGHLAND said corner also being the Northeast corner of Lot 4 STUDTS HIGHLAND;

thence South along East line of Lot 4 STUDTS HIGHLAND to the Southeast corner of Lot 4 STUDTS HIGHLANDS said corner also being on the North right-of-way line of Lathrop Avenue;

thence East along the North right-of-way line of Lathrop Avenue 100 feet;

thence North to a point 300 feet South of the South right-of-way line of Leavenworth Road;

thence East 205 feet to the Southwest corner of Lot 3 KCKCC DEVELOPMENT a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of Lots 2 and 3 KCKCC DEVELOPMENT to the Northwest corner of Lot 2 KCKCC DEVELOPMENT said corner also being the Southwest corner of Lot 1 KCKCC DEVELOPMENT;

thence East along the South line of Lot 1 KCKCC DEVELOPMENT the Southeast corner Lot 1 KCKCC DEVELOPMENT said corner also being on the West line of 56th Street;

thence East to the West right-of-way line of 56th Street;

thence South along West right-of-way line of 56th Street to a point 465 feet South of the South right-of-way line of Leavenworth Road;

thence East 176.25 feet;

thence South 82 feet;

thence West 18.75 feet;

thence South 83 feet;

thence East to the West line of Lot 4 NEVA ACRES a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of Lot 4 NEVA ACRES to the Northwest corner Lot 4 NEVA ACRES said corner also being the Southwest corner Lot 7 RESURVEY OF LOTS 1-2-3 NEVA ACRES a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of Lots 7 and 8 RESURVEY OF LOTS 1-2-3 NEVA ACRES to the Northwest corner of Lot 8 RESURVEY OF LOTS 1-2-3 NEVA ACRES;

thence East along the North line of Lots 8 through 14 RESURVEY OF LOTS 1-2-3 NEVA ACRES to the Northeast corner of Lot 14 said corner being on the West right-of-way line of 55th Street;

thence East to the East right-of-way line of 55th Street said line also being the West line of Lot 4 BUDY'S SUBDIVISION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of Lots 3 and 4 BUDY'S SUBDIVISION to the Northwest corner of Lot 3 BUDY'S SUBDIVISION;

thence East along the North line of Lot 3 BUDY'S SUBDIVISION to the Northeast corner of Lot 3 BUDY'S SUBDIVISION said corner being on the West line of Lot 52 BUDY HIEGHTS LOTS 20 TO 58 INC a subdivision of land in Kansas City, Wyandotte County, Kansas:

thence South along the West line of Lot 52 BUDY HIEGHTS LOTS 20 TO 58 INC to the Southwest corner of Lot 52 BUDY HIEGHTS LOTS 20 TO 58 INC;

thence East along the South line of Lots 50 through 52 BUDY HIEGHTS LOTS 20 TO 58 INC to the Southeast corner of Lot 50 BUDY HIEGHTS LOTS 20 TO 58 INC said corner also being on the West right-of-way line of 54th Street;

thence East Southwest corner of Lot 49 BUDY HIEGHTS LOTS 20 TO 58 INC;

thence East along the South line of Lots 47 through 49 BUDY HIEGHTS LOTS 20 TO 58 INC to the Southeast corner of Lot 47 BUDY HIEGHTS LOTS 20 TO 58 INC said corner also being the Northwest corner of Lot 35 BUDY HIEGHTS LOTS 20 TO 58 INC;

thence South along the West line of Lot 35 BUDY HIEGHTS LOTS 20 TO 58 INC to the Southwest corner of Lot 35 BUDY HIEGHTS LOTS 20 TO 58 INC;

thence East along the South line of Lot 35 BUDY HIEGHTS LOTS 20 TO 58 INC to the Southeast corner of Lot 35 BUDY HIEGHTS LOTS 20 TO 58 INC said corner also being on the West right-of-way line of 53rd Street;

thence East to the East right-of-way line of 53rd Street said lien also being the West line of Lot 27 BUDY HIEGHTS LOTS 20 TO 58 INC;

thence North along the West line of Lots 27 and 28 to the Northwest corner of Lot 28 BUDY HIEGHTS LOTS 20 TO 58 INC;

thence East along the North line of Lot 28 BUDY HIEGHTS LOTS 20 TO 58 INC to the Northeast corner of Lot 28 BUDY HIEGHTS LOTS 20 TO 58 INC said corner also being on the West line of Lot 20 HOLCOMBS WELBORN HEIGHTS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the West line of Lot 20 HOLCOMBS WELBORN HEIGHTS to the Southwest corner of Lot 20 HOLCOMBS WELBORN HEIGHTS;

thence East along the South line of Lot 20 HOLCOMBS WELBORN HEIGHTS to the Southeast corner of Lot 20 HOLCOMBS WELBORN HEIGHTS said corner also being on the West right-of-way line of 52nd Street;

thence East to the East right-of-way line of 52nd Street said line also being the West line of Lot 4 HOLCOMBS WELBORN HEIGHTS;

thence North along the West line of Lot 4 HOLCOMBS WELBORN HEIGHTS to the Northwest corner of Lot 4 HOLCOMBS WELBORN HEIGHTS;

thence East along the North line of Lot 4 HOLCOMBS WELBORN HEIGHTS to the Northeast line of Lot 4 HOLCOMBS WELBORN HEIGHTS said corner also being on the West line of Lot 6 WELBORN ACRES a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the West line of Lot 6 WELBORN ACRES to the Southwest corner of Lot 6 WELBORN ACRES;

thence East along the South line of Lot 5 and 6 WELBORN ACRES to the Southeast corner of Lot 5 WELBORN ACRES;

thence North along the East line of Lot 5 WELBORN ACRES to a point 458 feet South of the South right-of-way line of Leavenworth Road;

thence East to the East line of Lot 4 WELBORN ACRES;

thence North along the East line of Lot 4 WELBORN ACRES to the Southwest corner of Lot 1 WELBORN ACRES;

thence East along South line of Lot 1 WELBORN ACRES to the Southeast corner of Lot 1 WELBORN ACRES said corner also being on the West right-of-way line of 51st Street;

thence East to the East right-of-way line of 51st Street;

thence North along the East right-of-way line of 51st Street to a point 122.5 feet South of the South right-of-way line of Leavenworth Road;

thence East 193.60 feet;

thence South 7.5 feet

thence West 5 feet;

thence South 116 feet;

thence West 85.8 feet;

thence South 10 feet;

thence East 32 feet;

thence North 142 feet to the Southwest right-of-way line of Welborn Lane:

thence West to the Northeast right-of-way line of Welborn Lane;

thence Southeasterly along the Northeast right-of-way line of Welborn Lane to a point 475.4 feet Southeast of the South of the South right-of-way line of Leavenworth Road;

thence Northeast to the South corner of Lot 5 CASH'S SUBDIVISION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence Northeast along the Southeast line of Lot 5 CASH'S SUBDIVISION to the to the Southeast corner of Lot 5 CASH'S SUBDIVISION said corner also being the Southwest corner of Lot 4 CASH'S SUBDIVISION;

thence East along the South line of Lot 2 through 4 CASH'S SUBDIVISION to the Southeast corner of Lot 2 CASH'S SUBDIVISION said corner also being on the West right-of-way line of 49th Terrace;

thence East to the East right-of-way line of 49th Terrace said line also being on the West line of Lot 1 CASH'S SUBDIVISION;

thence South along the West line of Lot 2 CASH'S SUBDIVISION to the Southwest corner of Lot 1 CASH'S SUBDIVISION;

thence East along the South line of Lot 1 CASH'S SUBDIVISION to the Southeast corner of Lot 1 CASH'S SUBDIVISION said line also being the West line of LAKE WELBORN ADDITION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West line of LAKE WELBORN ADDITION to the Southwest corner of Lot 3 LAKE WELBORN ADDITION;

thence East along the South line of Lot 3 LAKE WELBORN ADDITION to the Southeast corner of Lot 3 LAKE WELBORN ADDITION;

thence North along the East line of Lots 1 through 3 LAKE WELBORN ADDITION to the Northeast corner of Lot 1 LAKE WELBORN ADDITION said corner being on the South right-of-way line of Leavenworth Road;

thence East along the South right-of-way line of Leavenworth Road to the Northwest corner of Lot 38 LAKE WELBORN ADDITION;

thence South along the West line of Lot 38 LAKE WELBORN ADDITION to a point 100 feet North of the South line of Lot 38 LAKE WELBORN ADDITION;

thence East to the East line of Lot 38 LAKE WELBORN ADDITION said line being on the West line of Lot 36 LAKE WELBORN ADDITION;

thence South along the West line of Lot 36 LAKE WELBORN ADDITION to a point 261 feet South of the South right-of-way line of Leavenworth Road;

thence East to the East line of Lot 36 LAKE WELBORN ADDITION;

thence North to a point 99 feet South of the South right-of-way line of Leavenworth Road;

thence East 121.25 feet to the West right-of-way line of 47th Terrace;

thence East to the East right-of-way line of 47th Terrace;

thence South to a point 205 feet South of the South right-of-way line of Leavenworth Road;

thence Southeast 112.5 feet to a point 2013 feet South of the South right-of-way line of Leavenworth Road;

thence South 24 feet; thence East 131.7 feet to the West line of Lot 1 WELBORN CLOVER FARMS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the West line of Lot 1 WELBORN CLOVER FARMS to the Southwest corner of Lot 1 WELBORN CLOVER FARMS;

thence East along the South line Lot 1 WELBORN CLOVER FARMS to the Southeast corner of Lot 1 WELBORN CLOVER FARMS;

thence North along the East line of Lot 1 WELBORN CLOVER FARMS to a point 210.5 feet South of the South right-of-way line of Leavenworth Road;

thence East 213.8 feet to the East line of Lot 3 WELBORN CLOVER FARMS said lien also begin the West right-of-way line of 47th Street;

thence East to the East right-of-way line of 47th Street said line also being the West line of Lot 4 WELBORN CLOVER FARMS;

thence North along the West line of Lot 4 WELBORN CLOVER FARMS to a point 110 feet South of the South right-of-way line of Leavenworth Road;

thence East to the East line of Lot 4 WELBORN CLOVER FARMS said line also being the West line of Lot 5 WELBORN CLOVER FARMS;

thence South along the West line of Lot 5 WELBORN CLOVER FARMS to a point 246.95 feet South of the South right-of-way line of Leavenworth Road;

thence East to the East line of Lot 5 WELBORN CLOVER FARMS said line also being the West line of Lot 6 WELBORN CLOVER FARMS:

thence South along the West line of Lot 6 WELBORN CLOVER FARMS to the Southwest line of WELBORN CLOVER FARMS;

thence East along the South lien of Lot 6 WELBORN CLOVER FARMS to the Southeast corner of Lot 6 WELBORN CLOVER FARMS;

thence North to a point 246 feet South of the South right-of-way line of Leavenworth Road;

thence East 165 feet:

thence North 62 feet;

thence East 87.8 feet;

thence North 17 feet:

thence East 60 feet to the West right-of-way line of 45th Street;

thence East to the East right-of-way line of 45th Street;

thence East 150 feet to the East line of Lot 1 BROSE ADDITION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the East line of lot 1 BROSE ADDITION to the North line of Lot 4 BROSE ADDITION;

thence East along the North line of Lot 4 through 6 BROSE ADDITION to the Northeast corner of Lot 6 said corner being on the East right-of-way line of 44th Street;

thence North along the East right-of-way line of 44th Street to the North right-of-way line of Lathrop Avenue;

thence East along the North right-of-way line of Lathrop Avenue to the Southwest corner of Lot 11 COUNTRY HOME ADDITION a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence East along the South line of Lots 11 and 12 COUNTRY HOME ADDITION to the Southeast corner of Lot 12 COUNTRY HOME ADDITION:

thence North along the East line of Lot 12 COUNTRY HOME ADDITION to the Northeast corner of Lot 12 COUNTRY HOME ADDITION said corner also being the Southwest corner of Lot 8 COUNTRY HOME ADDITION;

thence East along the South line of Lot 8 COUNTRY HOME ADDITION to the Southeast corner of Lot 8 COUNTRY HOME ADDITION;

thence North along the East line of Lot 8 COUNTRY HOME ADDITION to a point 240 feet South of the North line of Lot 8 COUNTRY HOME ADDITION;

thence East to the East line of Lot 7 COUNTRY HOME ADDITION;

thence North along the East line of Lot 7 COUNTRY HOME ADDITION a point 165 feet South of the North line of Lot 7 COUNTRY HOME ADDITION;

thence East to the East line of Lot 6 COUNTRY HOME ADDITION said line also being the West right-of way line of 43rd Street;

thence East to the West right-of way line of 43rd Street said line being the West line of Lot 5 COUNTRY HOME ADDITION;

thence South along the West line of Lot 5 COUNTRY HOME ADDITION to the Southwest corner of lot 5 COUNTRY HOME ADDITION:

thence East along the South line of Lots 1 through 5 COUNTRY HOME ADDITION to the Southeast corner of Lot 1 COUNTRY HOME ADDITION;

thence North along the East line of Lot 1 COUNTRY HOME ADDITION to a point 153 feet South of the Northeast corner of Lot 1 COUNTRY HOME ADDITION;

thence East 188 feet to the West right-of-way line of 42nd Street;

thence East to the East right-of-way line of 42nd Street said line also being the West line ORCHARD HEIGHTS ANNEX a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence South along the West line of ORCHARD HEIGHTS ANNEX to the Southwest corner of ORCHARD HEIGHTS ANNEX:

thence East along the South line of ORCHARD HEIGHTS ANNEX to the Southeast corner of ORCHARD HEIGHTS ANNEX said corner being on the West right-of-way line of 40th Street;

thence East to the East right-of-way line of 40th Street said line also being the West line of Lot 15 ORCHARD HEIGHTS a subdivision of land in Kansas City, Wyandotte County, Kansas;

thence North along the West ling of Lot 15 ORCHARD HEIGHTS to the Northwest corner Lot 15 ORCHARD HEIGHTS

thence East along the North line of Lot 2 and 15 ORCHARD HEIGHTS to the Northeast corner Lot 2 ORCHARD HEIGHTS said corner being on the West right-of-way line of 38th Street;

thence North along the West right-of-way line of 38th Street to the South right-of-way line of Leavenworth Road;

thence East along the South right-of-way line of Leavenworth Road to the centerline of 38th Street;

thence North to the point of beginning.

Staff Request for Commission Action

Tracking No. 20492

Full Commission Meeting Date: 10/29/20
Committee: Economic Development & Finance

Date of Standing Committee Action: 7/6/20
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/23/2020	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:
Public hearing and Ordinance for the Riverfront TIF Project Area 1, which is the development of the Yards II Apartment project.

Action Requested:
Public hearing and approval by 2/3 of the Commission.

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Ordinance Adopting Redevelopment Project Plan (UG Yards II), Riverfront TIF Project Area 1 Redevelopment Project Plan FINAL

(Published in ***The Wyandotte Echo*** on October __, 2020)

ORDINANCE NO. O- _____-20

AN ORDINANCE OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ADOPTING A REDEVELOPMENT PROJECT PLAN PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO, FOR PROJECT AREA 1 WITHIN THE RIVERFRONT REDEVELOPMENT DISTRICT.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the "Act"), the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is authorized to adopt redevelopment project plans within established redevelopment districts, as said terms are defined in the Act, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the Unified Government or special obligation tax increment bonds of the Unified Government payable from such described revenues; and

WHEREAS, the Board of Commissioners of the Unified Government (the "Governing Body") on August 13, 2020, passed Ordinance No. O-47-20, which created the Riverfront Redevelopment District within Kansas City, Kansas, the boundaries of which were defined in said Ordinance (the "Redevelopment District") and containing four redevelopment project areas, including particularly "Project Area 1" as defined therein; and

WHEREAS, a Redevelopment Project Plan for Project Area 1 of the Riverfront Redevelopment District (the "Redevelopment Project Plan") was filed with the Unified Government Clerk which provides for the redevelopment of Project Area 1 within the Redevelopment District; and

WHEREAS, on September 14, 2020 the Planning Commission of the Unified Government made a finding that the Redevelopment Project Plan was consistent with the intent of the Unified Government's comprehensive plan for the development; and

WHEREAS, a copy of the Redevelopment Project Plan was delivered by the Unified Government to the Board of Education of Unified School District No. 500; and

WHEREAS, the Governing Body adopted Resolution No. R-68-20 on September 17, 2020 calling for a public hearing considering the adoption of the Redevelopment Project Plan to be held by the Governing Body on October 29, 2020; and

WHEREAS, notice of the public hearing was given as required by the Act, and the public hearing was held and closed on October 29, 2020.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. **Approval of Redevelopment Project Plan**. The Governing Body finds and determines that all required notice of the public hearing and the Redevelopment Project Plan were properly

given in accordance with the Act. The Governing Body hereby adopts the Redevelopment Project Plan pursuant to the Act for Project Area 1 within the Riverfront Redevelopment Disrict, which is depicted on **Exhibit A** and legally described on **Exhibit B** attached hereto.

Section 2. Relocation Assistance Plan. The Governing Body finds and determines that the Redevelopment Project Plan does not require a relocation assistance plan under the Act.

Section 3. Transmittal of Redevelopment Project Plan. Copies of the Redevelopment Project Plan and this Ordinance shall be filed with the Clerk and also transmitted by the Clerk to the County Appraiser, County Treasurer, and the governing boards of the County and the school district in which the Redevelopment District is located.

Section 4. Further Action. The Mayor/CEO, County Manager, Unified Government Clerk and other officials and employees of the Unified Government, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 5. Effective Date. This ordinance shall be in full force and take effect from and after its passage by 2/3 vote of the Governing Body and publication once in ***The Wyandotte Echo***.

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PASSED BY NO LESS THAN TWO-THIRDS OF THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 29TH DAY OF OCTOBER, 2020.

[SEAL]

_____
Mayor/CEO

Attest:

_____
Unified Government Clerk

EXHIBIT A

MAP OF REDEVELOPMENT DISTRICT AND PROJECT AREA 1

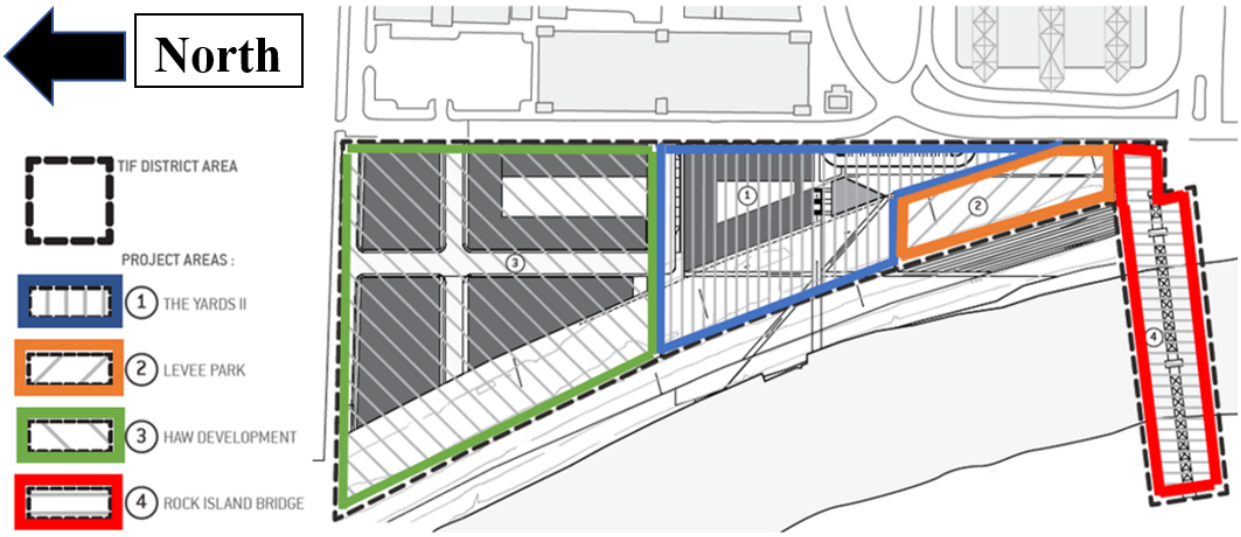

EXHIBIT B

LEGAL DESCRIPTION OF PROJECT AREA 1

A PORTION OF LOT 1 OF FRACTIONAL SECTION 14, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AS LOCATED BY SILAS ARMSTRONG, ACCORDING TO THE OFFICIAL GOVERNMENT PLAT FILED IN THE DISTRICT LAND OFFICE AT LECOMPTON, KANSAS TERRITORY IN FEBRUARY 1858; SAID LAND ALSO BEING PORTIONS OF TRACTS 1, 2, 3 AND 4 AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 911 IN 1867 AND A PORTION OF THE NORTH 40 ACRE TRACT AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 1066 IN 1869, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: BEARINGS STATED IN THE FOLLOWING DESCRIPTION ARE ORIENTED TO GRID NORTH, MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM 1983.

COMMENCING AT A POINT ON THE KANSAS/MISSOURI STATE LINE, SAID POINT BEING 2162.94 FEET SOUTH OF THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION 14 AND 1016.21 NORTH OF THE SOUTHWEST CORNER OF FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN KANSAS CITY, JACKSON COUNTY, MISSOURI, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF GATEWAY 2000 - KANSAS, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 87 DEGREES 58 MINUTES 19 SECONDS WEST 835.11 FEET, ALONG THE SOUTH LINE OF SAID GATEWAY 2000 - KANSAS, TO A POINT ON THE UNITED STATES HARBOR LINE WHICH IS A CURVE CONCAVE TO THE EAST AND TO WHICH POINT A RADIAL LINE BEARS NORTH 66 DEGREES 17 MINUTES 58 SECONDS EAST; THENCE SOUTHERLY 149.84 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE LEFT HAVING A RADIUS OF 2570.20 FEET AND A CENTRAL ANGLE OF 3 DEGREES 20 MINUTES 25 SECONDS; THENCE SOUTH 27 DEGREES 02 MINUTES 27 SECONDS EAST 314.59 FEET, ALONG SAID HARBOR LINE, TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY 421.56 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5729.68 FEET AND A CENTRAL ANGLE OF 4 DEGREES 12 MINUTES 56 SECONDS TO THE POINT OF BEGINNING; THENCE SOUTHERLY 586.86 FEET, CONTINUING ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5729.68 FEET AND A CENTRAL ANGLE OF 5 DEGREES 51 MINUTES 48 SECONDS; THENCE SOUTH 89 DEGREES 43 MINUTES 43 SECONDS EAST 113.62 FEET; THENCE SOUTH 16 DEGREES 49 MINUTES 25 SECONDS EAST 442.20 FEET, TO A POINT ON THE KANSAS/MISSOURI STATE LINE AND THE WEST RIGHT-OF-WAY LINE OF AMERICAN ROYAL DRIVE, AS NOW ESTABLISHED; THENCE NORTH 00 DEGREES 17 MINUTES 16 SECONDS EAST 726.84 FEET, ALONG SAID STATE LINE, TO THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST; THENCE NORTH 00 DEGREES 17 MINUTES 41 SECONDS EAST 245.82 FEET, ALONG SAID STATE LINE; THENCE NORTH 89 DEGREES 42 MINUTES 19 SECONDS WEST 445.77 FEET, TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED.

REDEVELOPMENT PROJECT PLAN

FOR PROJECT AREA 1 OF

RIVERFRONT REDEVELOPMENT DISTRICT

SUBMITTED PURSUANT TO

K.S.A. 12-1770 *et seq.*, as amended

Submitted: September 11, 2020

This Redevelopment Project Plan was prepared in consultation with the Unified Government of Wyandotte County/Kansas City, Kansas and the Planning Commission thereof.

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I. INTRODUCTION

A) Redevelopment District

Pursuant to the Kansas Tax Increment Financing Act, K.S.A. 12-1770 *et seq.*, as amended ("**TIF Act**"), Kansas municipalities are authorized to establish a redevelopment district and Tax Increment Financing ("**TIF**") redevelopment project plans for property within their jurisdiction. Redevelopment districts may be created based upon certain findings by the municipality, including that property is located within a designated enterprise zone (as defined by the TIF Act).

On August 13, 2020, the Unified Government of Wyandotte County/Kansas City, Kansas (the "**UG**"), after conducting a duly noticed public hearing, found that certain real property generally shown on the map attached hereto as **Exhibit B-1** and legally described on **Exhibit B-2**, is located within an enterprise zone. Based upon such finding, the UG established a redevelopment district called the Riverfront Redevelopment District (the "**District**") that encompasses the Property. The District consists of four (4) redevelopment project areas, including Project Area 1, which is generally depicted on **Exhibit C-1** and legally described on **Exhibit C-2** ("**Project Area 1**")

B) Redevelopment Project

KC THE YARDS 2, LLC, an Indiana limited liability company (the "**Developer**"), is pleased to present this Redevelopment Project Plan for Project Area 1 of the Riverfront Redevelopment District (the "**Redevelopment Plan**") to the UG for its consideration and approval. The term of the Redevelopment Plan shall not exceed twenty (20) years and shall commence upon the UG's approval of the same (the "**TIF Collection Period**").

The Redevelopment Plan contemplates the redevelopment of Project Area 1 of the District, which is comprised of approximately three (3) acres of real property generally located west of State Line Road, east of the Kansas River, north of Kansas Avenue, and south of Interstate 670 in the historic West Bottoms in Kansas City, Kansas. The redevelopment project for Project Area 1 contemplates the construction of an approximately 225-240 unit market rate multi-family residential development, with potential for a retail/restaurant/commercial component on the first floor, surface parking, courtyards, landscaping, lighting, utilities, and other infrastructure (collectively, the "**Project**"). A site plan depicting the general development concept of the Project is attached hereto as **Exhibit A**.

It is important to note, however, that this description of uses, and the buildings the Developer plans to construct for such uses, is not intended to be inflexible. This Redevelopment Plan contemplates reasonable variations from the descriptions above, subject to the terms and conditions of the Yards II Development Agreement dated August 13, 2020 between Developer and the UG (the "**Development Agreement**"), but generally allowing for the construction of the Project, an approximately 225-240 unit market rate multi-family residential development, with potential for a retail/restaurant/commercial component on the first floor, surface parking, courtyards, landscaping, lighting, utilities, and other infrastructure.

The Developer's intent is to develop Project Area 1 to promote the general and economic welfare of the UG. This Redevelopment Plan is premised on the need for a combination of public

and private financing to reach the mutual goals of the UG and the Developer in developing the Project.

As shown herein, the Redevelopment Plan proposes to finance TIF Eligible Expenses (as defined in Section III.D.2 below) by capturing 100% of the allowable ad valorem tax increment[1] generated within Project Area 1 ("**Project Area 1 TIF Revenues**"). Any ad valorem taxes collected from Project Area 1 and not needed to fund TIF Eligible Expenses to be reimbursed to the Developer pursuant to the Development Agreement will be available to fund other TIF Eligible Expenses within Project Area 1 and/or other project areas within the District and/or distributed to all taxing jurisdictions in accordance with their respective mill levies pursuant to State law.

As shown on **Exhibit F**, based on projections of real property values within Project Area 1 over the TIF Collection Period, it is estimated that Project Area 1 will generate gross Project Area 1 TIF Proceeds of approximately $12.7 Million. As permitted by the TIF Act, such Project Area 1 TIF Revenues may be utilized to pay for TIF Eligible Expenses (including interest on TIF Eligible Expenses).

II. PROJECT DEVELOPMENT TEAM

- The Unified Government of Wyandotte County/Kansas City, Kansas
- KC THE YARDS 2, LLC
- Rouse Frets White Goss Gentile Rhodes, P.C.

III. REDEVELOPMENT PROJECT PLAN

A) The Property

Developer does not yet own the property that constitutes Project Area 1 but has the right to acquire the property from Livestock Exchange, LLC. Developer shall, upon closing its acquisition of such property, have all rights to occupy and develop the same. A map generally depicting Project Area 1 is attached hereto as **Exhibit C-1**, and the legal description of Project Area 1 is attached hereto as **Exhibit C-2**.

B) Established Redevelopment District

Project Area 1 is within an established District approved by the UG on August 13, 2020 pursuant to Ordinance No. O-47-20 (see copy attached hereto as **Exhibit D**). The proposed Redevelopment Plan is consistent with the stated purpose and intent of the approved District.

C) Description of the Proposed Project

The Redevelopment Plan provides for the construction of approximately 225-240 market rate multi-family residential units, with potential for a retail/restaurant/commercial component on

[1] The Developer and UG acknowledge that, under Kansas law, the following mills may not be captured by TIF financing: (a) the State of Kansas's 1.5 mills, (b) the school district's base 20 mills, and (c) the school district's capital outlay levy, which may not exceed 8 mills.

the first floor, surface parking, courtyards, landscaping, lighting, utilities, and other infrastructure and associated infrastructure and other improvements, all as set forth in Section I.B and generally depicted on **Exhibit A**.

D) Feasibility Study

As required by the TIF Act, a study has been prepared to determine whether the Project's estimated benefits and tax increment revenues are expected to exceed or be sufficient to pay for the Project's estimated costs. This effort involved utilization of consultants with experience and expertise in the actual design, development, financing, management, and leasing of projects of similar scope and nature. Further, outside resources were consulted to compare and verify cost and revenue projections including outside industry sources and actual taxing jurisdiction data where available. The results of this study are as follows:

1. Project Costs

As set out on **Exhibit E**, the total estimated cost to complete the Project, including land acquisition, site development, building construction, and soft costs (not including financing costs), is approximately $41 million.

2. Eligible Costs

"**TIF Eligible Expenses**" shall consist of all costs eligible for TIF financing and reimbursement under the TIF Act, including the costs of public infrastructure within the District.

As set out on **Exhibit F**, the Developer estimates that only $6.34 million of the total estimated Project costs are TIF Eligible Expenses. Although, not set out on **Exhibit F**, "TIF Eligible Expenses" also includes Interest as defined in and provided by Section 4.3 of the Development Agreement. The Redevelopment Plan contemplates that, to the full extent permissible under the TIF Act, 100% of available Project Area 1 TIF Revenues (after payment of the UG's TIF Administrative Fee) will be made available to reimburse TIF Eligible Expenses. All reimbursement to the Developer of TIF Eligible Expenses will be subject always to the terms, conditions and limitations of the Development Agreement.

It is anticipated that TIF Eligible Expenses will be reimbursed under this Redevelopment Plan on a "pay-as-you-go" method. There will be no bonds or other obligations issued by the UG in order to reimburse any TIF Eligible Expenses or other costs of the Project. Reimbursement of TIF Eligible Expenses to Developer is subject to the terms and conditions set forth in the Development Agreement, including the Developer properly certifying and evidencing to the UG that such costs were actually incurred, and the requirement that such TIF Eligible Expenses are eligible costs in accordance with the TIF Act.

3. Ad Valorem Property Tax Increment Captured

According to the Wyandotte County Appraiser's Office, the 2020 assessed value for the District is $123,100. This serves as the base value against which future assessed values of the District will be compared in order to determine the amount of incremental property tax revenues that will be generated. The District currently consists of only one tax parcel, a portion of which

will be located in Project Area 1 and a portion of which will be located in Project Area 3. Currently, no tax parcels exist for the portions of the District that constitute the levee and the bridge over the Kansas River.

TIF Eligible Expenses will only be funded with ad valorem tax increment generated by Project Area 1, *i.e.*, Project Area 1 TIF Revenue. The Project Area 1 TIF Revenues generated over the TIF Collection Period as set forth on **Exhibit F** are estimated to be $12.7 million. Notwithstanding the foregoing and in all regards, Developer's reimbursement from TIF Revenues will be subject to the TIF Cap (defined below).

4. **Significant Contribution to Economic Development of the City**

The development contemplated in this Redevelopment Plan will provide significant economic development for the UG by, among other things, providing increased tax revenues to the UG, creating a development that will draw additional consumers from both inside and outside the UG, and increasing employment opportunities and general commerce for area residents. The feasibility study demonstrates that the benefits and tax increment revenue and other available revenues derived from the development contemplated in this Redevelopment Plan will exceed the costs and be sufficient to pay the costs of the Project.

5. **Sufficiency of TIF Revenues Compared to Projects Costs**

The total of the TIF Eligible Expenses that can be financed under the TIF Act are limited by the amount of Project Area 1 TIF Revenues actually generated. The amount of TIF Eligible Expenses to be reimbursed to the Developer are further subject to the $11,000,000 TIF Cap (the "**TIF Cap**," as further set forth in the Development Agreement). Based on the Redevelopment Plan's estimates of: (1) TIF Eligible Expenses and (2) Project Area 1 TIF Revenues, the Project Area 1 TIF Revenues are expected to be sufficient to pay for the TIF Eligible Expenses as contemplated under the TIF Act. Other funds needed to construct the Project will be provided by private debt and equity.

Est. Project Costs	**$41,132,310 ***
Sources of Funds	**Amount**
TIF Revenue	$ 6,341,283
Private Debt/Equity	$34,791,027
TOTAL	**$41,132,310**

* Does not include interest or finance costs.

There is no anticipated effect on special obligation bonds payable from revenues described in K.S.A. 12-1774(a)(1)(D) because no such special obligation bonds are outstanding or planned to be issued to finance the Project.

E) Relocation Assistance Plan

The UG and Developer have determined pursuant to K.S.A. 12-1777 that no relocation assistance plan is required for the Project.

IV. CONCLUSION

Based on the foregoing, this Redevelopment Plan proposes to utilize portions of the ad valorem tax increment, and certain other funds described herein to finance the costs of the Project. The UG and Developer hereby submit this Redevelopment Plan for public hearing and due consideration.

V. EXHIBITS

[Exhibits Follow]

Exhibit A

Proposed Site Plan

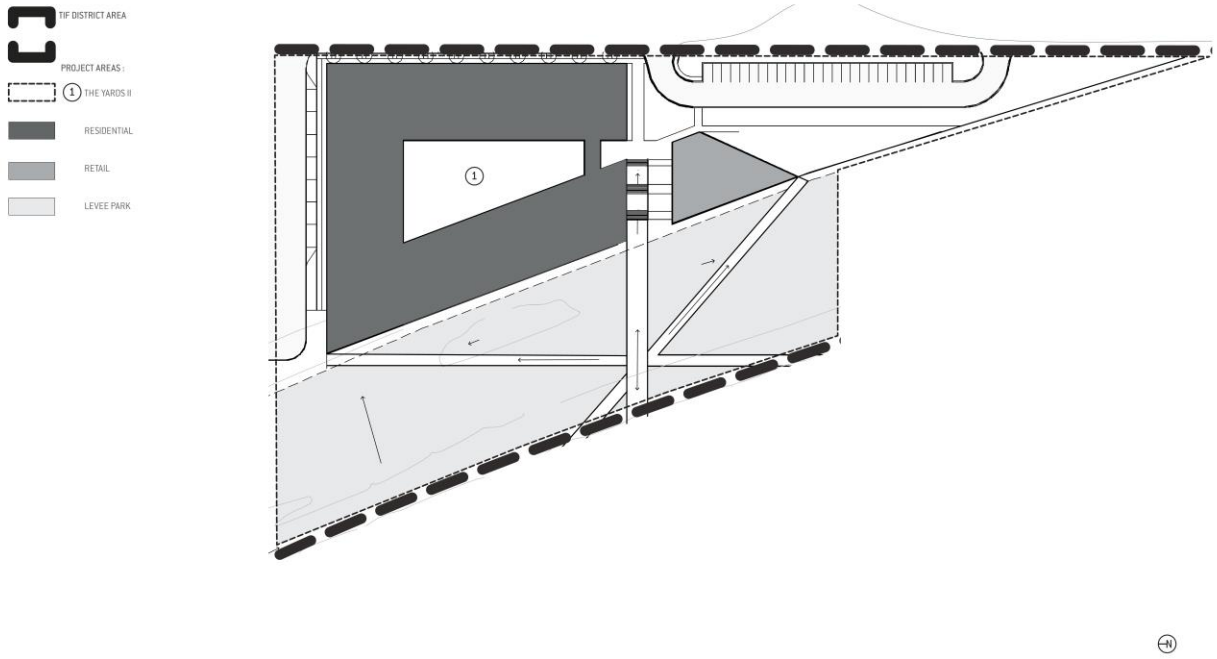
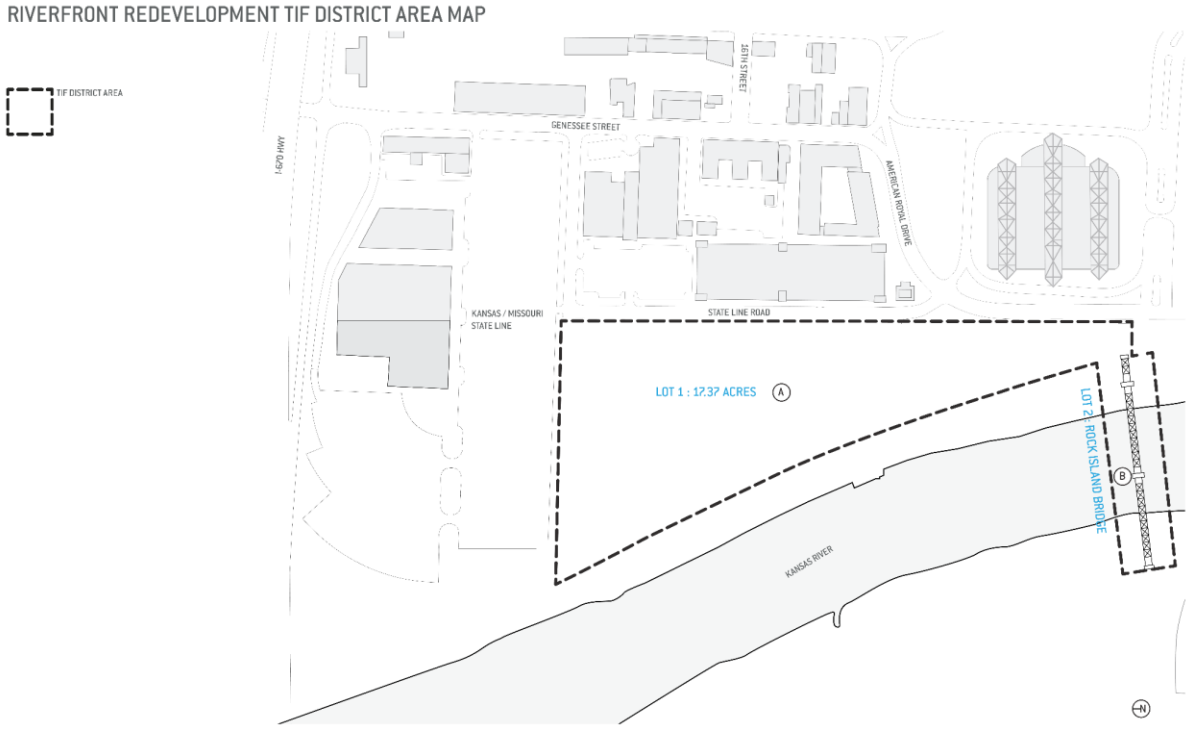


Exhibit B-1

Map of Redevelopment District and Project Areas



==========Map of Project Areas==========

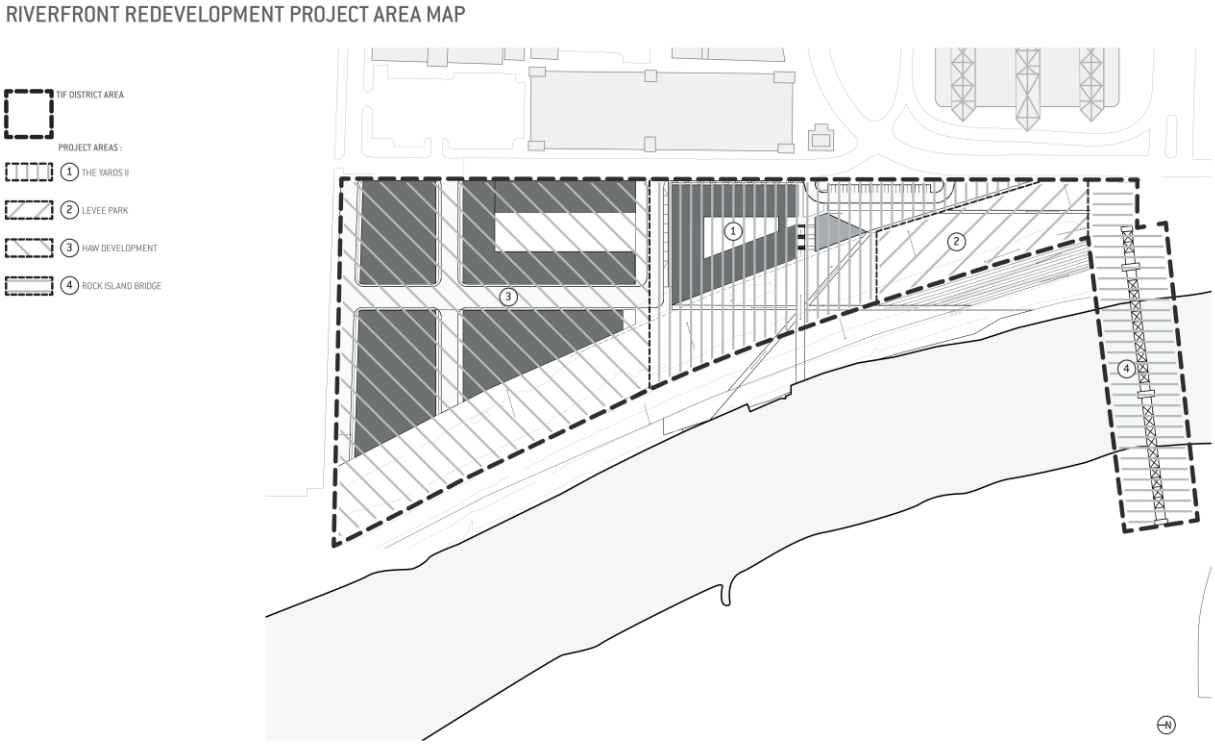


Exhibit B-2

Legal Description of Redevelopment District

A PORTION OF LOT 1 OF FRACTIONAL SECTION 14, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AS LOCATED BY SILAS ARMSTRONG, ACCORDING TO THE OFFICIAL GOVERNMENT PLAT FILED IN THE DISTRICT LAND OFFICE AT LECOMPTON, KANSAS TERRITORY IN FEBRUARY 1858; SAID LAND ALSO BEING PORTIONS OF TRACTS 1, 2, 3 AND 4 AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 911 IN 1867 AND A PORTION OF THE NORTH 40 ACRE TRACT AS SHOWN ON THE PLAT OF PARTITION IN DISTRICT COURT CASE NO. 1066 IN 1869, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: BEARINGS STATED IN THE FOLLOWING DESCRIPTION ARE ORIENTED TO GRID NORTH, MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM 1983.

BEGINNING AT A POINT ON THE KANSAS/MISSOURI STATE LINE, SAID POINT BEING 2162.94 FEET SOUTH OF THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION 14 AND 1016.21 NORTH OF THE SOUTHWEST CORNER OF FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN KANSAS CITY, JACKSON COUNTY, MISSOURI, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF GATEWAY 2000 - KANSAS, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 87 DEGREES 58 MINUTES 19 SECONDS WEST 835.11 FEET, ALONG THE SOUTH LINE OF SAID GATEWAY 2000 - KANSAS, TO A POINT ON THE UNITED STATES HARBOR LINE WHICH IS A CURVE CONCAVE TO THE EAST AND TO WHICH POINT A RADIAL LINE BEARS NORTH 66 DEGREES 17 MINUTES 58 SECONDS EAST; THENCE SOUTHERLY 149.84 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE LEFT HAVING A RADIUS OF 2570.20 FEET AND A CENTRAL ANGLE OF 3 DEGREES 20 MINUTES 25 SECONDS; THENCE SOUTH 27 DEGREES 02 MINUTES 27 SECONDS EAST 314.59 FEET, ALONG SAID HARBOR LINE, TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY 1021.96 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5729.68 FEET AND A CENTRAL ANGLE OF 10 DEGREES 13 MINUTES 10 SECONDS; THENCE SOUTH 16 DEGREES 49 MINUTES 25 SECONDS EAST 262.70 FEET, ALONG SAID HARBOR LINE, TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY 288.90 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1910.08 FEET AND A CENTRAL ANGLE OF 8 DEGREES 39 MINUTES 69 SECONDS, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD (NOW ABANDONED); THENCE SOUTH 87 DEGREES 27 MINUTES 18 SECONDS EAST 98.27 FEET, ALONG SAID NORTH RIGHT-OF-WAY LINE, TO A POINT ON THE KANSAS/MISSOURI STATE LINE AND THE WEST RIGHT-OF-WAY

LINE OF AMERICAN ROYAL DRIVE, AS NOW ESTABLISHED; THENCE NORTH 00 DEGREES 17 MINUTES 16 SECONDS EAST 854.18 FEET, ALONG SAID STATE LINE, TO THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST; THENCE NORTH 00 DEGREES 17 MINUTES 41 SECONDS EAST 1016.21 FEET, ALONG SAID STATE LINE, TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED.

Exhibit C-1

Map of Project Area 1

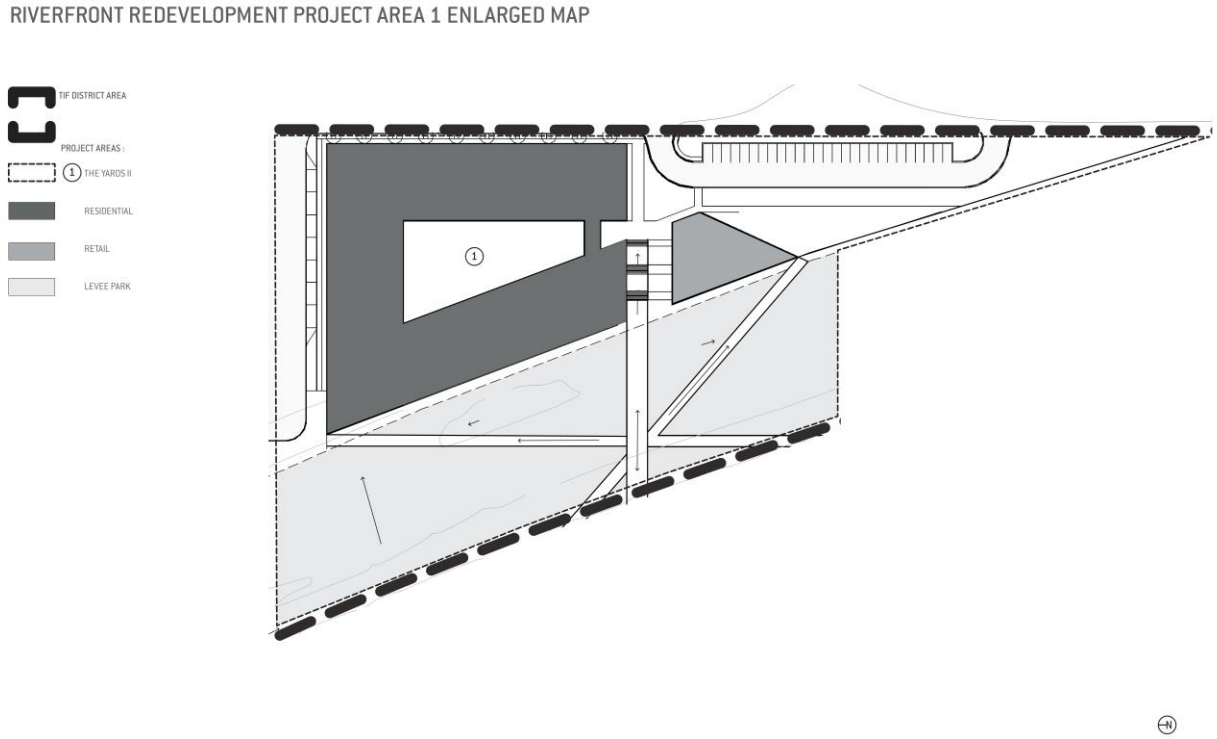


Exhibit C-2

Legal Description of Project Area 1

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NOTE: BEARINGS STATED IN THE FOLLOWING DESCRIPTION ARE ORIENTED TO GRID NORTH, MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM 1983.

COMMENCING AT A POINT ON THE KANSAS/MISSOURI STATE LINE, SAID POINT BEING 2162.94 FEET SOUTH OF THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION 14 AND 1016.21 NORTH OF THE SOUTHWEST CORNER OF FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN KANSAS CITY, JACKSON COUNTY, MISSOURI, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF GATEWAY 2000 - KANSAS, A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 87 DEGREES 58 MINUTES 19 SECONDS WEST 835.11 FEET, ALONG THE SOUTH LINE OF SAID GATEWAY 2000 - KANSAS, TO A POINT ON THE UNITED STATES HARBOR LINE WHICH IS A CURVE CONCAVE TO THE EAST AND TO WHICH POINT A RADIAL LINE BEARS NORTH 66 DEGREES 17 MINUTES 58 SECONDS EAST; THENCE SOUTHERLY 149.84 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE LEFT HAVING A RADIUS OF 2570.20 FEET AND A CENTRAL ANGLE OF 3 DEGREES 20 MINUTES 25 SECONDS; THENCE SOUTH 27 DEGREES 02 MINUTES 27 SECONDS EAST 314.59 FEET, ALONG SAID HARBOR LINE, TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTHERLY 421.56 FEET, ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5729.68 FEET AND A CENTRAL ANGLE OF 4 DEGREES 12 MINUTES 56 SECONDS TO THE POINT OF BEGINNING; THENCE SOUTHERLY 586.86 FEET, CONTINUING ALONG SAID HARBOR LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 5729.68 FEET AND A CENTRAL ANGLE OF 5 DEGREES 51 MINUTES 48 SECONDS; THENCE SOUTH 89 DEGREES 43 MINUTES 43 SECONDS EAST 113.62 FEET; THENCE SOUTH 16 DEGREES 49 MINUTES 25 SECONDS EAST 442.20 FEET, TO A POINT ON THE KANSAS/MISSOURI STATE LINE AND THE WEST RIGHT-OF-WAY LINE OF AMERICAN ROYAL DRIVE, AS NOW ESTABLISHED; THENCE NORTH 00 DEGREES

17 MINUTES 16 SECONDS EAST 726.84 FEET, ALONG SAID STATE LINE, TO THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 6, TOWNSHIP 49 NORTH, RANGE 33 WEST; THENCE NORTH 00 DEGREES 17 MINUTES 41 SECONDS EAST 245.82 FEET, ALONG SAID STATE LINE; THENCE NORTH 89 DEGREES 42 MINUTES 19 SECONDS WEST 445.77 FEET, TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED.

Exhibit D

Redevelopment District Ordinance No. O-47-20

(Published in ***The Wyandotte Echo*** on August 20, 2020)

ORDINANCE NO. O-47-20

AN ORDINANCE MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the "Act"), the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is authorized to establish redevelopment districts within a defined area of the Unified Government which is an area within the Unified Government that was designated as an enterprise zone prior to July 1, 1992, and is therefore an "eligible area" as said term is defined in the Act; and

WHEREAS, the Board of Commissioners of the Unified Government (the "Governing Body") adopted Resolution No. R-41-20 on July 9, 2020, calling for a public hearing considering the establishment of a redevelopment district to be held by the Governing Body on August 13, 2020; and

WHEREAS, notice of the public hearing was given as required by the Act; and

WHEREAS, the public hearing was held on August 13, 2020 and closed on the same day.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

SECTION 1. The Governing Body hereby finds that the real property described in **Exhibits A and B** (the "Redevelopment District") attached hereto is an eligible area for being designated as a redevelopment district pursuant to the Act because the real property is an area within the Unified Government that was designated as an enterprise zone prior to July 1, 1992.

SECTION 2. The Governing Body hereby finds that the real property described in **Exhibits A and B** includes only areas designated in the notice of public hearing given as required by the Act and Resolution No. R-41-20, and that all required notices under the Act were properly and timely given.

SECTION 3. The Governing Body hereby finds that the conservation, development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the Unified Government.

SECTION 4. The Governing Body hereby establishes the Redevelopment District, which shall consist of four (4) project areas depicted on the map attached hereto as **Exhibit A**. The district plan is hereby approved as follows, without limitation:

> **Project Area 1 (The Yards II).** One or more buildings to be utilized for multifamily residential uses, commercial uses, mixed use commercial retail, restaurant uses, and any other commercial structure or use (including but not limited to, office, non-profit, governmental, or community use), and including such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities (including parking garages), courtyards, other associated and appurtenant structures and facilities, and any other items allowable under the Act.

Project Area 2 (Levee Park). Commercial uses, mixed use commercial retail, restaurant uses, and any other commercial structure or use (including but not limited to, office, non-profit, governmental, or community use), and including such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities (including parking garages), courtyards, other associated and appurtenant structures and facilities, and any other items allowable under the Act.

Project Area 3 (Haw Development). One or more buildings to be utilized for multifamily residential uses, commercial uses, mixed use commercial retail, restaurant uses, and any other commercial structure or use (including but not limited to, office, non-profit, governmental, or community use), and including such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities (including parking garages), courtyards, other associated and appurtenant structures and facilities, and any other items allowable under the Act.

Project Area 4 (Rock Island Bridge). Commercial uses, mixed use commercial retail, restaurant uses, and any other commercial structure or use (including but not limited to, office, non-profit, governmental, or community use), and including such associated site work, infrastructure, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities (including parking garages), courtyards, other associated and appurtenant structures and facilities, and any other items allowable under the Act.

SECTION 5. The Mayor/CEO, County Administrator, and other officers, agents and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Ordinance.

SECTION 6. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS THIS 13TH DAY OF AUGUST, 2020.

Mayor/CEO

(SEAL)

Unified Government Clerk

EXHIBIT A

MAP OF PROPOSED REDEVELOPMENT DISTRICT

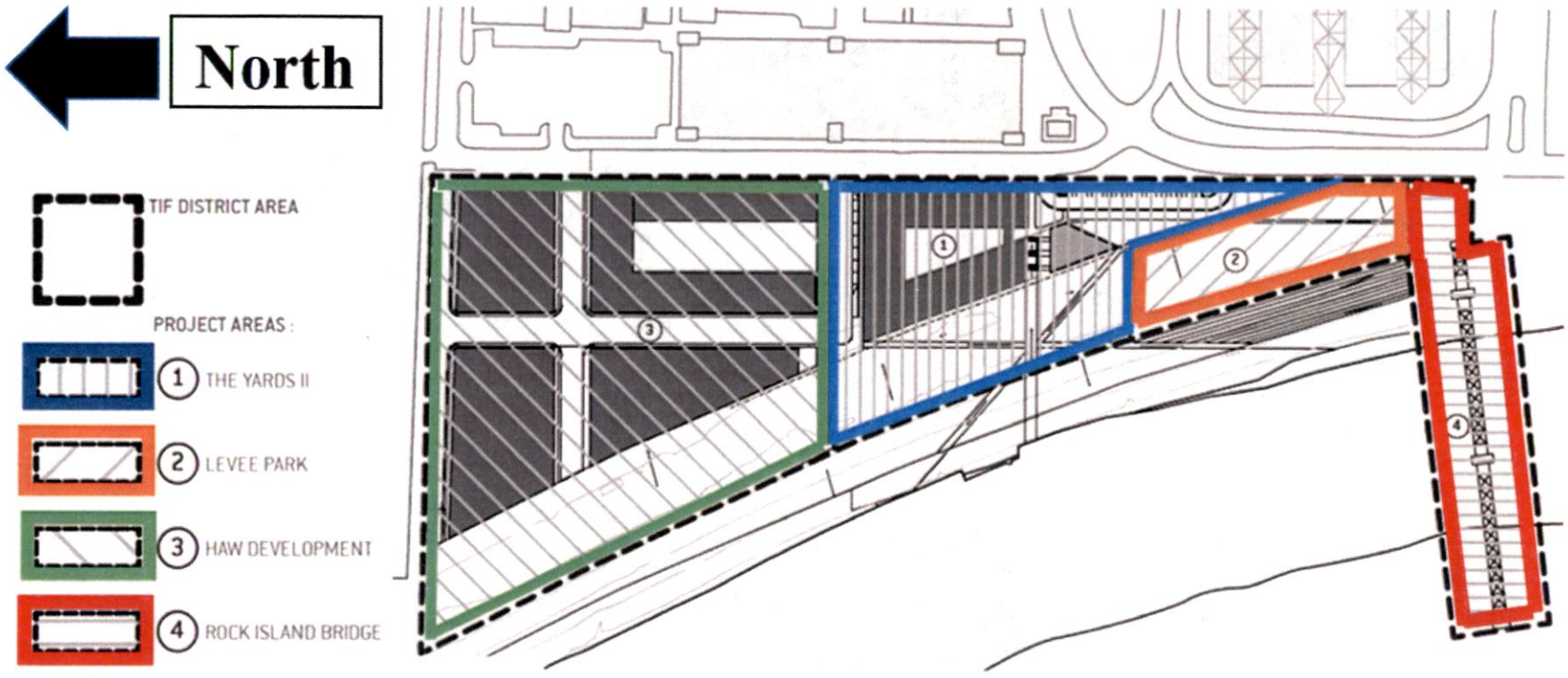

EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT

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Exhibit E

BUDGET/TIF ELIGIBLE EXPENSES

DESCRIPTION	TOTAL PROJECT COST	TIF ELIGIBLE EXPENSES INCLUDED IN BUDGET
DIVISION 1 - GENERAL REQUIREMENTS		
Land Acquisition Costs	**2,500,000**	**2,500,000**
Design Fees for TIF Reimbursable Items	**100,000**	**100,000**
Project Financing Costs	**100,000**	**100,000**
Quality Control	**0**	
Construction Temporary Facilities	**0**	
Construction Waste Management & Disposal	**120,000**	
LEED Requirements/Checklist	**0**	
MWBE Good Faith Effort Logging	**0**	
Site & Building Survey / Layout	**35,000**	
Material Testing	**50,000**	**10,000**
Temporary Fence & Monthly Maintenance	**40,000**	
Man/ Material Hoisting	**50,000**	
Building Permit and Plan Review Fees	**15,101**	**5,000**
Rough Hardware	**5,000**	
Final Cleaning	**130,379**	
Weather Conditioning Allowance	**80,000**	
Site Security & Nightwatch - If Required	**130,000**	
Traffic Control / Barricades	**75,000**	
DIVISION 2 - EXISTING CONDITIONS		
Structure Demolition	**0**	
Asbestos Abatement	**0**	
DIVISION 3 - CONCRETE		
Cast-In-Place Concrete	**1,300,000**	
Light Pole Bases, Mech/Elect Housekeeping Pads	**15,000**	**15,000**
Polished Concrete	**35,000**	
Gypcrete Topping and acoustical - Building	**549,000**	
LW concrete and WP at balconies	**266,000**	
DIVISION 4 - MASONRY		
Masonry - CMU at elevator shafts	**125,000**	
Masonry - CMU at misc. walls	**60,000**	
Brick veneer - 15% of façade	**530,000**	
Cast Stone	**0**	
DIVISION 5 - METALS		
Structural Steel Framing	**350,000**	
Steel Stairs	**0**	
Metal Fabrications	**45,000**	
Brick Shelf Angles	**10,000**	
Balcony rails - cable	**425,000**	
Decorative Metal Railings - At roof-top plaza	**25,000**	

DIVISION 6 - WOODS, PLASTICS & COMPOSITES		
Rough Carpentry	**6,300,000**	
Framing QC & Supervision	**50,000**	
Mold Prevention	**100,000**	
Finish Carpentry - Trim	**276,000**	
Architectural Woodwork - Public Areas	**150,000**	
Temp Railing at balconies	**27,500**	
DIVISION 7 - THERMAL & MOISTURE PROTECTION		
Dampproofing	**0**	
Waterproofing	**40,000**	
Traffic Coating	**0**	
Thermal Insulation	**470,000**	
EIFS	**0**	
Air Barrier Testing	**0**	
Metal Roof & Wall Panels	**1,165,000**	
Cedar Siding - 5% of façade - accents	**115,000**	
Membrane Roofing & Sheet Metal	**480,000**	
Pavers on pedestals at roof-top plaza	**75,000**	
Applied Fireproofing	**20,000**	
Firestopping	**0**	
Joint Sealants	**280,000**	
Expansion Joint Cover Assemblies	**42,000**	
DIVISION 8 - OPENINGS		
Doors, Frames and Hardware	**484,000**	
Doors & Hardware Installation	**260,000**	
Access Doors & Frames	**5,000**	
Overhead Doors	**6,000**	
Aluminum Framed Entrances & Storefronts	**310,000**	
Mirrors	**31,000**	
Automatic Entrances	**0**	
Windows and Patio Doors	**645,000**	
Unit Skylights	**0**	
DIVISION 9 - FINISHES		
Stucco	**0**	
Drywall	**2,600,000**	
Acoustical Panel Ceilings	**0**	
Finishes QC & Supervision	**100,000**	
Floor Protection - If Needed	**10,000**	
Flooring	**870,000**	
Wall Coverings	**0**	
Painting	**730,000**	
Finish Out Crew	**57,000**	
DIVISION 10 - SPECIALTIES		
Regulatory Signage	**24,000**	
Façade and decorative signage	**0**	
Toilet Partitions & Screens	**6,000**	
Toilet, Bath & Laundry Accessories	**67,000**	
Operable Partitions	**0**	

Wall & Door Protection	**6,000**	
Glass Shower Doors	**266,000**	
Fireplaces & Stoves	**0**	
Fire Extinguishers, Cabinets	**17,000**	
Metal Lockers	**0**	
Postal Specialties	**21,000**	
Metal Storage Shelving	**88,000**	
Awnings	**0**	
Canopies	**0**	
Flagpoles	**0**	
Knox boxes	**1,500**	
DIVISION 11 - EQUIPMENT		
Loading Dock Equipment	**0**	
Residential Appliances	**660,000**	
Food Service Equipment	**0**	
Playground Equipment	**0**	
Window Washing System	**0**	
Dog Park Equipment	**25,000**	
DIVISION 12 - FURNISHINGS		
Horizontal Louver Blinds	**70,000**	
Roller Window Shades	**0**	
Manufactured Wood Casework	**625,000**	
Stone Tops	**230,000**	
Entrance floor Mats & Frames	**5,000**	
PUBLIC PLAZA Furniture	**25,000**	
Furniture Install	**25,000**	
Site Furnishings - Bike Racks	**30,000**	**30,000**
Site Furnishings - Patio Grills	**10,000**	
Site Furnishings - Grill area structure	**30,000**	
Site Furnishings - Benches	**7,500**	**7,500**
Site Furnishings - Trash Enclosure	**50,000**	
Site Furnishings - Monument Sign	**50,000**	
DIVISION 13 - SPECIAL CONSTRUCTION		
Swimming Pools	**225,000**	
DIVISION 14 - CONVEYING EQUIPMENT		
Hydraulic Elevators	**215,000**	
Elevator Inspection Costs/ temp usage	**20,000**	
Facility Chutes	**18,000**	
DIVISION 21 - FIRE SUPPRESSION		
Water-Based Fire Suppression Systems	**478,000**	
Fire Pumps	**50,000**	
DIVISION 22 - PLUMBING		
Plumbing	**1,650,000**	
Submetering	**26,400**	
DIVISION 23 - HVAC		
HVAC	**1,540,000**	
Testing, Adjusting & Balancing for HVAC	**0**	
DIVISION 26 - ELECTRICAL		

Electrical	**3,300,000**	
Site Electric	**80,000**	**20,000**
MEP Quality Control & Supervision	**120,000**	**20,000**
DIVISION 31 - EARTHWORK		
Site Clearing	**0**	
Mass Grading and fill at Levee & the Park	**750,000**	**750,000**
Any grading, gravel, landscaping at River-side of Levee	**150,000**	**150,000**
Earth Moving	**400,000**	**400,000**
Erosion & Sedimentation Controls	**20,000**	**20,000**
Termite Control	**9,100**	**9,100**
Shoring & Underpinning	**0**	
Drilled Concrete Piers	**0**	
Geopiers	**0**	
Lean Concrete in plumbing trenches	**0**	
DIVISION 32 - EXTERIOR IMPROVEMENTS		
Asphalt Paving - Street Parking	**20,000**	**20,000**
Asphalt Paving - Private Street	**0**	
Concrete Paving, curbs and sidewalks - outside the building	**300,000**	**300,000**
Concrete Paving, curbs and sidewalks - Courtyard	**75,000**	**75,000**
Concrete retaining wall	**250,000**	**250,000**
Concrete Paving Joint Sealants	**10,000**	**10,000**
Pavers	**50,000**	**50,000**
Pavement Markings	**13,000**	**13,000**
Fence around the pool	**22,000**	**22,000**
Segmental Retaining Walls	**0**	
Planting Irrigation	**50,000**	**50,000**
Landscaping - at Levee Park along the building	**100,000**	**100,000**
Landscaping at Courtyards	**50,000**	**50,000**
Import Topsoil at Levee Park	**120,000**	**120,000**
Park Along Amphitheater		
Amphitheater construction		
DIVISION 33 - UTILITIES		
Water Utilities	**230,000**	**230,000**
Sanitary Sewerage Utilities	**42,000**	**42,000**
Grease Trap for retail	**10,000**	
Storm Drainage Utilities	**100,000**	**100,000**
U/G Storm Chambers	**100,000**	**100,000**
Courtyard Drainage	**40,000**	**40,000**
Foundation Drainage	**35,000**	**35,000**
Gas to grills and firepit	**9,000**	**9,000**
Utility relocation	**0**	
Traffic Signals	**0**	
TAXES / BONDS		
ADDED SALES TAX @ Exempt	0	
SUB-BONDS @	427,545	25,605
SUBTOTAL DIRECT COSTS	36,308,025	5,778,205

General Conditions	1,282,721	203,953
Operations Overhead	236,002	37,524
Builders Risk Insurance @ ***BY OWNER***	0	
MWB Insurance @	182,093	
Procore PM Software	36,419	5,791
MWB Budget Contingency Allowance	728,370	115,811
Professional Services	400,000	200,000
contract administration	1,958,681	
TOTAL PROJECT COSTS	**41,132,310**	**6,341,283**

While this budget reflects that an estimated amount of $6,341,283 in TIF Eligible Expenses can be funded with Project Area 1 TIF Revenue, pursuant to Section 4.3 of the Development Agreement, the Developer will also be entitled to payment of accrued interest on approved but not yet reimbursed TIF Eligible Expenses.

Exhibit F

TIF Revenue Projections

The Yards Phase II

Projected Incremental Tax Revenues

	Annual Value Increase	Assessment Rate			Base Value
	2.0%	11.5%		Value of TIF	$ 123,100
Year	Estimated Actual Value	Estimated Assesed Value	Total Mill Levy	Mill Levy Captured*	Estimated Incremental Property Tax Revenues
1	$ 1,070,435	$ 123,100	181.77	152.27	$ -
2	$ 23,913,154	$ 2,750,013	181.77	152.27	$ 400,000
3	$ 36,762,184	$ 4,227,651	181.77	152.27	$ 625,000
4	$ 37,497,427	$ 4,309,742	181.77	152.27	$ 637,500
5	$ 38,247,376	$ 4,309,742	181.77	152.27	$ 637,500
6	$ 39,012,323	$ 4,393,475	181.77	152.27	$ 650,250
7	$ 39,792,570	$ 4,393,475	181.77	152.27	$ 650,250
8	$ 40,588,421	$ 4,478,882	181.77	152.27	$ 663,255
9	$ 41,400,190	$ 4,478,882	181.77	152.27	$ 663,255
10	$ 42,228,194	$ 4,565,998	181.77	152.27	$ 676,520
11	$ 43,072,757	$ 4,565,998	181.77	152.27	$ 676,520
12	$ 43,934,213	$ 4,654,856	181.77	152.27	$ 690,051
13	$ 44,812,897	$ 4,654,856	181.77	152.27	$ 690,051
14	$ 45,709,155	$ 4,745,491	181.77	152.27	$ 703,852
15	$ 46,623,338	$ 4,745,491	181.77	152.27	$ 703,852
16	$ 47,555,805	$ 4,837,939	181.77	152.27	$ 717,929
17	$ 48,506,921	$ 4,837,939	181.77	152.27	$ 717,929
18	$ 49,477,059	$ 4,932,236	181.77	152.27	$ 732,287
19	$ 50,466,600	$ 4,932,236	181.77	152.27	$ 732,287
20	$ 51,475,932	$ 5,028,419	181.77	152.27	$ 746,933
Total Value					**$ 12,715,218**

* Excludes 21.5 mills for state school levy; excludes 8 mills capital outlay for school.

Note: Base value shown is the base value of the District. Base value of Project Area 1 will be used for purposes of calculating the actual Project Area 1 TIF Revenues.

Staff Request for Commission Action

Tracking No. 20493

Full Commission Meeting Date: 10/29/20
Committee: Economic Development & Finance

Date of Standing Committee Action: 9/28/20
(If none, please explain):

Publication Required: Yes

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/23/2020	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:
Public Hearing and Ordinance for the Epic TIF Project Plan and Development Agreement for a Menards project at 18th Street Expressway and I-35.

Action Requested:
Public hearing and approval of the Development Agreement and Project Plan

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Development Agreement (18th Street Expressway Menards), Epic Center - Menards TIF Project Plan, Executive Summary - 18th Street Expressway Menards, Ordinance Adopting Redevelopment Project Plan (UG Epic Center Menards)

DEVELOPMENT AGREEMENT
(18TH STREET EXPRESSWAY MENARDS)

This DEVELOPMENT AGREEMENT (this "Agreement") is made as of the _____ day of _____, 2020 (the "Effective Date") by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"), and Menard, Inc., a Wisconsin corporation ("Developer").

RECITALS

A. Developer wishes to design, develop, and construct a new Menards home improvement store and related amenities (the "Project," as further defined below in Section 2.2) on approximately 16.35 acres of real property generally located southwest of I-35 and 18th Street Expressway in Kansas City, Kansas (the "Project Site"), as legally described on **Exhibit A-1** and generally depicted on **Exhibit A-2**, as attached hereto.

B. Developer does not yet own the Project Site, but has the right to acquire the Project Site from the current owner of the Project Site pursuant to that certain Purchase and Sale Agreement executed as of April 20, 2020, and Developer shall, upon closing, have all rights to occupy and develop the same as set forth herein.

C. The UG has the authority to create a tax increment financing ("TIF") district pursuant to K.S.A. 12-1770 *et seq.*, as amended from time to time (the "TIF Act"), for the purpose of financing certain economic development projects. On or about February 26, 2009, the UG found the Project Site, and other property adjacent thereto, to be an eligible area under the TIF Act as an enterprise zone designated prior to July 1, 1992, and the UG approved the creation of a TIF district pursuant to the TIF Act (the "TIF District") through the adoption of Ordinance No. O-19-09 (the "TIF District Ordinance"). A copy of the TIF District Ordinance is attached hereto as **Exhibit B**. A legal description of the boundaries of the TIF District is attached hereto as **Exhibit C-1**, and a map generally depicting the boundaries of the TIF District is attached hereto as **Exhibit C-2**.

D. The TIF District includes a single project area (the "Project Area"). The UG will hold a public hearing in connection with Developer's proposed Redevelopment Project Plan for the Project Area (the "Project Plan") pursuant to the TIF Act. If the UG approves and adopts the Project Plan through the adoption of an ordinance pursuant to the TIF Act (the "TIF Project Plan Ordinance"), a copy of the TIF Project Plan Ordinance will be attached hereto as **Exhibit D**. The Project Plan will provide, among other things, for the collection of Incremental Real Property Taxes (defined below in Section 4.2(a)(i)) within the TIF District to be disbursed to and used by Developer and the UG on a pay-as-you-go basis to reimburse certain TIF Eligible Expenses (defined below in Section 4.2).

E. The parties agree that the Project is not financially feasible without the public-private partnership as set forth in this Agreement, and therefore the parties wish to enter into this Agreement to provide the necessary financing for the Project.

AGREEMENT

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the UG and Developer hereby agree as follows:

ARTICLE 1. DEFINITIONS AND INTERPRETATION

1.1 Interpretation. In this Agreement, unless a clear contrary intention appears:

(a) the singular number includes the plural number and vice versa;

(b) reference to any Person includes such Person's successors and assigns but, if applicable, only if such successors and assigns are permitted by this Agreement, and reference to a Person in a particular capacity excludes such Person in any other capacity or individually;

(c) reference to any gender includes each other gender;

(d) reference to any agreement, document or instrument means such agreement, document or instrument as amended or modified and in effect from time to time in accordance with the terms thereof;

(e) reference in this Agreement to any article, section, appendix, annex, schedule or exhibit means such article or section thereof or appendix, annex, schedule or exhibit thereto;

(f) each of the items or agreements identified on the attached Index of Exhibits are deemed part of this Agreement to the same extent as if set forth herein;

(g) "hereunder", "hereof", "hereto" and words of similar import shall be deemed references to this Agreement as a whole and not to any particular article, section or other provision thereof;

(h) "including" (and with correlative meaning "include") means including without limiting the generality of any description preceding such term; and

(i) relative to the determination of any period of time, "from" means "from and including" and "to" means "to but excluding."

1.2 Accounting Terms. Unless expressly otherwise provided, accounting terms shall be construed and interpreted, and accounting determination and computations shall be made, in accordance with GAAP.

1.3 Legal Representation of the Parties. This Agreement was negotiated by the parties hereto with the benefit of legal representation and any rules of construction or interpretation otherwise requiring this Agreement to be construed or interpreted against any party shall not apply to any construction or interpretation hereof or thereof.

1.4 Definitions. All capitalized terms used in this Agreement shall have the meanings ascribed to them in Annex 1 attached hereto and made a part hereof, or as otherwise provided herein.

ARTICLE 2. THE PROJECT

2.1 Undertaking of Developer. Developer hereby agrees, subject to the terms and conditions hereinafter provided, to develop, construct, complete and operate the Project. The performance of all activities by Developer hereunder shall not be as an agent of the UG, except as otherwise specifically provided herein.

2.2 Development of the Project Site. The UG and Developer hereby agree that the Project shall be as described below. Developer contemplates that all buildings, parking facilities and other improvements constituting the Project, as specifically described in this Section 2.2 (the "Improvements"), shall be developed, constructed, completed, and operated on the Project Site in substantial accordance and compliance with the terms and conditions of this Section 2.2 and the final site plan approval from the UG's Planning Commission (the "Development Plan"). On and subject to the terms and provisions set forth in

this Agreement, Developer shall have the sole right to, and shall be responsible for, design, construction, equipment and completion of the Improvements, and shall operate and use the Improvements in the manner described herein, all in accordance with the terms of this Section 2.2 and all other Applicable Laws and Requirements. The parties further agree as follows:

(a) The Project shall be designed, developed and constructed as a new Menards home improvements store and shall, at minimum, include the following Improvements: (i) a new Menards prototype building comprising approximately 209,000 square feet; (ii) an approximately 156,000 square foot outdoor sales area; and (iii) an accessory building on the westernmost part of the Project Site comprised of approximately 42,000 square feet of warehouse space. Developer shall also design, develop and construct sidewalks, entrances to the Project Site and any required signalization, pursuant to the Plans and Specifications (defined below in Section 5.2) and as set forth on **Exhibit E**.

(b) Developer recognizes, stipulates and agrees that its signage shall be subject to all Applicable Laws and Requirements, and any special use permits granted by the UG's Board of Commissioners. The UG hereby agrees that it will, to the extent possible, expedite consideration of Developer's proposed signage and cooperate with Developer to reasonably accommodate Developer's signage requirements.

(c) The Project shall include parking improvements containing at least the number of spaces required by the Applicable Laws and Requirements, or in accordance with any variances obtained by Developer (the "Parking Improvements").

(d) Developer's plans for landscaping on the Project Site shall be considered in accordance with all Applicable Laws and Requirements and approval thereof by the UG will not be unreasonably withheld.

(e) Developer's design, development and construction of the Improvements shall in all respects comply with the Plans and Specifications.

(f) The Project described in this Section 2.2 shall not be amended or modified without (i) the prior written consent of the UG, which consent shall not be unreasonably withheld, and (ii) full compliance with all Applicable Laws and Requirements.

2.3 General Agreements. Developer agrees to promptly and completely perform each and all of its duties and obligations under this Agreement. The UG agrees to promptly and completely perform each and all of its duties and obligations under this Agreement.

ARTICLE 3. CONDITIONS

3.1 Public Financing Conditions. The issuance and delivery to Developer of any public financing contemplated under the terms of this Agreement shall be subject to the following conditions precedent (the "Public Financing Conditions"):

(a) Intentionally Deleted.

(b) Closing. Developer closing on its acquisition of the Project Site;

(c) Project Plan Approval. The UG's Board of Commissioners shall have approved the Project Plan by approval of the TIF Project Plan Ordinance described in Recital D above, or Developer shall have waived this requirement in writing; and

(d) Final Site Plan Approval. Developer shall have obtained all final site plan approvals and any other required approvals for the Improvements as required by all Applicable Laws and Requirements.

Where approval of the UG is required for the various conditions set forth in this Section 3.1, such approval shall be granted or withheld by the UG's County Administrator in his sole, but reasonable discretion.

3.2 Termination. In the event that the Public Financing Conditions are not met or waived on or prior to June 1, 2021 (the "Drop Dead Date"), then either party hereto shall have the right to terminate this Agreement, but such failure shall not be an event of default hereunder. Upon any such termination of this Agreement, the parties hereto shall have no further duty, obligation, or liability each to the other hereunder, except for those provisions that are specifically set forth herein to survive termination of this Agreement, and without limiting the generality of the foregoing, Developer shall be solely liable and responsible for all of its costs and expenses incurred by it with respect to this Agreement and the transactions contemplated hereby, and except for the fees and expenses of the UG to be paid for by Developer pursuant to that certain Funding Agreement dated as of _____, 2020, as amended, and the provisions of this Agreement, the UG shall be solely liable and responsible for all costs and expenses incurred by it with respect to this Agreement and the transactions contemplated hereby.

ARTICLE 4. FINANCING — SOURCE OF FUNDS

4.1 Public Financing; Source of Funds. Reference is hereby made to the Total Project Budget attached hereto as **Exhibit F**, and by this reference made a part hereof. The costs of the Project (the "Project Costs") will be funded in part by the TIF Proceeds, as well as private equity and debt. Developer, using private equity and debt (the "Private Funds"), will initially advance all of the costs for the acquisition, design, development and construction of the Project. Developer, subject to the terms and conditions of this Agreement, shall be reimbursed for certain TIF Eligible Expenses from and to the extent of the TIF Proceeds collected during the Term (defined below in Section 6.1).

4.2 TIF District. It is contemplated by the parties that the Project Costs shall be funded in part by TIF Proceeds. Developer has identified certain Project Costs which may be reimbursed with TIF Proceeds if and to the extent that such Project Costs are related to site improvement and the design and construction costs located within the TIF District, all as specifically identified on **Exhibit F** attached hereto, and are eligible for payment or reimbursement pursuant to the TIF Act (the "TIF Eligible Expenses"). In connection with the TIF District, the parties hereby agree as follows:

(a) Collection of TIF Revenues. For a period of twenty (20) years from the approval of the Project Plan, the UG shall collect Incremental Real Property Taxes as set forth below, unless the TIF District shall be earlier terminated pursuant to the express terms of this Agreement.

(i) Incremental Real Property Taxes. Subject to the terms and conditions of this Agreement and the TIF District Ordinance, the UG hereby agrees that the TIF Eligible Expenses may be financed and reimbursed with TIF Financing (defined below in Section 4.2(b)) from the Incremental Real Property Taxes collected within The Project Area of the TIF District. Pursuant to the provisions of the Project Plan and the TIF Act, including, but not limited to, Section 12-1775(a) of the TIF Act, all real property located within the TIF District is subject to assessment for annual Real Property Taxes. Real Property Taxes shall be due in arrears, with half due on December 20th and half due on May 10th of each year in which said amount is required to be paid, and will be considered delinquent if not paid by such dates of each such year or as otherwise determined by Applicable Laws and Requirements. The obligation to pay Real Property Taxes shall be a covenant running with the land and shall create a lien in favor of the UG on each such tax parcel as constituted

from time to time and shall be enforceable against Developer and its successors and assigns in ownership of property in the TIF District. The "Incremental Real Property Taxes" means that amount of Real Property Taxes collected from within the TIF District that exceeds the amount of Real Property Taxes collected from the Base Year Assessed Valuation of the real property within the TIF District. For purposes hereof, the term "Base Year Assessed Valuation" means the $107,391 assessed valuation of all real property within the boundaries of the TIF District on the date of publication of the TIF District Ordinance.

(ii) TIF Fund. During the TIF Collection Period (defined below in Section 4.2(b)(i)), all Incremental Real Property Taxes generated within the TIF District shall be deposited into a separate fund (the "TIF Fund"), which shall be established and administered by the UG in compliance with this Agreement and all Applicable Laws and Requirements.

(iii) TIF Proceeds. The revenues received from the Incremental Real Property Taxes, less the TIF Administrative Fee (defined below in Section 4.2(d)), constitute the "TIF Proceeds". The TIF Proceeds shall be used to reimburse Developer for the TIF Eligible Expenses, subject to the limitations in the TIF Act and provided that none of the TIF Proceeds shall be used to pay for anything other than the TIF Eligible Expenses specifically identified on **Exhibit F** without the prior approval of the UG, in its sole discretion.

(b) TIF Financing. Subject to the terms and conditions of this Agreement, the parties hereby agree that the TIF Proceeds shall be disbursed by the UG to Developer from the TIF Fund on a pay-as-you-go basis ("TIF Financing") upon Developer's completion of the Project to reimburse Developer for TIF Eligible Expenses, if and to the extent that: (1) there are sufficient TIF Proceeds in the TIF Fund, (2) Developer has fully satisfied all of the conditions set forth in Section 4.6, (3) Developer has not already been reimbursed for TIF Eligible Expenses in an amount equal to the TIF Cap (defined below in Section 4.3(b)(ii)), and (4) the Term has not yet expired and this Agreement has not otherwise been terminated. The parties further agree as follows:

(i) TIF Collection Period. The Incremental Real Property Taxes shall be collected within the TIF District for a period that commences on the date that the Project Plan is approved by the UG's Board of Commissioners up to and concluding upon that date which is the earlier of (x) the date that Developer has been reimbursed for all TIF Eligible Expenses in an amount equal to the TIF Cap, or (y) twenty (20) years from the date that the Project Plan was approved (the "TIF Collection Period"). At the end of the TIF Collection Period, the parties understand and agree that the Developer shall have no further access to such Incremental Real Property Taxes to reimburse or pay for TIF Eligible Expenses.

(ii) TIF Cap. The TIF Proceeds available to Developer for reimbursement of TIF Eligible Expenses through TIF Financing shall in no event exceed $11,710,618 (the "TIF Cap"). The TIF Cap shall, for all purposes set forth herein, operate as a cap on the use of TIF Proceeds for reimbursement to Developer of any of Developer's TIF Eligible Expenses. Once Developer has received an amount equal to the TIF Cap in reimbursements of TIF Eligible Expenses through TIF Financing, the parties understand and agree that Developer's access to the TIF Financing shall thereafter terminate.

(iii) Conditions for Reimbursement. Developer shall not receive any reimbursements from TIF Financing unless and until the conditions precedent set forth in

Section 4.5 have been fully satisfied or waived by the UG, upon which satisfaction or waiver Developer shall be reimbursed as provided in this Agreement.

(c) No TIF Bonds. Developer hereby understands and agrees that all reimbursements to Developer hereunder shall be made only from TIF Financing, and nothing in this Agreement shall in any way obligate the UG to issue bonds or other obligations to reimburse Developer for the TIF Eligible Expenses or any other Project Costs.

(d) TIF Administrative Fee. A portion of the Incremental Real Property Taxes shall be used to pay an administrative fee in an amount equal to 1% of such Incremental Real Property Taxes (the "TIF Administrative Fee"). The TIF Administrative Fee shall be due and payable on the date the Incremental Real Property Taxes are received by the UG. Developer hereby understands and agrees that such TIF Administrative Fee shall be withheld by the UG prior to depositing the TIF Proceeds into the TIF Fund. As and when there are sufficient TIF Proceeds to pay the TIF Administrative Fee, the TIF Administrative Fee shall have first priority to available Incremental Real Property Taxes.

4.3 50/50 Limitation. The TIF Proceeds available to Developer for reimbursement of TIF Eligible Expenses at any given time shall be limited to an amount which is equal to one half (1/2) of the amount of Project Costs which have been paid by Private Funds. In other words, the reimbursement of TIF Eligible Expenses from TIF Financing shall be paid on a 50/50 basis between Private Funds and TIF Proceeds available to Developer, and there shall not at any time during the Term be more Project Costs paid with TIF Proceeds than the amount of Project Costs paid by Private Funds (the "50/50 Limitation"). However, the parties understand and agree that for purposes of this provision, the portion of Private Funds which are spent on legal fees, developer fees, and contingency shall not be included in the calculation of Private Funds for purposes of calculating the 50/50 Limitation. By way of illustrative example of the 50/50 Limitation, if at a given point in time, Developer has incurred Project Costs (including any TIF Eligible Expenses) equal to $200 (none of which has been reimbursed with TIF Proceeds), then Developer's maximum reimbursement for TIF Eligible Expenses from TIF Financing is $100. However, the parties further understand and agree that if at a given point in time, Developer has incurred $225 of Project Costs, of which $125 are TIF Eligible Expenses and $100 are not TIF Eligible Expenses (and are not legal fees, developer fees, and/or contingency), then: (i) at that particular time, no more than $100 of TIF Eligible Expenses may be reimbursed with TIF Proceeds, but (ii) if Developer later incurs an additional $25 of Project Costs which are paid with Private Funds, then the remaining $25 of TIF Eligible Expenses may be reimbursed with TIF Proceeds. Payment of Project Costs from Private Funds shall be evidenced to the UG as set forth in Section 4.6 below.

4.4 Intentionally omitted.

4.5 Conditions Precedent to Reimbursements. Developer hereby understands and agrees that even when TIF Proceeds have begun to be collected by the UG, the UG will hold and not disburse to Developer any reimbursements for TIF Eligible Expenses from TIF Financing, unless and until the conditions precedent set forth below have been fully satisfied as determined by UG in its sole reasonable discretion:

(a) The UG has approved Certificate(s) of Expenditures for such TIF Eligible Expenses;

(b) Developer shall have completed and opened the Project; and

(c) Developer shall be in full compliance with the terms and conditions of this Agreement and shall not be in default hereunder, nor shall there be conditions, actions or omissions of Developer which will, with the passage of time, become occurrences of default hereunder.

4.6 Certificate(s) of Expenditures for Reimbursement from TIF Proceeds. The parties hereby agree as follows:

(a) Certificate of Expenditures. In order to receive payment or reimbursement for TIF Eligible Expenses from TIF Financing, Developer shall submit a certificate of expenditures in the form attached hereto as **Exhibit G** (each, a "Certificate of Expenditures") attesting to the expenditure of Project Costs in accordance with the procedure set forth below. Developer may submit a separate Certificate of Expenditures each month, but no more than one time per month, for the TIF Fund. Additionally, Developer shall require that no transferee, purchaser, or lessee of any portion of the Project Site otherwise provide Certificate(s) of Expenditures to the UG, except as set forth herein. Notwithstanding the foregoing, the parties hereby agree that the UG will accept a Certificate of Expenditure for an amount not to exceed $446,119 from National Realty Advisors for its professional services rendered in connection with the Project, and the UG may disburse TIF Proceeds up to $446,119 to National Realty Advisors, provided however that (i) any such amounts shall be included within the TIF Cap and therefore reduce the TIF Proceeds available to Developer thereunder, and (ii) the Developer is entitled to 132.27 property tax mills from each collection of Incremental Real Property Taxes received in the TIF Fund from time to time; accordingly, any disbursements to National Realty Advisors shall be paid from the balance of any available mills (excluding the school levy and any other otherwise dedicated mills) on a pay-as-you-go basis, and National Realty Advisors shall be entitled to one disbursement annually until such time as it receives TIF Proceeds equal to the $446,119 cap described herein. The disbursements of TIF Proceeds to National Realty Advisors is further limited to the extent that: (1) there are sufficient TIF Proceeds in the TIF Fund which are not disbursed to Developer as set forth in (a)(ii) above, (2) National Realty Advisors has not already been reimbursed for its professional services described in a Certificate of Expenditure in an amount equal to $446,119, and (3) the Term has not yet expired and this Agreement has not otherwise been terminated.

(b) Procedures for Certification of Expenditures. The UG or a representative of the UG shall review the Certificate(s) of Expenditures to be made in connection with the Project Costs for approval or denial of the same as follows:

(i) Developer shall submit to the UG a Certificate of Expenditures setting forth the amount for which certification is sought and identification of the relevant TIF Eligible Costs for payment of such TIF Eligible Expenses. Developer shall certify to the UG that it shall only use the TIF Proceeds for the designated TIF Eligible Expenses described in the Certificate of Expenditures.

(ii) Each Certificate of Expenditures shall be accompanied by an accounting of the Private Funds paid to date, along with supporting documentation therefor.

(iii) Each Certificate of Expenditures shall be accompanied by such bills, contracts, invoices, lien waivers and other evidence as the UG shall reasonably require to document appropriate payment.

(iv) The Certificate of Expenditures shall be accompanied by a report regarding any LBE/MBE/WBE participation associated with the costs requested for payment or reimbursement in the Certificate of Expenditures.

(v) The UG reserves the right to, at reasonable times and upon reasonable notice, have its engineer or other agents, consultants or employees inspect all the items set forth in Section 4.6(b)(iii) above as reasonably necessary to determine that the expenses therein are valid, eligible and properly incurred and constitute TIF Eligible Expenses.

(vi) The UG shall have sixty (60) calendar days after receipt of any Certificate of Expenditures to review and respond by written notice to Developer. If the UG disapproves of the Certificate of Expenditures, the UG shall notify Developer in writing of the reason for such disapproval within such sixty (60) day period, in which event Developer shall have the right to revise and re-submit the Certificate of Expenditures to address the UG's reason for disapproval, and the UG will review and approve the revised Certificate of Expenditures within thirty (30) calendar days after receipt of the re-submitted Certificate of Expenditures. Approval of any Certificate of Expenditures will not be unreasonably withheld, conditioned, or delayed.

(c) Third Party Oversight/Management. The parties hereby understand and agree that the process to approve Certificate(s) of Expenditures and properly disburse the TIF Proceeds is important to the UG and Developer for various reasons. Accordingly, the parties hereby understand and agree that the UG may retain outside third party representatives to manage and/or provide oversight to this process and Developer hereby agrees to fully cooperate with any such third party representatives in this process and to pay the UG's costs for retaining such third parties.

4.7 Reimbursement Priority. All payments or reimbursements of whatever kind from the UG to Developer under this Agreement shall be made in the following priority:

(a) First, to the UG, to the extent permitted by Applicable Laws and Requirements, as payments by Developer for any amounts due and owing to the UG; provided, however, that the UG shall first provide Developer with advance written notice specifying the amount(s) in question, and afford Developer a period of ten (10) days following its receipt of such notice in which to pay such amount(s) from Private Funds, including, without limitation: (i) all amounts delinquently due or owing, including all taxes, fees, or fines and including any interest and penalty thereon, by Developer to the UG under this Agreement, under any other agreement between Developer and the UG, or under any Applicable Laws and Requirements; (ii) all actual out of pocket costs incurred (and any interest or penalty thereon) by the UG in entering into, operating under, or enforcing this Agreement, including reasonable attorneys' fees, and all costs of pursuit of Developer (or any Affiliate); (iii) indemnification of the UG for any indemnity obligation owed by Developer (or any Affiliate) to the UG, and any interest or penalty thereon; and (iv) any reimbursement due to the UG on account of any prior overpayment or over-reimbursement to Developer under this Agreement, under any other agreement between Developer and the UG, or under any Applicable Laws and Requirements; and

(b) Second, to Developer for actual amounts to which Developer is entitled by the other provisions of this Agreement.

4.8 Intentionally Deleted

ARTICLE 5. CONSTRUCTION OF IMPROVEMENTS

5.1 Architect. Developer shall select such architects, engineers and other design professionals and consultants as are necessary to provide construction documents and construction oversight services for the Improvements. All agreements respecting architectural and engineering services shall be between

Developer and such Persons, and a copy of each such agreement shall be timely provided to the UG upon a request for the same.

5.2 Design and Plans and Specifications. Developer shall, as soon as practicable, provide the UG with plans and specifications for the Improvements (the "Plans and Specifications"), which Plans and Specifications shall include cost estimates for the Improvements, the design of which is compatible with the Development Plan, the Project Plan and all Applicable Laws and Requirements. Developer recognizes, stipulates and agrees that the Plans and Specifications will be presented to and subject to approval by the appropriate Government Authorities in accordance with Applicable Laws and Requirements. Without the prior written approval of the appropriate Government Authorities, there shall be no Material Changes to the Plans and Specifications subsequent to the initial approval.

5.3 General Contractor and Construction Documents. Developer shall select one or more general contractors (the "General Contractor") for the Improvements. Developer represents that its construction documents relative to the Improvements (the "Construction Documents") will require and provide for (a) the design, development, construction, equipping and completion of the Improvements (or applicable portion thereof) in accordance with this Agreement, the Development Plan, the Project Plan, the Plans and Specifications, and all Applicable Laws and Requirements; and (b) a guaranteed maximum price, or other commercially reasonable payment structure acceptable to Developer. Developer shall, upon request, provide the UG with a copy of the Construction Documents.

5.4 Changes or Amendments. Developer shall promptly deliver upon request to the UG copies of all change orders or other changes or amendments to the Construction Documents that constitute a Material Change. Developer agrees with the UG that it will: (a) perform its duties and obligations under the Construction Documents in all material respects, and (b) enforce the obligations of all other parties thereunder.

5.5 Terms and Requirements for Improvements. The contracts for all Improvements in the Project shall comply with all Applicable Laws and Requirements. Any Material Changes to the Improvements require the prior approval of the UG in accordance with Applicable Laws and Requirements. The UG, or its designee, shall have the right to inspect, observe, and oversee the construction of the Improvements in order to ascertain and determine whether the requirements of this Agreement have been met. Developer shall obtain the UG's approval of all change orders relating to the Improvements that result in a Material Change.

5.6 Responsibility for Design and Construction. Developer shall, subject to the terms of this Agreement, the Development Plan and the Project Plan, have the sole right and the responsibility to design, manage, construct and operate the Project. Developer shall receive no separate fee from the UG for acting as construction manager or developer of the Project.

5.7 Payment and Performance Bonds. If required by Applicable Laws and Requirements for the Improvements, the General Contractor shall be required under the Construction Documents to furnish and maintain in full force and effect performance and labor and material payment bonds in the full amount of the project cost, as set forth in the Construction Documents. The bonds shall be in form and substance and issued by a corporate surety reasonably satisfactory to Developer, Developer's lender, and the UG.

5.8 Permits and Reviews. Developer hereby recognizes, stipulates and agrees that: (a) in the design, construction, completion, use or operation of the Improvements, Developer, or its General Contractor, shall procure and pay for any and all permits, licenses or other forms of authorizations that are, from time to time, required by Applicable Laws and Requirements; and (b) nothing herein shall be construed as any release by the UG of the responsibility of Developer to comply with and satisfy the requirements of all Applicable Laws and Requirements.

5.9 Periodic Meetings with Developer. From the Effective Date until Substantial Completion of the Project, Developer hereby agrees to meet with the UG at such intervals as Developer, the UG and any such designee of the UG shall mutually agree or reasonably request, and not more frequently than monthly, to review and discuss the design, development and construction of the Improvements and the Project.

5.10 No Obligation to Commence or Complete by a Date Certain. The Parties hereby agree that Developer shall not have an obligation to commence construction or complete construction of the Project on or before any particular deadlines. However, Developer understands and agrees that if Developer does not complete and open the Project on or before the eighth (8th) anniversary of the Effective Date, then the UG may, in its sole discretion at any time thereafter, terminate Developer's access to the TIF Financing, and/or terminate this Agreement.

ARTICLE 6. USE AND OPERATION

6.1 Term. The Term of this Agreement shall commence on the Effective Date and shall expire on that date which is the later of: (a) the last day of the TIF Collection Period, or (b) twenty (20) years from the Effective Date of this Agreement (the "Term").

6.2 Use and Operation. Developer covenants that at all times during the Term, it will, at its expense:

(a) Use the Project only as a prototypical Menards home improvements store as described in Section 2.2 above (the "Permitted Use").

(b) Conduct its business at all times in a dignified quality manner and in conformity with first-class industry standards and in such manner as to help establish and maintain a high reputation for the Project.

(c) Open and occupy the Project by the Completion Date and thereafter continuously operate and conduct business and without interruption, use, occupy and operate all of the same, other than such minor portions thereof as are reasonably required for maintenance, storage and office purposes; use such storage and similar space only in connection with the business conducted by Developer in the Project; furnish and install all trade fixtures and permitted signs; open for business and remain open during the entire Term from at least the hours and days that are customary in conformance with first-class standards for other similar home improvement retail stores in the Midwest region ("Business Hours") and in such manner as to help establish and maintain a high reputation for the Project. Notwithstanding the foregoing, the parties hereby agree as follows:

(i) the Improvements shall be continuously open during reasonable Business Hours, subject to Developer's (x) security and management restrictions; and (y) right to temporarily close as necessary for repair, maintenance, etc.; and

(ii) the Improvements, or any portion thereof may be closed temporarily for periods during national or regional pandemics, casualty, and/or reconstruction;

(iii) the Improvements or portions thereof may be temporarily closed during remodeling or during periods of rebranding;

(iv) all or a portion of the garden center/outdoor sales area of the Project may be closed on a seasonal basis as is customary for other similarly-situated garden centers in the Midwest region.

(d) Developer hereby recognizes that its covenants in this Section 6.2 are a material consideration to the UG. Without the covenants set forth in this Section 6.2, the UG would not agree to provide the TIF Financing set forth herein.

(e) Developer acknowledges that damages for the breach of the covenants contained in this Section 6.2 may be very difficult to ascertain. Accordingly, in the event of a breach of the covenants contained in this Section 6.2, then:

(i) The UG shall be entitled to pursue such damages for any breach of the covenants contained in this Section 6.2 as it elects;

(ii) The UG shall have the right to exercise all of its rights and remedies described in Section 8.2 below, including without limitation, the right to a return of any previously disbursed TIF Proceeds and the right to withhold any future TIF Proceeds;

(iii) Without limiting the generality of Sections 8.1 and 8.2 of this Agreement, the UG shall be entitled to all reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of the City in connection with the enforcement of the covenants contained in this Section 6.2.

(f) Additionally, Developer hereby understands and agrees that the nature of the retail uses within the TIF District are critical to the UG's creation of same. Accordingly, the parties hereby agree that the following uses shall be prohibited within the TIF District, except as otherwise provided herein or with the prior written approval of the UG:

(i) Any use which is offensive by reason of odor, fumes, dust, smoke, noise, or pollution, or which constitutes a nuisance or is hazardous by reason of fire or explosion, or injurious to the reputation of the Project, as determined by the UG and Developer in their reasonable discretion.

(ii) A car wash facility.

(iii) A facility primarily used as a storage warehouse operation, mini-warehouse, or freight terminal.

(iv) A facility for the assembling, manufacturing, refining, or smelting, drilling, mining, exploring or the producing of oil, gases or other minerals.

(v) Any use which involves the long-term raising, breeding, and keeping of any animals or poultry.

(vi) Salvage or reclamation yards and the storage of inoperative vehicles.

(vii) Any pawn shop or "second hand" store; provided, however, that the foregoing restriction shall not in any way prohibit the operation of high quality antique or so-called vintage stores.

(viii) Any mobile home park, camp ground, trailer court, or labor camp; provided, however, that the foregoing restriction shall not be applicable to: (1) the temporary use of construction trailers during periods of construction, reconstruction or maintenance; or (2) trailers, delivery trucks or recreational vehicles of invitees, guests, and participants of the Project.

(ix) Any dumping, disposing, incineration or reduction of garbage; provided, however, that this prohibition shall not be applicable to garbage compactors located near the rear of any building within the TIF District, or elsewhere within TIF District subject to the approved final Development Plan, the Project Plan, and in compliance with all Applicable Laws and Requirements.

(x) Any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operation (but this provision shall not restrict the absolute freedom of an owner of any portion within the TIF District to determine its own selling prices nor shall it preclude second-hand sales or the conduct of periodic seasonal sales, promotional or clearance sales, all of which are specifically permitted).

(xi) Any central laundry, or laundromat; provided, however, this prohibition shall not be applicable to a drop-off and pickup facility, or a central laundry or laundromat that complies with Environmental Regulations and other Applicable Laws and Requirements.

(xii) Any automobile, truck or equipment dealerships of any kind, including without limitation, facilities with permanent sales, leasing or displays of any automobile, truck, trailer or recreational vehicle, except for in conjunction with promotions, displays, and other marketing activities (subject to Applicable Laws and Requirements). Such restriction shall not be construed to apply to any ancillary vehicle or equipment rental that may be a part of Developer's prototypical business model.

(xiii) Any body shop repair operation, engine repair or vehicle repair facility for all vehicles, including motorcycles, unless ancillary to new vehicle sales (if such new vehicle sales are entirely interior or are approved by the UG under subparagraph (xii) above).

(xiv) Any mortuary or funeral home.

(xv) Any establishment selling or exhibiting pornographic materials or which sells drug-related paraphernalia or which exhibits either live or by other means to any degree, nude or partially clothed dancers or wait staff and/or any massage parlors or similar establishments; except that this provision shall not be deemed to preclude the operation within the TIF District of either a nationally or regionally recognized high-quality book store, or a drug store or pharmacy, or a department within a retail store offering for sale its usual or customary inventory of books, magazines and/or related pharmaceutical materials.

(xvi) A nightclub, which shall be deemed to mean any bar, club or other establishment that derives 70% or more of its gross receipts from the sale of alcoholic beverages; provided that this restriction is not intended to prohibit a high-quality brewery, distillery or restaurant.

(xvii) Any store selling tobacco products, CBD products, electronic or vapor smoking devices or paraphernalia; provided that this restriction is not intended to prohibit a grocery store, drug store, high-quality and reputable gas station or convenience store, or other businesses where such products are sold but are not relevant to the business's primary source of revenue.

(xviii) Any hookah bars or other establishment with a primary focus on smoking.

(xix) Pay-day or title loan facilities.

(xx) Any seasonal tax preparation facilities; provided, however, for purposes of clarity, nothing herein is intended to prohibit independent certified public accountants with office space in the Project.

(xxi) Any store or business that uses "street marketing" of any kind, including without limitation, inflatable signs or characters, people dressed in costume, holding signs or wearing sandwich-boards or otherwise advertising directly to pedestrians or vehicular traffic.

(xxii) Any precious metals facilities, except for and excluding high quality jewelry stores that purchase precious metals as an ancillary part of their business operations.

(xxiii) A flea market.

(xxiv) Any use not permitted by the applicable zoning ordinance of the UG.

The foregoing list of prohibited uses is not intended to supplant the requirements and/or prohibition of uses stated within the UG's Code of Ordinances. The UG's Board of Commissioners may grant variances to the restrictions set forth in this Section 6.2(f) from time to time in its sole and absolute discretion. At Closing, or within thirty (30) days thereafter, Developer and the UG shall execute a document which shall memorialize the restrictions set forth in this Section 6.2(f) and record the same against the Project Site, which restrictions shall be effective and run with the land for the Term of this Agreement.

6.3 Development Plan. During the Term, Developer agrees that it shall perform and comply with each and all of the terms and provisions of the Development Plan, and not suffer or permit any default or breach of any such terms or provisions of the Development Plan.

6.4 Maintenance and Use. During the Term, Developer shall cause the Project, and all parts thereof, the Project Site and all other of its property used or useful in the conduct of its business and operations on the Project Site, to be maintained, preserved and kept in good repair and working order and in a safe condition, consistent at all times with other similarly situated Menard retail developments in the greater metropolitan Kansas City area, and will make all repairs, renewals, replacements and improvements necessary for the safe, efficient, and advantageous conduct of its business and operations on the Project Site. Developer may make additions, alterations and changes to the Project so long as such additions, alterations and changes are made in compliance with all Applicable Laws and Requirements, the Development Plan, and the Project Plan, and as long as the same do not materially adversely affect Developer's ability to perform its obligations under this Agreement. Developer agrees to set aside on its books such reasonable reserves for future maintenance and capital expenditures.

6.5 Compliance. Developer shall conduct its affairs and carry on its business and operations in such a manner as to comply with all Applicable Laws and Requirements, and to observe and conform to all valid orders, regulations or requirements (including, but not limited to, those relating to safety and health) of any Government Authorities applicable to the conduct of its business and operations and the ownership of the Project; provided, however, that nothing contained in this Agreement shall require Developer to comply with, observe and conform to any such law, order, regulation or requirement of any Government Authorities so long as the validity thereof shall be contested by Developer in good faith by appropriate proceedings, and provided that Developer shall have set aside on its books adequate reserves in accordance with GAAP or secured adequate bonding with respect to such contest and such contest shall

not materially impair the ability of Developer to meet its obligations under this Agreement. Developer agrees to promptly pay any and all fees and expenses associated with any safety, health or other inspections required under this Agreement or imposed by Applicable Laws and Requirements, unless contested in good faith with the assurances provided in the preceding sentence.

6.6 Payment of Taxes and Other Charges. During the Term, Developer and each successor owner within the Project shall pay or cause to be paid as they become due and payable all taxes, assessments and other governmental charges lawfully levied or assessed or imposed upon parcels owned by Developer or upon any income therefrom, including, but not limited to, any taxes, assessments, or other governmental charges levied, assessed or imposed on the Project, the Project Site, and/or the Improvements. Ad valorem property taxes shall be due in arrears, with half due on December 20th and half due on May 10th of each year in which such amount is required to be paid, and will be considered delinquent if not paid by such dates of each such year or as otherwise determined by Applicable Laws and Requirements. The obligation to make ad valorem property tax payments shall be a covenant running with the land and shall create a lien in favor of the UG on each such tax parcel as constituted from time to time and shall be enforceable against Developer or each relevant successor parcel owner. Additionally, Developer hereby understands and agrees that if Developer shall fail to timely pay its ad valorem property taxes for a parcel, then Developer's access to the TIF Financing for the Project shall be suspended until such taxes are paid in full. Nothing herein is intended to restrict Developer's right to file property tax appeals as long as such taxes are paid under protest when the subject property taxes are due and owing during the pendency of an appeal.

6.7 Payment of Obligations. During the Term, Developer shall promptly pay or otherwise satisfy and discharge all of its obligations and all demands and claims against it as and when the same become due and payable, unless the validity, amount or collectability thereof is being contested in good faith or unless the failure to comply or contest would not materially impair its ability to perform its obligations under this Agreement nor subject any material part of the Project to loss or forfeiture.

6.8 Liens and Encumbrances. During the Term, except for a Permitted Mortgage, Developer shall not create (or cause to be created) any mortgage, lien, security interest, charge or encumbrance upon the Project, or any part thereof, and shall promptly cause to be discharged, challenged or terminated all mortgages, liens, security interests, charges and encumbrances that are not Permitted Encumbrances or a Permitted Mortgage. Notwithstanding the foregoing, any Permitted Mortgage shall be subject to the terms and conditions of this Agreement, including without limitation, Section 6.2 of this Agreement.

6.9 Licenses and Permits. During the Term, Developer shall procure and maintain all licenses and permits, and allow all inspections and/or investigations required by Applicable Laws and Requirements or otherwise necessary in the operation of its business and affairs in, on or about the Project.

6.10 Insurance. During the Term, Developer shall maintain or cause to be maintained insurance with respect to the portions of the Project which it owns and operates covering such risks that are of an insurable nature and of the character customarily insured against by organizations operating similar properties and engaged in similar operations (including but not limited to property and casualty, worker's compensation, general liability and employee dishonesty) and in such amounts as, in the reasonable judgment of Developer, are adequate to protect Developer, the UG and the Project, but in no event in an amount less than that required by the Insurance Specifications attached hereto as **Exhibit H**, and made a part hereof. Each policy or other contract for such insurance shall: (i) name the UG as an additional insured (with respect to liability insurance and only in an amount equal to Five Hundred Thousand Dollars ($500,000)), and (ii) contain an agreement by the insurer that, notwithstanding any right of cancellation reserved to such insurer, such policy or contract shall continue in force for at least thirty (30) days after written notice of cancellation to Developer and each other insured, additional insured, loss payee and

mortgage payee named therein. The rights of the UG to any insurance proceeds shall be subject and subordinate to the rights of any Permitted Mortgagee.

6.11 Damage, Destruction or Condemnation. The parties hereby agree as follows:

(a) If, at any time during the Term, all or any portion of the Project shall be damaged or destroyed by a fire or other Casualty (the "Damaged Facilities"), Developer shall have a right, but not an obligation, at its sole cost and expense, to repair, restore and replace the Damaged Facilities as nearly as possible to their condition immediately prior to the Casualty (or consistent with a then-prototypical Menards store).

(b) If Developer elects, in its sole discretion, not to repair, restore and replace the Damaged Facilities as described in subsection (a) above, then the UG may at any time thereafter terminate Developer's access to the TIF Financing and/or terminate this Agreement.

(c) If at any time during the Term, title to the whole or substantially all of the Improvements shall be taken in condemnation proceedings or by right of eminent domain, Developer, at its sole discretion, may terminate this Agreement as of the date of such taking. For purposes of this Section 6.11(c), "substantially all of the Improvements" shall be deemed to have been taken if the Developer, acting reasonably and in good faith, determines that the untaken portion of the Project, including the Parking Improvements, cannot be practically and economically used by Developer for the purposes and at the times contemplated by this Agreement.

6.12 Indemnity. Developer shall pay and indemnify and save the UG and its governing body members, directors, officers, employees and agents harmless from and against all loss, liability, damage or expense arising out of: (a) the acquisition of the Project Site; (b) the design, construction and completion of the Project by Developer; (c) the use or occupation of the Project by Developer or anyone acting by, through or under it; (d) damage or injury, actual or claimed, of whatsoever kind or character occurring after Closing, to persons or property occurring or allegedly occurring in, on or about the Project; (e) any breach, default or failure to perform by Developer under this Agreement following any notice and cure period provided herein. Developer shall also indemnify the UG and its governing body members, directors, officers, employees and agents harmless of, from and against, all costs, reasonable counsel fees, expenses and liabilities incurred by them or by Developer in any action or proceeding brought by reason of any such claim, demand, expense, penalty or fine. Notwithstanding the foregoing, no party benefited by this indemnity shall be indemnified against liability for damage arising out of bodily injury to persons or damage to property caused by such party's own respective willful and malicious acts or omissions or gross negligence. The foregoing covenants contained in this Section 6.12 shall be deemed continuing covenants, representations and warranties for the benefit of the UG and any successors and assigns of the UG, and shall survive the termination, satisfaction or release of this Agreement.

6.13 Prohibition on Sales, Etc. Except for Permitted Encumbrances and a Permitted Mortgage, which are hereby permitted without any further approval of the UG, and except as otherwise provided herein, during the Term, Developer will not, without the prior written consent of the UG: (a) assign, sell, lease, mortgage or otherwise transfer the Project Site, the Improvements or equipment that comprise the Project or any part thereof or any interest therein; (b) merge with or into another corporation or sell or transfer to another corporation substantially all of its assets; or (c) assign this Agreement. Any such assignment, sale, lease, mortgage, merger or other transfer which is consented to by the UG shall be an "Approved Assignment" and the assignee, purchaser, lessee, mortgagee or transferee shall be an "Assignee". The UG shall have the right to grant or withhold its consent to any of the aforesaid in its reasonable discretion after inquiry and delivery of information to the UG as to whether the proposed Assignee has sufficient financial wherewithal and experience to successfully complete the Project

according to the terms hereof. If there is an Approved Assignment, the Assignee shall assume and agree to pay and perform each and all of the terms and provisions hereof.

(a) Notwithstanding the foregoing, the parties hereby understand and agree that Developer may freely assign and/or transfer the Project Site, the Improvements and/or this Agreement at any time after the first fifteen (15) years of the Term; and

(b) If Developer desires to assign and/or transfer the Project Site, the Improvements and/or this Agreement at any time during the first fifteen (15) years of the Term and the same is not consented to as an Approved Assignment as set forth above, then the same shall not be deemed to be a default hereunder, but the UG may (in its sole discretion), terminate this Agreement and/or terminate any further access to reimbursements from TIF Financing to Developer and/or the assignee or transferee.

6.14 Utilities. During the Term, all utility and utility services used by Developer in, on or about the Project shall be paid (or caused to be paid) for by Developer, and Developer shall, at no cost to the UG, procure any and all permits, licenses or authorizations necessary in connection therewith.

6.15 Access. During the Term, Developer hereby recognizes, acknowledges and agrees that the UG, and its duly authorized representatives and agents, shall have the right to enter the Project at reasonable times and upon reasonable notice, to substantiate compliance with this Agreement or, to the extent Developer has failed to cure any breach within applicable notice and cure periods, to cure any defaults under this Agreement. In exercising its rights hereunder, the UG shall use reasonable efforts to avoid unreasonable interference with the construction and operation of the Project. Except as otherwise provided in this Agreement, the UG shall pay all costs it incurs under this provision. Nothing contained in this Section 6.15 shall restrict or impede the right of the UG to enter the Project pursuant to any Applicable Laws and Requirements.

6.16 Environmental Matters. Developer hereby agrees that Developer has sole responsibility for the costs of any remediation of any environmental conditions upon the Project Site. Further, Developer shall not store, locate, generate, produce, process, treat, transport, incorporate, discharge, emit, release, deposit or dispose of any Hazardous Substance in, upon, under, over or from the Project in violation of any Environmental Regulation; shall not permit any Hazardous Substance to be stored, located, generated, produced, processed, treated, transported, incorporated, discharged, emitted, released, deposited, disposed of or to escape therein, thereupon, thereunder, thereover or therefrom in violation of any Environmental Regulations; shall cause all Hazardous Substances to be properly removed therefrom and properly disposed of in accordance with all applicable Environmental Regulations; shall not install or permit to be installed any underground storage tank therein or thereunder in violation of any Environmental Regulation; and shall comply with all other Environmental Regulations which are applicable to the Project. Developer shall indemnify the UG against, shall hold the UG harmless from, and shall reimburse the UG for, any and all claims, demands, judgments, penalties, fines, liabilities, costs, damages and expenses, including court costs and attorneys' fees incurred by the UG (prior to trial, at trial and on appeal) in any action against or involving the UG, resulting from any breach of the foregoing covenants or from the discovery of any Hazardous Substance, in, upon, under or over, or emanating from, the Project, whether or not Developer is responsible therefor, it being the intent of Developer and the UG that the UG shall have no liability or responsibility for damage or injury to human health, the environment or natural resources caused by, for abatement and/or clean-up of, or otherwise with respect to, Hazardous Substances, which arises subsequent to Closing. The foregoing covenants contained in this Section 6.16 shall be deemed continuing covenants, representations and warranties for the benefit of the UG and any successors and assigns of the UG, and shall survive the termination, satisfaction or release of this Agreement, or any other instrument.

6.17 Power of the UG. Notwithstanding anything set forth herein to the contrary, no provision contained herein shall in any manner diminish or usurp the inherent rights and powers of the UG to act in its capacity as a public body. Further, nothing herein shall relieve Developer from complying with all Applicable Laws and Requirements.

ARTICLE 7. SPECIAL PROVISIONS

7.1 Special Agreements of Developer. Developer recognizes, stipulates and agrees that it will actively market and advertise (or cause to be actively marketed and advertised) the Project in the Kansas City metropolitan area and regionally.

7.2 LBE/MBE/WBE Employment Opportunity Goals. Developer agrees to use its Best Efforts to comply with the goals set forth in **Exhibit I** (as the term "Best Efforts" is defined therein), attached hereto and made a part hereof, in order to identify and provide employment opportunities for local businesses and contractors, women and local minority owned businesses.

ARTICLE 8. DEFAULT AND REMEDIES

8.1 Default Provisions. Developer shall be in default under this Agreement if:

(a) Developer fails to make any of the payments of money to the UG required by the terms of this Agreement, and Developer fails to cure or remedy the same within thirty (30) days after the UG has given Developer written notice specifying such default; or

(b) Developer fails to keep or perform any covenant or obligation herein contained on Developer's part to be kept or performed, and Developer fails to remedy the same within sixty (60) days after the UG has given Developer written notice specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot be corrected within such period, it shall not constitute an event of default if corrective action is instituted by Developer within such period and diligently pursued until the default is corrected; or

(c) Developer or any Affiliate shall file a voluntary petition under any bankruptcy law or an involuntary petition under any bankruptcy law is filed against any such party in a court having jurisdiction and said petition is not dismissed within sixty (60) days; or Developer or any Affiliate generally is not paying its debts as such debts become due; or Developer or any Affiliate makes an assignment for the benefit of its creditors; or a custodian, trustee or receiver is appointed or retained to take charge of and manage any substantial part of the assets of Developer or any Affiliate and such appointment is not dismissed within sixty (60) days; or any execution or attachment shall issue against Developer whereupon the Project, or any part thereof, or any interest therein of Developer under this Agreement shall be taken and the same is not released prior to judicial sale thereunder (each of the events described in this subparagraph being deemed a default under the provisions of this Agreement); or

(d) Developer breaches the representations and warranties set forth in this Agreement and fails to cure or correct same within fifteen (15) days following Developer's receipt of written notice from the UG specifying such breach.

In the event of such default, the UG may take such actions, or pursue such remedies, as exist hereunder, or at law or in equity, and Developer covenants to pay and to indemnify the UG against all reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of the UG in connection with the enforcement of such actions or remedies, provided that the UG is the prevailing party in such actions.

8.2 Rights and Remedies. Upon the occurrence and continuance of a Developer default, subject to any applicable notice and cure periods as described in Section 8.1 above, the UG shall have the following rights and remedies:

(a) Whenever any default by Developer shall have occurred and be continuing, subject to applicable cure periods as set forth above, the UG may: (i) refuse to approve any further Certificate of Expenditures or make any further reimbursements of TIF Eligible Expenses unless and until such default is cured by Developer; (ii) terminate Developer's access to the TIF Financing; and/or (iii) terminate this Agreement and receive a refund of TIF Funds paid to Developer to the date of such default. The rights and remedies reserved by the UG hereunder and those provided by law shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions.

(b) The UG may pursue any available remedy at law or in equity by suit, action, mandamus or other proceeding to enforce and compel the specific performance of the duties and obligations of Developer as set forth in this Agreement, to enforce or preserve any other rights or interests of the UG under this Agreement or otherwise existing at law or in equity and to recover any damages incurred by the UG resulting from such Developer default.

(c) In the event of such default by Developer, the UG may take such actions, or pursue such remedies, as exist hereunder or at law or in equity and Developer covenants to pay and to indemnify the UG against all reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of the UG in connection with the enforcement of such actions or remedies.

(d) The rights and remedies reserved by the UG hereunder and those provided by law shall be construed as cumulative and continuing rights, no one of which shall be exhausted by the exercise of any one or more of such rights or remedies on any one or more occasions. If a default by Developer occurs under this Agreement and is continuing, the UG may take whatever action at law or in equity as may appear necessary or desirable to enforce performance and observance by Developer of any provision of this Agreement. Failure by the UG to enforce any such rights shall not be deemed a waiver thereof.

(e) Notwithstanding the foregoing or anything in this Agreement to the contrary, the parties hereby expressly acknowledge and agree that, under no circumstances, will Developer ever be liable for any remote or consequential damages including without limitation lost tax revenues, arising out of or in any way related to this Agreement.

8.3 Default by the UG. The UG shall be in default under this Agreement if the UG fails to keep or perform any covenant or obligation herein contained on the UG's part to be kept or performed, and the UG fails to remedy the same within thirty (30) days after Developer has given the UG written notice specifying such failure and requesting that it be remedied; provided, however, that if any event of default shall be such that it cannot be corrected within such period, it shall not constitute an event of default if corrective action is instituted by the UG within such period and diligently pursued until the default is corrected. If a default by the UG occurs under this Agreement and is continuing, Developer may take whatever action at law or in equity as may appear necessary or desirable, in Developer's discretion, to enforce performance and observance by the UG of any provision of this Agreement; provided, however, that the UG's liability for monetary amounts shall be limited to the actual amount, if any, in question, and under no circumstances shall the UG be liable for any remote or consequential damages. Developer shall be entitled to specific performance and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceedings in equity.

In the event of such default, Developer may take such actions, or pursue such remedies, as exist hereunder or at law or in equity; and if Developer is the prevailing party in an action to enforce its remedies hereunder, Developer shall be entitled, subject to Applicable Laws and Requirements, to reasonable costs and charges, including attorneys' fees, lawfully and reasonably incurred by or on behalf of Developer in connection with the enforcement of such actions or remedies.

ARTICLE 9. MISCELLANEOUS

9.1 Waiver of Breach. No waiver of any breach of any covenant or agreement herein contained shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement, and in case of a breach by either party of any covenant, agreement or undertaking, the non-defaulting party may nevertheless accept from the other any payment or payments or performance hereunder without in any way waiving its right to exercise any of its rights and remedies provided for herein or otherwise with respect to any such default or defaults which were in existence at the time such payment or payments or performance were accepted by it.

9.2 Force Majeure. In the event either party hereto shall be delayed or hindered in or prevented from the performance of any act required under this Agreement by reason of acts of God, strikes, lockouts, unavailability of sufficient trade laborers or materials, global pandemic such as COVID-19, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate Government Authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of the UG to timely approve the Plans and Specifications, the Construction Documents, war, terrorism or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement ("Force Majeure"), then performance of such act shall be excused for the period of the delay, and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay. The provisions of this Section 9.2 shall not be applicable to delays resulting from the inability of a party to obtain financing or to proceed with its obligations under this Agreement because of a lack of funds.

9.3 Covenants of Parties.

(a) Representations and Warranties of Developer. Developer represents and warrants to the UG as follows:

(i) Organization. Developer is a Wisconsin corporation duly formed and validly existing under the laws of the State. Developer is duly authorized to conduct business in each other jurisdiction in which the nature of its properties or its activities requires such authorization. Developer shall: (1) preserve and keep in full force and effect its corporate or other separate legal existence and (2) remain qualified to do business and conduct its affairs in the State and each jurisdiction where ownership of its property or the conduct of its business or affairs requires such qualification.

(ii) Authority. The execution, delivery and performance by Developer of this Agreement are within Developer's powers and have been duly authorized by all necessary action of Developer.

(iii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the organizational documents of Developer or any provision of law, statute, rule or regulation to which Developer is subject, or to any judgment, decree, license, order or permit

applicable to Developer, or will conflict or be inconsistent with, or will result in any breach of any of the terms of the covenants, conditions or provisions of any indenture, mortgage, deed of trust, agreement or other instrument to which Developer is a party, by which Developer is bound, or to which Developer is subject.

(iv) No Consents. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the due execution and delivery by Developer of this Agreement. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the performance by Developer of this Agreement or the consummation of the transactions contemplated hereby except for zoning, building and other customary permits to be obtained from the UG or other Government Authorities.

(v) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of Developer, enforceable against Developer in accordance with the terms hereof.

(b) Representations and Warranties of the UG. The UG represents and warrants to Developer as follows:

(i) Authority. The execution, delivery and performance by the UG of this Agreement are within its powers and have been duly authorized by all necessary action.

(ii) No Conflicts. Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein or therein contemplated, nor compliance with the terms and provisions hereof or thereof, will contravene the ordinances, rules, regulations of the UG or the laws of the State nor result in a breach, conflict with or be inconsistent with any terms, covenants, conditions or provisions of any indenture, agreement or other instrument by which the UG is bound or to which the UG is subject.

(iii) No Consents. Except as set forth in Section 3.1(c) and (d), no consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the due execution and delivery by the UG of this Agreement. No consent, authorization, approval, order or other action by, and no notice to or filing with, any court or Government Authority or regulatory body or third party is required for the performance by the UG of this Agreement or the consummation of the transactions contemplated hereby.

(iv) Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of the UG enforceable against the UG in accordance with its terms.

9.4 Amendments. This Agreement may be amended, changed or modified only by a written agreement duly executed by the UG and Developer.

9.5 Construction and Enforcement. This Agreement shall be construed and enforced in accordance with the laws of the State.

9.6 Invalidity of Any Provisions. If for any reason any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.

9.7 Headings. The Article and Section headings shall not be treated as a part of this Agreement or as affecting the true meaning of the provisions hereof.

9.8 Execution of Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument. Hand signatures transmitted by electronic mail in portable document format (PDF) or similar format shall also be permitted as binding signatures to this Agreement.

9.9 Time. Time is of the essence in this Agreement.

9.10 Consents and Approvals. Wherever in this Agreement it is provided that the UG or Developer shall, may or must give its approval or consent, the UG or Developer shall not, unless specifically herein provided otherwise, unreasonably withhold, condition, delay or refuse to give such approvals or consents. It is agreed, however, that the sole right and remedy for Developer or the UG in any action concerning the other's reasonableness will be action for declaratory judgment and/or specific performance, and in no event shall either such party be entitled to claim damages of any type or nature in any such action.

9.11 Notices. All notices required or desired to be given hereunder shall be in writing and all such notices and other written documents required or desired to be given hereunder shall be deemed duly served and delivered for all purposes if (i) delivered by nationally recognized overnight delivery service; (ii) delivered by electronic mail (with follow up within two (2) business days by United States Mail or by nationally recognized overnight delivery service); or (iii) delivered in person, in each case if addressed to the parties set forth below:

The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street, Suite 323
Kansas City, Kansas 66101
Telephone: (913) 573-5260
Email: bcobbins@wycokck.org

with a copy to:

Kenneth J. Moore
Chief Counsel
The Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street, Suite 961
Kansas City, Kansas 66101
Telephone: (913) 573-5060
Email: kjmoore@wycokck.org

And a copy to:

Douglas G. Bach
County Administrator
Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street, 9th Floor
Kansas City, Kansas 66101
Telephone: (913) 573-5030
Email: dbach@wycokck.org

And a copy to:

Todd A. LaSala
Anna M. Krstulic
Stinson LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106
Telephone: (816) 842-8600
Email: todd.lasala@stinson.com
anna.krstulic@stinson.com

and to Developer at:

Menard, Inc.
Attn: Properties Division
5101 Menard Drive
Eau Claire, WI 54703
Phone: (715) 876-2532
Fax: (715) 876-5998
Email: properties@menard-inc.com

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, and followed up by regular United States mail or nationally recognized overnight delivery service in accordance with the above procedures, shall be deemed duly given one (1) business day after they are so delivered. All notices given in person shall be deemed duly given when delivered.

9.12 Real Estate Commissions. Each party hereby agrees to indemnify and hold harmless the other from and against: (i) any and all losses, liens, claims, judgments, liabilities, reasonable costs, expenses or damages (including reasonable attorneys' fees and court costs) of any kind or character arising out of or resulting from any duty or responsibility to pay any commission or make any other payment by either Developer or the UG; or (ii) arising out of or resulting from any agreement, arrangement or understanding alleged to have been made by Developer or on its behalf, or by the UG or on its behalf, with any other broker, agent or finder in connection with this Agreement or the transactions contemplated hereby. Notwithstanding anything herein to the contrary, this Section 9.12 shall survive the Closing or any termination of this Agreement.

9.13 Entire Agreement. Together with the Exhibits hereto, this Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes and replaces all prior oral or written agreements concerning the subject matter hereof.

9.14 Run with the Land. This Agreement shall be binding on and inure to the benefit of the parties hereto and their respective heirs, successors and assigns and shall run with the land. However, Developer shall remain liable in the event of a violation of any of the terms or restrictions set forth in Sections 6.8 and 6.13 hereof. At Closing, the parties shall record a memorandum describing this Agreement in the land records of Wyandotte County, Kansas.

9.15 Electronic Storage. The parties agree that the transactions described herein may be conducted and related documents may be received, sent or stored by electronic means. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

[Remainder of page intentionally left blank; signature pages follow.]

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

UG:

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By:_____
David Alvey, Mayor/CEO

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on _____, 2020, by David Alvey as Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

_____

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written.

DEVELOPER:

MENARD, INC., a Wisconsin corporation

By: _____
Theron J. Berg, Real Estate Manager

STATE OF WISCONSIN)
) SS.
COUNTY OF EAU CLAIRE)

This instrument was acknowledged before me on _____, 2020 by Theron J. Berg, as Real Estate Manager of Menard, Inc., a Wisconsin corporation.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission is permanent

ANNEX 1
DEFINITIONS

"Affiliate" means any person, entity or group of persons or entities which controls Developer, which Developer controls or which is under common control with Developer. As used herein, the term "control" shall mean the possession, directly or indirectly, of the power to direct or cause the direction of management and policies, whether through the ownership of voting securities, by contract or otherwise. However, the parties understand and agree that the term "Affiliate" shall not include passive investors or capital partners without day to day operational control of the Project.

"Agreement" means this Development Agreement by and between the UG and Developer.

"Applicable Laws and Requirements" means any applicable constitution, treaty, statute, rule, regulation, ordinance, order, directive, code, interpretation, judgment, decree, injunction, writ, determination, award, permit, license, authorization, directive, requirement or decision of or agreement with or by Government Authorities, and all requirements of any insurers. Applicable Laws and Requirements includes, without limitation, the Development Plan, the Project Plan, the Kansas Cash Basis Law (K.S.A. § 10-1100 *et seq.*) and Budget Law (K.S.A. § 79-2925 *et seq.*).

"Approved Assignment" means any assignment, sale, lease, mortgage, merger or other transfer which is consented to by the UG, as described in Section 6.13.

"Assignee" means the assignee, purchaser, lessee, mortgagee, or transferee of an Approved Assignment, as described in Section 6.13.

"Base Year Assessed Valuation" means the assessed valuation of all real properties within the boundaries of the TIF District on the date of publication of the TIF District Ordinance, as described in Section 4.2(a)(i).

"Casualty" means any fire, storm, earthquake, tornado, flood or natural disaster or other sudden, unexpected or unusual cause of damage or destruction.

"Certificate of Expenditures" means those certain certificates submitted by Developer in accordance with Section 4.6 and on the form set forth in **Exhibit G**.

"Closing" means the date by which Developer closes on its acquisition of the Project Site.

"Construction Documents" means Developer's construction documents relative to the Improvements, as described in Section 5.3.

"Damaged Facilities" means any part or the whole of the Project to the extent that the same is damaged or destroyed by a Casualty, as described in Section 6.11(a).

"Developer" means Menard, Inc., a Wisconsin corporation.

"Development Plan" means the final site plan approvals for the Improvements (or portion(s) thereof), as described in Section 2.2.

"Drop Dead Date" means the date certain by which all Public Financing Conditions must be met or waived and Closing must occur, as set forth in Section 3.2.

"Effective Date" means the date of this Agreement first above written.

"Environmental Regulation" means any and all present and future laws, statutes, ordinances, rules, regulations and orders of any Government Authority having jurisdiction over the parties hereto or any portion of the Project Site and pertaining to the protection of human health, Hazardous Substances, pollution, or the environment, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, and as the same may be further amended from time to time (collectively, "CERCLA").

"50/50 Limitation" means the limitation on the reimbursement to Developer of TIF Eligible Expenses from TIF Financing, as described in Section 4.3.

"Force Majeure" is defined in Section 9.2.

"GAAP" means generally accepted accounting principles.

"General Contractor" means the general contractor selected by Developer for the Improvements, as described in Section 5.3.

"Government Authority" means any and all jurisdictions, entities, courts, boards, agencies, commissions, offices, divisions, subdivisions, departments, bodies or authorities of any nature whatsoever of any governmental unit (federal, state, county, district, municipality, city or otherwise), whether now or hereafter in existence, with affirmative jurisdiction over Developer or the Project.

"Hazardous Substance" means any substance that is defined or listed as a hazardous or toxic substance and which is regulated as such or may form the basis of liability under any present or future Environmental Regulation, or that is otherwise prohibited or subject to investigation or remediation under any present or future Environmental Regulation because of its hazardous, toxic, or dangerous properties, including, without limitation, (i) any substance that is a "hazardous substance" under CERCLA, and (ii) petroleum, natural gas, natural gas liquids, liquefied natural gas, and synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas), only to the extent that the constituents of such synthetic gas are released or threatened to be released into the environment.

"Improvements" means those certain improvements that are contemplated to be constructed in the Project, as described in Section 2.2.

"Incremental Real Property Taxes" means that amount of Real Property Taxes collected from the real property within The Project Area of the TIF District that is in excess of the amount of Real Property Taxes collected from the Base Year Assessed Valuation of the real property within The Project Area of the TIF District, as described in Section 4.2(a)(i).

"Insurance Specifications" means the insurance requirements on Developer in connection with the Project as generally described in Section 6.10 and more fully set forth in **Exhibit H**.

"Material Change" means any substantial change to any agreement, plan or other document referred to herein, which change would require changes to Developer's permits or approval of the appropriate Government Authorities or is required by Applicable Laws and Requirements.

"Parking Improvements" means any parking improvements required by Applicable Laws and Requirements, as described in Section 2.2(c).

"Permitted Mortgage" means any mortgage placed on, or other security interest granted in, the Project Site or any part thereof in connection with any construction or permanent financing of the Project.

"Permitted Mortgagee" means the holder of the Permitted Mortgage.

"Permitted Use" means a first-class retail home improvement store as described in Sections 2.2(a) and 6.2(a).

"Person" shall mean any natural person, firm, partnership, association, corporation, limited liability company, trust, entity, public body or government or other entity.

"Plans and Specifications" means the plans and specifications for the Improvements, as described in Section 5.2.

"Prime Rate" means the rate of interest announced from time to time by Security Bank of Kansas City, or any successor to it. If such bank, or any successor to it, ceases to announce a prime rate, the UG shall designate a reasonably comparable financial institution for purposes of determining the Prime Rate.

"Private Funds" means Developer's private equity and debt used to pay the costs for the design, development and construction of the Project, as described in Section 4.1.

"Project" means the design, development, and construction of the Improvements on the Project Site, as described in Recital A and Section 2.2.

"Project Costs" means the costs of acquiring, designing, developing, constructing and completing the Project, as generally described in Section 4.1 and **Exhibit F**.

"Project Area" means the Project Area established by the TIF District Ordinance, as described in Recital D.

"Project Plan" means the Redevelopment Project Plan for The Project Area of the TIF District approved and adopted by the UG pursuant to the TIF Project Plan Ordinance, as described in Recital D.

"Project Site" means the real property on which Developer intends to design, develop and construct the Project, as described in Recital A, legally described on **Exhibit A-1** and generally depicted on **Exhibit A-2**.

"Public Financing Conditions" means the conditions precedent to the issuance and delivery to Developer of any public financing under the terms of the Agreement, as set forth in Section 3.1.

"Real Property Taxes" means all taxes levied on an ad valorem basis upon land and Improvements within the TIF District, as described in Section 4.2(a)(i).

"State" means the State of Kansas.

"Substantial Completion" and "Substantially Completed" means the stage in the progress of the construction of the Project when construction is sufficiently complete so that the Project can be occupied or utilized for its intended use (which shall be evidenced by the receipt of a temporary certificate of occupancy for the Improvements).

"Term" means the term of the Agreement, as described in Section 6.1.

"TIF" means tax increment financing.

"TIF Act" means K.S.A. § 12-1770 *et seq.*, as amended.

"TIF Administrative Fee" means the administrative fee for the TIF Fund, as described in Section 4.2(d).

"TIF Cap" means the limitation on TIF Proceeds available to Developer for reimbursement of TIF Eligible Expenses through TIF Financing, as described in Section 4.2(b)(ii).

"TIF Collection Period" means the period that commences on the date that the Project Plan is approved by the UG's Board of Commissioners up to and concluding upon that date which is the earlier of (a) the date that Developer has been reimbursed for all TIF Eligible Expenses by TIF Financing in an amount equal to the TIF Cap, or (b) twenty (20) years from the date that the Project Plan was approved, as described in Section 4.2(b)(i).

"TIF District" means the TIF District established by the UG pursuant to the TIF District Ordinance and the TIF Act, as described in Recital C, legally described on **Exhibit C-1**, and generally depicted on **Exhibit C-2**.

"TIF District Ordinance" means Ordinance No. O-19-09 passed by the UG pursuant to the TIF Act on or about February 26, 2009 to approve the TIF District, as described in Recital C and a copy of which is attached hereto as **Exhibit B**.

"TIF Eligible Expenses" means those certain Project Costs identified by Developer which may be reimbursed with TIF Proceeds if and to the extent that such Project Costs are related to site improvement and the design and construction costs located within The Project Area of the TIF District, all as specifically identified on **Exhibit F** attached hereto, along with Interest, and eligible for payment or reimbursement pursuant to the TIF Act, as described in Section 4.2.

"TIF Financing" means a method of financing pursuant to which certain TIF Eligible Expenses are paid and/or reimbursed without notes or bonds, and the costs are reimbursed as TIF Proceeds are deposited into the TIF Fund, as described in Section 4.2(b).

"TIF Fund" means the separate fund and account established by the UG for collection of the TIF Proceeds collected within The Project Area of the TIF District, as described in Section 4.2(a)(ii).

"TIF Proceeds" means the Incremental Real Property Taxes, less the TIF Administrative Fee, as described in Section 4.2(a)(iii).

"TIF Project Plan Ordinance" means the ordinance passed by the UG pursuant to the TIF Act to approve the Project Plan, as described in Recital D and a copy of which will be attached hereto as **Exhibit D**.

"Total Project Budget" means the budget attached hereto as **Exhibit F**.

"UG" means the Unified Government of Wyandotte County/Kansas City, Kansas.

INDEX OF EXHIBITS

Exhibit A-1	The Project Site – Legal Description
Exhibit A-2	The Project Site – Map
Exhibit B	TIF District Ordinance
Exhibit C-1	TIF District – Legal Description
Exhibit C-2	TIF District – Map
Exhibit D	TIF Project Plan Ordinance
Exhibit E	Site Plan
Exhibit F	Total Project Budget
Exhibit G	Form of Certificate of Expenditures
Exhibit H	Insurance Specifications
Exhibit I	LBE/MBE/WBE Goals and Requirements

EXHIBIT A-1

PROJECT SITE – LEGAL DESCRIPTION

EXHIBIT A-2

PROJECT SITE – MAP

EXHIBIT B

TIF DISTRICT ORDINANCE

(Published in the Wyandotte Echo on March 5, 2009)

ORDINANCE NO. O-19-09

AN ORDINANCE OF THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 et seq., as amended (the "Act"), the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is authorized to establish redevelopment districts within a defined area of the Unified Government which is an area within the City of Kansas City, Kansas (the "City") that was designated as an enterprise zone prior to July 1, 1992, and is therefore an "eligible area" as said term is defined in the Act; and

WHEREAS, the Governing Body adopted Resolution No. R-8-09 on January 22, 2009 calling for a public hearing considering the establishment of a redevelopment district to be known as the "Epic Center Redevelopment District" to be held by the Governing Body on February 26, 2009; and

WHEREAS, notice of the public hearing was given as required by the Act; and

WHEREAS, the public hearing was held on February 26, 2009 and closed on the same day; and

WHEREAS, at the public hearing, the Governing Body determined that the Epic Center Redevelopment District shall not include that area described in Resolution No. R-8-09 as Project Area B, and instead that the Epic Center Redevelopment District shall only include one project area, described as Project Area A in Resolution No. R-08-09.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

SECTION 1. The Governing Body hereby finds that the real property described in **Exhibits A and B** (the "Redevelopment District") attached hereto is an eligible area for being designated as a redevelopment district pursuant to the Act because the real property is an area within the City that was designated as an enterprise zone prior to July 1, 1992.

SECTION 2. The Governing Body hereby finds that the real property described in **Exhibits A and B** is a portion of the real property designated in the notice of public hearing given as required by the Act and Resolution No. R-8-09.

SECTION 3. The Governing Body hereby finds that the conservation, development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the Unified Government.

SECTION 4. The Governing Body hereby establishes the Redevelopment District, which shall consist of one (1) project area, depicted on the map attached hereto as **Exhibit A**. The district plan is hereby approved, and consists of buildings and facilities to be constructed within the one (1) project area, generally described as follows:

Construction of a multi-story office building, construction of a multi-story hotel, construction of one or more restaurant/retail buildings and construction of a mixed use building, and related public and private infrastructure.

SECTION 5. The Act authorizes the issuance by the Unified Government of bonds to finance all or a portion of the costs of implementing the district plan. Said bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of passage of this Ordinance, pursuant to Treasury Regulation §1.150-2. The maximum amount of bonds or other obligations expected to be issued to fund redevelopment project costs prior to the approval of the redevelopment plan for the Redevelopment District is $21,000,000.

SECTION 6. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

ADOPTED by the Governing Body this February 26, 2009.

SIGNED by the Mayor this February 26, 2009.

Mayor

(SEAL)

Unified Government Clerk

Approved As To Form Only:

Deputy Chief Counsel

EXHIBIT A

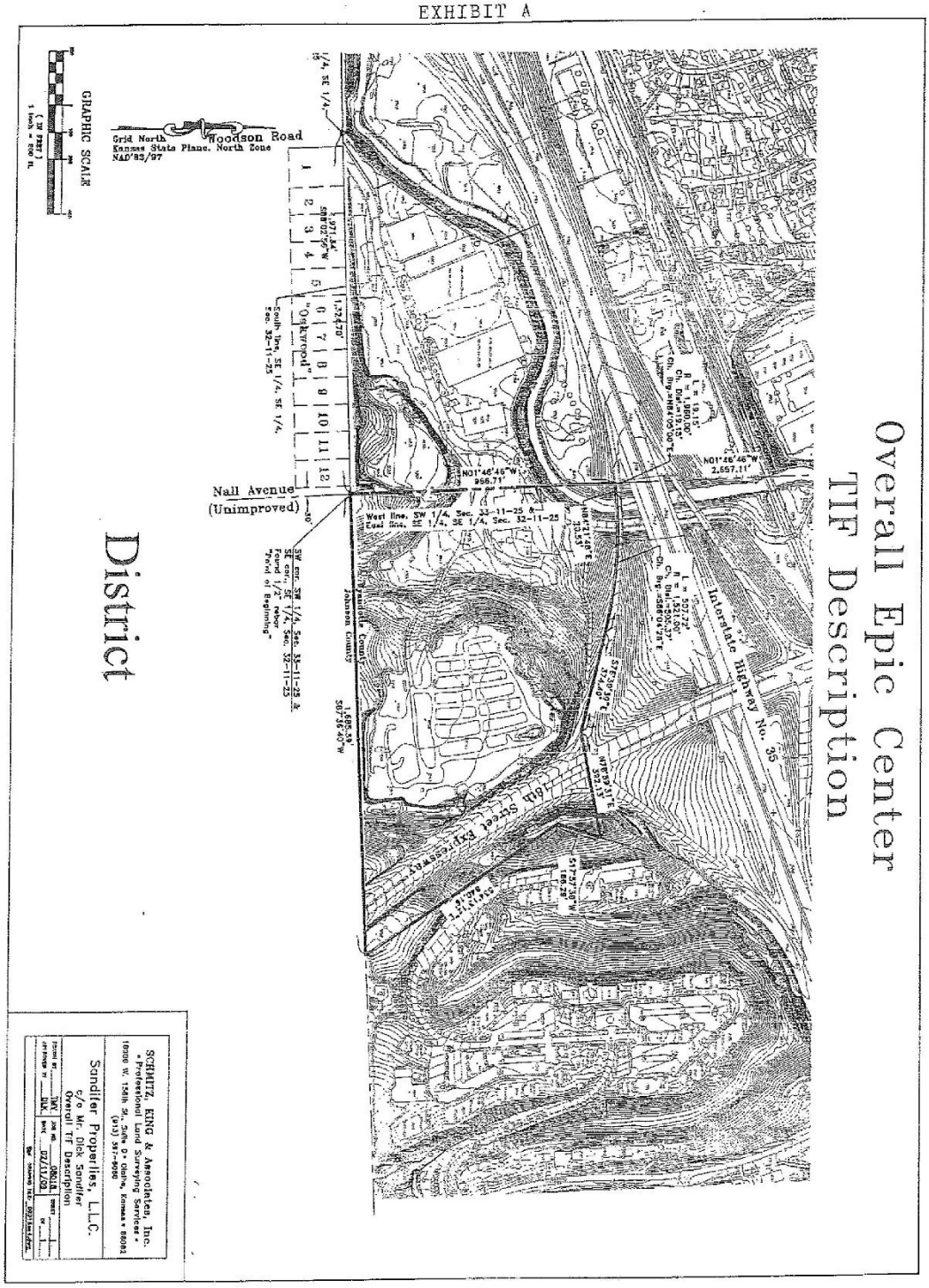

Exhibit B-3

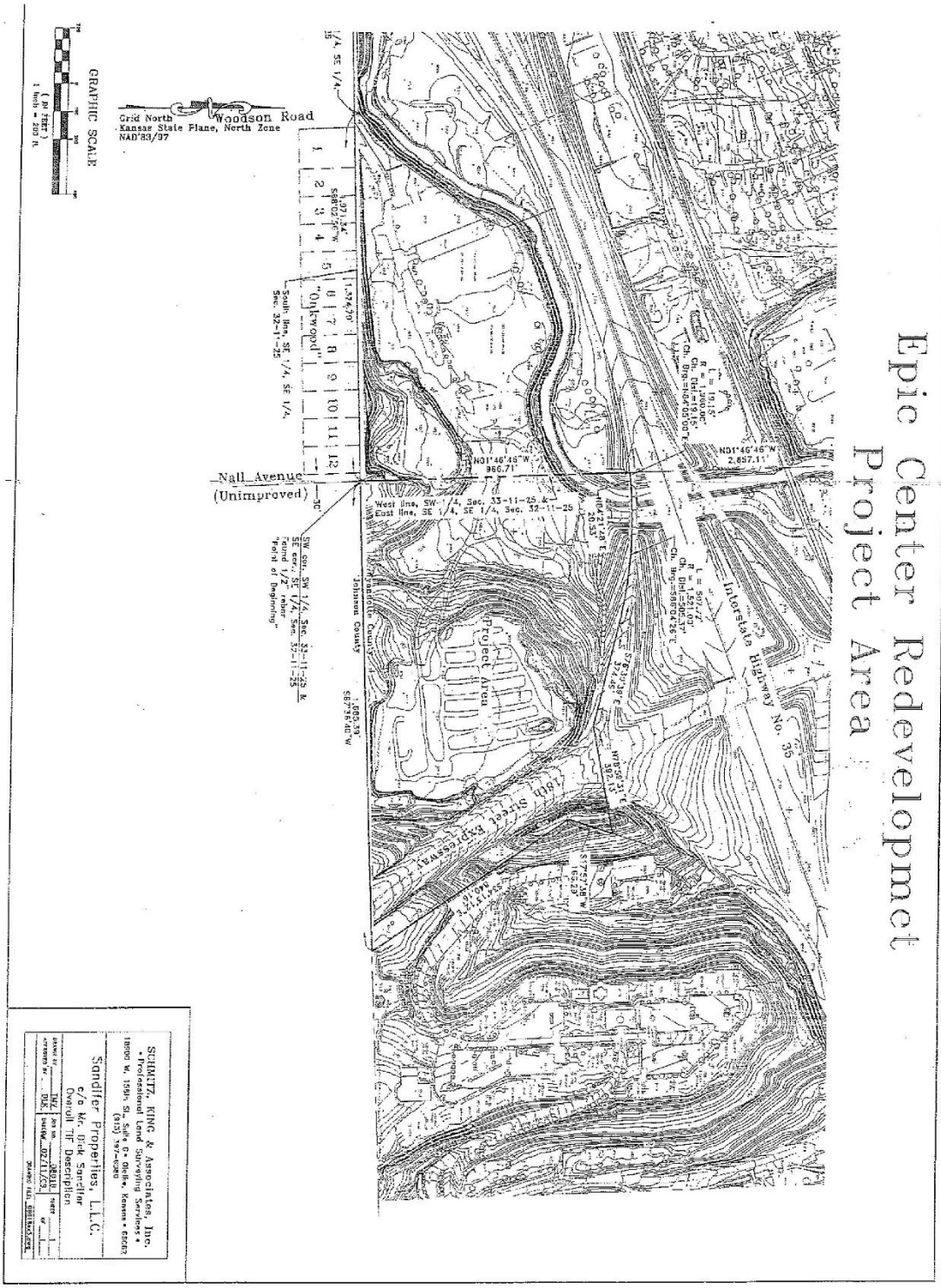
Epic Center Redevelopmct
Project Area
Woodson Road
Nall Avenue
(Unimproved)
Overland Park
Interstate Highway No. 35
18th Street Expressway
Project Area
Johnson County
Grid North
Kansas State Plane, North Zone
NAD'83/97
GRAPHIC SCALE
Sandifer Properties, L.L.C.
c/o Mr. Dirk Sandifer
Overlot TIF Description
SCHMITZ, KING & Associates, Inc.

Exhibit B-4

EXHIBIT B

Legal Description – Overall Epic Center TIF Description

A tract of land in the Southwest Quarter of Section 33, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 33;

Thence North 01°46'46" West 966.71 feet, along the West line of the Southwest Quarter of said Section 33, to a point on the Southerly edge of pavement of the on-ramp to 18th Street Expressway, said point also being on a non-tangent curve concave to the South having a radius of 1,960.00 feet;

Thence Easterly 19.15 feet, continuing along said Southerly edge of pavement and said curve to the right having a chord bearing of North 84°05'00" East and a chord distance of 19.15 feet;

Thence North 84°21'48" East 20.53 feet, along said Southerly edge of pavement, to the beginning of a curve concave to the South having a radius of 1,521.00 feet;

Thence Easterly 507.72 feet, along said Southerly edge of pavement and curve to the right having a chord bearing of South 86°04'26" East and a chord distance of 505.37 feet;

Thence South 76°30'39" East 374.49 feet along said Southerly edge of pavement;

Thence North 78°59'31" East 392.13 feet to a point on the Easterly right-of-way line of 18th Street Expressway as now established;

Thence South 17°57'38" West 166.29 feet along said Easterly right-of-way line;

Thence South 34°13'12" East 840.16 feet, along said Easterly right-of-way line, to a point on the South line of the Southwest Quarter of said Section 33;

Thence South 87°36'40" West 1,685.39 feet, along said South line, to the "point of beginning" of the tract herein described, containing 1,271,922 square feet or 29.20 acres, more or less.

Subject to all easements and restrictions of record.

File:08018 Overall-Epic-Center-TIF-Description.doc

Legal Description – Epic Center Redevelopment Project Area

A tract of land in the Southwest Quarter
of Section 33, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 33;

Thence North 01°46'46" West 966.71 feet, along the West line of the Southwest Quarter of said Section 33, to a point on the Southerly edge of pavement of the on-ramp to 18th Street Expressway, said point also being on a non-tangent curve concave to the South having a radius of 1,960.00 feet;

Thence Easterly 19.15 feet, continuing along said Southerly edge of pavement and said curve to the right having a chord bearing of North 84°05'00" East and a chord distance of 19.15 feet;

Thence North 84°21'48" East 20.53 feet, along said Southerly edge of pavement, to the beginning of a curve concave to the South having a radius of 1,521.00 feet;

Thence Easterly 507.72 feet, along said Southerly edge of pavement and curve to the right having a chord bearing of South 86°04'26" East and a chord distance of 505.37 feet;

Thence South 76°30'39" East 374.49 feet along said Southerly edge of pavement;

Thence North 78°59'31" East 392.13 feet to a point on the Easterly right-of-way line of 18th Street Expressway as now established;

Thence South 17°57'38" West 166.29 feet along said Easterly right-of-way line;

Thence South 34°13'12" East 840.16 feet, along said Easterly right-of-way line, to a point on the South line of the Southwest Quarter of said Section 33;

Thence South 87°36'40" West 1,685.39 feet, along said South line, to the "point of beginning" of the tract herein described, containing 1,271,922 square feet or 29.20 acres, more or less.

Subject to all easements and restrictions of record.

File:08018-Epic-Center-Redevelopmet-Project-Area-A.doc

Exhibit B-6

EXHIBIT C-1

TIF DISTRICT – LEGAL DESCRIPTION

A tract of land in the Southwest Quarter of Section 33, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 33;

Thence North 01°46'46" West 966.71 feet, along the West line of the Southwest Quarter of said Section 33, to a point on the Southerly edge of pavement of the on-ramp to 18th Street Expressway, said point also being on a non-tangent curve concave to the South having a radius of 1,960.00 feet;

Thence Easterly 19.15 feet, continuing along said Southerly edge of pavement and said curve to the right having a chord bearing of North 84°05'00" East and a chord distance of 19.15 feet;

Thence North 84°21'48" East 20.53 feet, along said Southerly edge of pavement, to the beginning of a curve concave to the South having a radius of 1,521.00 feet;

Thence Easterly 507.72 feet, along said Southerly edge of pavement and curve to the right having a chord bearing of South 86°04'26" East and a chord distance of 505.37 feet;

Thence South 76°30'39" East 374.49 feet along said Southerly edge of pavement;

Thence North 78°59'31" East 392.13 feet to a point on the Easterly right-of-way line of 18th Street Expressway as now established;

Thence South 17°57'38" West 166.29 feet along said Easterly right-of-way line;

Thence South 34°13'12" East 840.16 feet, along said Easterly right-of-way line, to a point on the South line of the Southwest Quarter of said Section 33;

Thence South 87°36'40" West 1,685.39 feet, along said South line, to the "point of beginning" of the tract herein described, containing 1,271,922 square feet or 29.20 acres, more or less.

Subject to all easements and restrictions of record.

EXHIBIT C-2

TIF DISTRICT – MAP

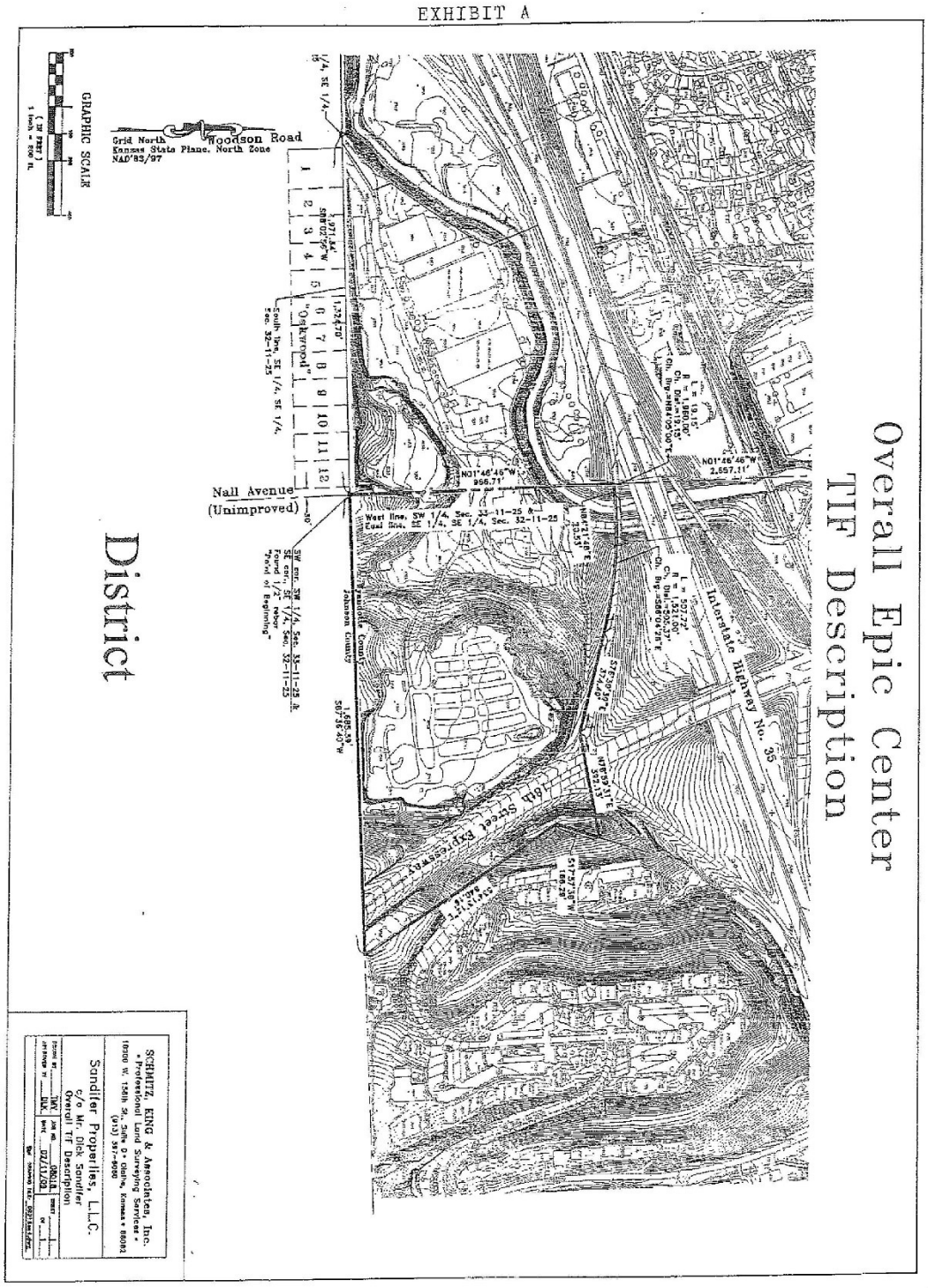

EXHIBIT D

TIF PROJECT PLAN ORDINANCE

[To be attached following adoption and publication.]

EXHIBIT E

SITE PLAN

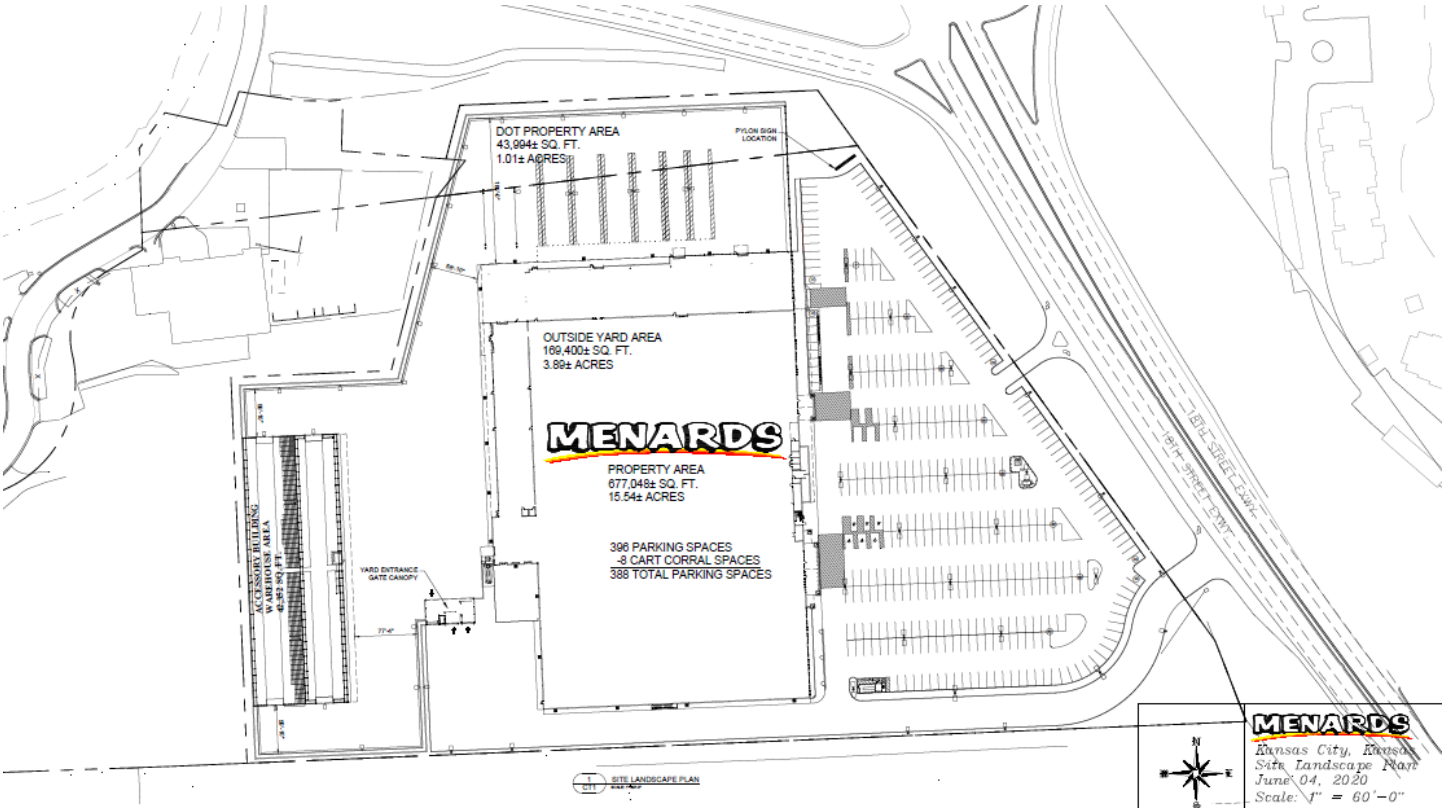

EXHIBIT F

TOTAL PROJECT BUDGET

Description	**Total Costs**	**TIF Eligible Costs**
Property Acquisition	$8,000,000	$8,000,000
Site Costs	$11,350,791	$11,350,791
Building Construction Costs	$13,812,804	$0.00
Professional Services and Soft Costs	$807,000	$557,649
TOTAL ESTIMATED PROJECT COSTS	**$33,971,244**	**$19,908,440***

* Notwithstanding $19,908,440 of potentially TIF Eligible Costs, the parties have agreed that Developer's reimbursement of TIF Eligible Expenses through TIF Financing shall be subject to and limited by the TIF Cap of $11,710,618.

EXHIBIT G

FORM OF CERTIFICATE OF EXPENDITURES

CERTIFICATE OF EXPENDITURES

TO: Unified Government of Wyandotte County/Kansas City, Kansas

Attention: County Administrator

Re: 18th Street Expressway Menards

Terms not otherwise defined herein shall have the meaning ascribed to such terms in the Development Agreement (18th Street Expressway Menards) dated as of _____, 2020 (the "Agreement") between the Unified Government and Developer.

In connection with the Agreement, the undersigned hereby states and certifies that, to the best of its actual knowledge:

1. Each item listed on *Schedule 1* hereto is a Project Cost and was incurred in connection with the construction of the Project.

2. These Project Costs have been paid by Developer, successors, assigns, tenants, or transferees and are reimbursable under the Agreement.

3. Each item listed on *Schedule 1* has not previously been paid or reimbursed from money derived from the TIF Fund, and no part thereof has been included in any other certificate previously filed with the Unified Government.

4. There has not been filed with or served upon Developer any notice of any lien, right of lien or attachment upon or claim affecting the right of any person, firm or corporation to receive payment of the amounts stated in this request, except to the extent any such lien is being contested in good faith.

5. All necessary permits and approvals required for the work for which this certificate relates were issued and were in full force and effect at the time such work was being performed.

6. All work for which payment or reimbursement is requested has been performed in a good and workmanlike manner and in accordance with the Agreement.

7. Developer is not in default or breach of any term or condition of the Agreement, and no event has occurred and no condition exists which constitutes a default under the Agreement.

8. All of Developer's representations set forth in the Agreement remain true and correct as of the date hereof.

Dated this ____ day of _____, 20____.

MENARD, INC., a Wisconsin corporation

By: _____

Name: _____

Title: _____

Approved for Payment this ____ day of _____, 20_____:

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: _____

Title: _____

SCHEDULE I
TO
CERTIFICATE OF EXPENDITURES

Description of Project Costs	Cost	Payee	Designate as Redevelopment Project Costs

Total Costs:

EXHIBIT H

INSURANCE SPECIFICATIONS

1. Worker's Compensation. Developer may self-insure, to the extent allowed by applicable law. The self-insured retention shall be that which is standard in the industry. Developer will then purchase excess Worker's Compensation Insurance with statutory limits over the self-insured retention. If self-insurance is not available under applicable state law, coverage will be purchased in accordance with the statutory requirements.

2. Comprehensive General Liability. Developer will purchase and maintain with primary limits of $3,000,000.

3. Automobile Liability. Developer will purchase and maintain with primary limits of $1,000,000.

4. Excess Liability. Developer will purchase and maintain excess liability insurance in an amount not less than $5,000,000.

5. Special Perils Form Property Insurance. Developer will purchase on a replacement cost basis. Deductibles and limits will be standard to those in the industry, and the policy shall include an "Agreed Amount" endorsement. Earthquake and flood insurance, as well as fired vessel, boiler and machinery, and underground collapse, may be required by the UG as additional perils, but only to the extent required by Developer's lender for the Project.

EXHIBIT I

LBE/MBE/WBE GOALS AND REQUIREMENTS

This Exhibit sets forth the guidelines for the utilization of local business, minority, and women enterprises and local resident, minority, and women participation and equal employment opportunity referenced in **Section 8.2** of the 18th Street Expressway Menards Development Agreement (the **"Agreement"**) between the Unified Government of Wyandotte County/Kansas City, Kansas (the **"UG"**) and MENARD, INC., a Wisconsin corporation (**"Developer"**). The parties agree as follows:

I. SCOPE.

These procedures are applicable to the Construction of, and the Professional Services for (as such terms are defined below) the Project, including but not limited to all aspects of the construction of the Improvements and all related facilities, including labor, materials and supplies, and construction-related services, but not including: (i) Specialized Services; or (ii) legal, architectural and pre-construction consulting services already performed or contracted for prior to the Effective Date of the Agreement (as defined in the Agreement), which shall specifically be excluded from both the numerator and the denominator in determining whether the Construction and Professional Services goals set forth herein have been met.

II. DEFINITIONS.

All capitalized terms used in this Exhibit shall have the meaning ascribed to them in the Agreement and made a part thereof, or as otherwise set forth herein.

A. **"Best Efforts"** has the meaning set forth in Section III.C.3.b. herein.

B. **"Construction"** means all aspects of the construction of the Improvements, all related facilities, and the Project, including labor, materials and supplies, and construction-related services, whether performed or contracted for by or on behalf of Developer; provided, however, "Construction" shall not include: (i) services performed or associated with tenant improvements or any services requested by tenants of the Project, provided that this exception shall only apply to tenants who are third parties unaffiliated with Developer; (ii) Specialized Services; (iii) Professional Services; or (iv) legal, architectural and pre-construction consulting services already performed or contracted for prior to the Effective Date of the Agreement.

C. **"Contractor"** means the Proposer selected by Developer for the design, development, or construction of the Project.

D. **"Local Business Enterprise or LBE"** means a business headquartered or which maintains a major branch that performs the significant functions of the business in Wyandotte County or a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and whose day-to-day management is under the control of an individual residing in Wyandotte County. There is no formal certification process for LBE designation. It is determined and assigned based on the criteria referenced in this definition and payment of all applicable Wyandotte County taxes and/or licensing fees.

E. **"Local Resident"** means an individual that, during his or her employment with the Project, maintains his or her place of domicile in Wyandotte County.

F. **"Minority Business Enterprise or MBE"** means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is

under the control of a person who is a member of an American ethnic minority group including African-American, Asian-Indian, Asian-Pacific, Hispanic and Native American.

G. "Professional Services" means advisory or consulting activities including, but not limited to, architectural, engineering, legal, accounting, financial, marketing, environmental studies, and financial services contracted for by or on behalf of Developer for the design, development, and construction of the Project but specifically excluding: (i) professional services that have historically been sourced and performed at the holding company level by Developer (such as legal and accounting services, for example); (ii) Specialized Services; (iii) Construction; and (iv) legal, architectural and pre-construction consulting services already performed or contracted for prior to the Effective Date of the Agreement.

H. "Proposer" means a person who submits a proposal in response to a solicitation for proposals issued by Developer or one of its Contractors with respect to the design, development, or construction of the Project, or with respect to ongoing maintenance and operations of the Project.

I. "Specialized Services" means expertise, services, or products, the application of which are unique to the construction of the Project and which are only available through sole or limited source providers or national vendors. Specialized Services shall also include the services provided by the Contractors and designers who have been involved with and have previous experience on similar projects with Developer and which Developer has engaged or intends to engage to perform similar services for the Project.

K. "Women Business Enterprise or WBE" means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of one or more women who are U.S. citizens or legal resident aliens.

III. DESIGN, DEVELOPMENT, AND CONSTRUCTION OF THE PROJECT.

A. GOALS FOR LBE/MBE/WBE PARTICIPATION.

1. Project Design, Development, and Construction Goals.

Developer will use its Best Efforts to meet the following goals based upon the total cost of Construction of, and Professional Services for, the Project and all related facilities undertaken by Developer, but not including Specialized Services. In no event shall Developer be required to incur higher costs as a result of its commitment to attempt to meet such goals. In the event Developer obtains bids for any aspect of the Project for which a bid by a Proposer qualifying as an LBE, MBE, or WBE is not the lowest or best bid, Developer shall not be required to meet the LBE/MBE/WBE participation percentage goals for that aspect of the Project. These goals are based upon a disparity study performed for the Kansas City Metropolitan Area for LBE, MBE, and WBE participation. These goals are not to act as quotas or set asides.

	Construction	Professional Services
LBE	18%	18%
MBE	15%	13%
WBE	7%	8%

It is the intent of the UG to give preference to the utilization of LBEs so long as all other factors relating to the award of an individual contract are equal. If the factors relating to an award of an individual contract are equal, Developer shall give preference to the utilization of LBEs over the utilization of MBEs and WBEs. Developer shall strive to meet each individual goal listed.

2. Contract Specific Goals.

The parties agree that the goals are set forth for Construction of, and Professional Services for, the Project as a whole, excluding Specialized Services, and the UG will reasonably agree to different specific goals for specific contracts or portions of contracts to be awarded by Developer, when proposed by Developer, relating to the Construction of the Project, based upon the availability of qualified LBEs and certified MBEs and WBEs to perform the specific scopes of work delineated in Developer's Project Utilization Plan (as described herein).

3. Eligibility for Credit.

a. Only LBE businesses that are qualified and/or MBE or WBE businesses that are certified or undergoing certification at the time of submittal of the subject bid or proposal and ultimately certified as MBEs or WBEs by the Kansas Department of Commerce, State of Missouri, Missouri Department of Transportation, City of Kansas City, Missouri, MidAmerica Minority Business Development Council, Women's Business Enterprise National Council, or any other public or private entity reasonably acceptable to the UG and Developer (each an "approved" business), may be counted towards the participation goals in Section III.A.1. above.

b. In the event that a contract has been awarded on the Project to an approved LBE/MBE/WBE business, and such LBE/MBE/WBE business later becomes unapproved prior to the completion and acceptance of all the work to be provided under such contract, then Developer shall nonetheless receive credit towards the goal for that the entire portion of work performed or services provided up to the point such business becomes unapproved.

4. Construction Workforce.

a. Recruitment and Outreach. Developer will use its Best Efforts to employ and to ensure its Contractors employ Local Residents, minorities, and women in all aspects of the Construction of, and Professional Services for, the Project except for Specialized Services. These efforts shall include but not be limited to:

i. advertising in appropriate publications describing the work available, pay scales, and application procedures and maintaining a log or copies of these ads showing the date of publication and identifying the publication;

ii. working with local community organizations, minority and women's community organizations, and other appropriate organizations to seek qualified Local Residents, minorities, and women (a list of these organizations may be provided by the UG upon request); and

iii. working with the UG to promote diversity and inclusion in all aspects of the Project.

Documentation of these and any other steps taken shall be submitted to the UG prior to the beginning of the bidding process.

b. Employment Procedures. Developer and its Contractors shall implement equal employment opportunity hiring and job action procedures as those terms are commonly understood.

B. DEVELOPMENT AND PROJECT UTILIZATION PLANS.

1. Submissions, Content, and Fulfillment of Project Utilization Plan.

a. Fourteen (14) calendar days before the solicitation of the first proposal for the Construction of part of the Project, which is issued by Developer after the execution of the Agreement, Developer will submit a Project Utilization Plan to the UG for review and approval. The Project Utilization Plan shall be on the form attached to this Exhibit as Attachment A or on another form provided or approved by the UG. This Project Utilization Plan shall set forth, to the best of Developer's knowledge: all categories of work that will be covered within solicitations that Developer or its Contractors intend to issue for all Construction and Professional Services providers necessary for the construction of the Project; an estimate of the dollar value of all work covered by these solicitations; an estimate of the dollar value of work within each identified work category; the dollar value of the work for each identified work category that is projected to be performed by LBEs, MBEs and WBEs; any known potential joint ventures with LBEs, MBEs, and WBEs within each identified work category; an overall schedule of all work projected to be performed related to the design, development, and construction of the Project, laid out sequentially over time; and the actions Developer intends to take, with respect to each of these solicitations, to make its Best Efforts to meet the goals set forth in Section III.A.1. of this Exhibit.

b. Developer, in the Project Utilization Plan, shall designate one person as the Project Manager to serve as the point of contact with the UG on all matters related to the Project Utilization Plan. Developer shall provide the Project Manager's name, physical office address, e-mail address, and phone number to the UG. The Project Manager shall be an individual with administrative authority with regard to enforcement of the stipulations located within this Exhibit.

c. The goals of Section III.A.1 may be met by the expenditure of dollars with approved LBE/MBE/WBE prime Contractors, material suppliers (either by Developer or a prime Contractor), subcontractors (either by Developer or a prime Contractor), or through joint ventures with approved LBEs, MBEs or WBEs.

i. Certified MBE and WBE prime Contractor Proposers may count their own participation toward a goal for which they qualify, and may divide their own participation between two goals, but their participation may not be double-counted. These prime Contractor Proposers shall receive credit towards the goals for the dollar value of the contract.

ii. Approved or certified LBE/MBE/WBE material suppliers, regular dealers, and manufacturers shall be credited towards the goals for the dollar value of the contract.

iii. A joint venture involving an approved LBE/MBE/WBE as a partner may be counted towards the applicable goal only to the extent of the dollar amount that the approved LBE/MBE/WBE is responsible for and at risk, except, however, if the LBE/MBE/WBE is the majority partner in the joint venture, the entire joint venture contract amount shall be counted, less any work subcontracted to the non-LBE/MBE/WBE joint venture partner. To receive credit, the approved LBE/MBE/WBE must be responsible for a clearly defined portion of the work, profits, risks, assets, and liabilities of the joint venture.

iv. Participation by a certified MBE owned by a minority woman may be counted as MBE participation or as WBE participation; however, this participation cannot be double-counted. A certified MBE or WBE may also be counted towards the LBE goal, if qualified as LBE. The amount of participation by these businesses may be

divided between the MBE or the WBE goals. A qualified LBE that is certified as MBE and WBE shall be counted toward the LBE and the MBE or WBE goals, but shall not be counted toward both the MBE and WBE goals.

v. Only the participation of LBEs, MBEs, and WBEs that provide a commercially useful function required for the work of the specific solicitation shall be counted toward achievement of the goals. The LBE/MBE/WBE must be responsible for the execution of a distinct element of the work by actually performing, managing, or supervising its function in the work identified in the solicitation. Brokering is not credited. Purchases from LBEs, MBEs, and WBEs that constitute indirect or general overhead costs to a projected Proposer's business may not be counted toward the goals. Costs directly incurred solely to perform the work with respect to a Project contract may be counted toward the goals.

2. Evaluation of Project Utilization Plans.

a. The UG will review Developer's Project Utilization Plan respecting each category of work identified by Developer. In conducting its review, the UG shall evaluate the extent to which the actions Developer proposes to take to meet the goals constitute Best Efforts, as set forth is Section III.C.3.b. below. In no event shall Developer or any of its Contractors be required to engage any LBE/MBE/WBE that is not the low bidder or is not qualified or capable of performing the work to acceptable standards in the reasonable discretion of Developer.

b. Changes to the Project Utilization Plan after its initial submission to the UG shall be reviewed and approved or rejected by the UG within thirty (30) days following submission of the same by Developer, and such changes shall be deemed to be approved by the UG if not rejected within such thirty (30) day period.

C. CONTRACT AWARD COMPLIANCE PROCEDURES.

1. Solicitation Documents.

The solicitation documents for each contract for which goals are established shall contain a description of the requirements set forth in this Exhibit; the LBE/MBE/WBE goals; and the areas of projected subcontracting. Five (5) calendar days before the issuance of each solicitation, Developer shall submit the solicitation documents and the bid list to the UG. This submittal is mandatory for each bid subject to LBE/MBE/WBE goals.

2. Developer's Report of Solicitation Results.

Within seven (7) working days after the date set for receipt of proposals by each solicitation issued for Developer for the construction of the Project, the Project Manager shall submit to the UG, on a form provided or approved by the UG, a Report of Solicitation Results (the "Report") fully describing all proposals received in response to the solicitation. The Report shall: (1) state the estimated total dollar value of the work covered by the solicitation; (2) state the names of all Proposers; (3) state the total dollar value of work covered by proposals submitted by approved LBEs, MBEs, and/or WBEs (for both Construction and Professional Services); (4) provide all relevant information concerning each joint venture Proposer; and (5) state the name of all subcontractors to Proposers (to the extent then available) that are approved LBEs, MBEs, and/or WBEs, and the dollar value of work covered by proposed subcontracts between Proposers and LBEs, MBEs and/or WBEs. The Report shall also indicate to which of the Proposers, including joint venture Proposers, Developer or any of its Contractors is intending to award contacts resulting

from the solicitation. In addition, with respect to any LBE/MBE/WBE goal established in the Project Utilization Plan that it appears from the proposals received will not be met, Developer shall include in the Report a precise description of all Best Efforts it has undertaken or caused to be undertaken to meet the established goals. These submittals are mandatory for all solicitations subject to LBE/MBE/WBE goals.

3. UG Review of Developer's Report of Solicitation Results.

a. Within seven (7) calendar days of receiving a Report for review, the UG, based on its review of the Report, shall advise Developer whether it appears that, in light of Developer's indication of the Proposers to whom it intends to award contracts, Developer will meet the goals set forth in the Project Utilization Plan or if not, whether Developer has established Best Efforts to meet these goals, and shall state the reasons for this conclusion, referring to the specific Best Efforts criteria contained in Section III.C.3.b. below. As a part of its review, the UG may ascertain whether LBE/MBE/WBE subcontractors agree with the dollar value of the work and the scope of the work, as identified in the proposal.

b. For each Project Utilization Plan goal that is not achieved, Developer shall be deemed to have used **"Best Efforts"** to meet the Project Utilization Plan goals for construction and Professional Services set forth in Section III.A.1. of this Exhibit if Developer shall have taken substantially all the following actions:

i. Developer is seeking or has sought timely assistance of the UG to identify qualified LBEs, MBEs, and WBEs;

ii. Developer is advertising or has advertised contract opportunities in local, minority, and women media;

iii. Developer is providing or has provided reasonable written notice of opportunities and informational meetings to approved LBEs, MBEs, and WBEs;

iv. Developer is following up or has followed up initial solicitations of interest by contacting LBEs, MBEs, and WBEs;

v. Developer is segmenting or has segmented portions of the work to increase the likelihood of LBE/MBE/WBE participation, where feasible;

vi. Developer is providing or has provided interested LBEs, MBEs, and WBEs with timely and accurate information about the plans, specifications, requirements, deadlines, and bidding procedures of the contracts;

vii. Developer is negotiating or has negotiated in good faith with interested LBEs, MBEs, and WBEs, not rejecting them as unqualified without sound reasons, based on a thorough review of their capabilities and prior work histories;

viii. If applicable, Developer is seeking or has sought to educate and assist LBEs, MBEs, and WBEs in obtaining bonding, lines of credit, or insurance required to perform the contract; and

ix. Developer is working or has worked with local, minority, and women contracting, professional, civic, and community organizations, government

officers, or any other organization or persons, as identified by the UG, that provide assistance in the recruitment of LBEs, MBEs and WBEs.

Failure by Developer to take all of the foregoing actions shall not be determinative that Developer has not used its Best Efforts.

4. Signed Contracts.

Within twenty-one (21) working days of provision of the UG's evaluation of the Report to Developer, the Project Manager shall submit signed contracts with successful Proposers to the UG.

D. SUBCONTRACTOR RELATIONS.

1. Documentation of Subcontracting Agreements.

All subcontracting services shall be evidenced by a written agreement stating, at a minimum, the scope of work to be performed and the amount to be paid for performance of the work. Unit price subcontracts are acceptable if appropriate to the type of work being performed.

2. Documentation of Schedules.

a. For Construction contracts, the Contractor must present a work schedule that includes when the LBE/MBE/WBE subcontractors will be utilized at the job site. This schedule is due on or before the pre-construction meeting with the UG and the Project Manager representing Developer.

b. For Professional Services contracts, Developer must present a written schedule of when the LBE/MBE/WBE consultants will be working on the Project. This written schedule shall be provided to the UG prior to the Closing (as defined in the Agreement).

3. Substitutions, Additions, or Deletions.

Where a substitution for a LBE/MBE/WBE subcontractor must occur after submission of proposals by the Project Manager to the UG, the Project Manager must submit the proposed change or substitution to the UG for review. The UG shall have no authority to approve or reject any change or substitution. The sole purpose of the review by the UG shall be to determine whether the LBE/MBE/WBE should be counted toward achievement of the goals of Section III.A.1.

IV. UG'S ASSISTANCE TO DEVELOPER.

The UG shall use its best efforts to provide assistance to Developer in fulfilling its obligations as set forth in this Exhibit. Developer assumes all responsibility for its Best Efforts in meeting the goals and complying with the procedures and processes set forth herein. The UG assumes no duty or responsibility to Developer with respect to Developer's fulfillment of the goals set forth in this Exhibit by reason of the provision of assistance to Developer. Examples of assistance the UG may provide include but are not limited to:

A. providing information and technical assistance regarding the Project to Developer and its agents, including Contractors, subcontractors, LBEs, MBEs, WBEs, officials, and other interested persons;

B. developing and maintaining a registry of approved LBE/MBE/WBE businesses;

C. assisting with identifying potential LBEs, MBEs, and WBEs and reviewing their qualifications to participate in the Project;

D. updating Developer and its agents on current or proposed affirmative action legislation that may affect the Project;

E. recommending contract specific goals, as appropriate;

F. providing assistance in pre-award activities, such as provision of model or example Project Utilization Plans and work segmentation;

G. reviewing Developer, Contractor, and subcontractor performance and LBE/MBE/WBE participation on the Project;

H. providing advice relative to utilization and compliance matters;

I. conducting compliance reviews and audits of LBE/MBE/WBE participation;

J. evaluating requests for substitutions, additions, and deletions;

K. assisting Developer and its agents in addressing issues related to the goals and procedures set forth in this Exhibit;

L. reviewing payments to subcontractors, as documented by monthly reports submitted by Developer;

M. reviewing complaints from LBEs, MBEs WBEs, Contractors, subcontractors, and any other interested persons regarding these goals and procedures;

N. assisting in Developer's development of forms to document compliance with these procedures; and

O. reviewing and approving utilization plans and contract award submittals.

V. DEVELOPER COMPLIANCE RECORDS AND REPORTS.

A. RECORDS.

Developer shall maintain those records as may reasonably be required to demonstrate compliance with (and/or its Best Efforts to comply with) the goals and procedures set forth in this Exhibit. These records shall be available to the UG upon reasonable notice.

B. DEVELOPMENT AND PROJECT UTILIZATION PLAN REPORTS.

Developer shall update the Project Utilization Plan quarterly on the forms attached hereto as Attachments B and C or another form provided or approved by the UG and shall include information requested thereon. In addition, each quarterly report shall include the following for each LBE, MBE or WBE whose participation is utilized by Developer to be applied to the goals set forth herein: business name and address of each LBE, MBE and WBE and a brief description of the work to be performed by each. Developer also shall document the change orders to contracts awarded in each quarterly report.

C. REMEDIES.

If Developer should fail to provide a Report required by this Exhibit, and fail to cure such failure within thirty (30) days after receipt of written notice from the UG specifying such failure, then such failure to cure shall constitute an event of default and the UG shall have those remedies set forth in Section 9.2 of the Agreement. In addition, the UG shall have the right to stop processing draw requests until Developer complies with reporting requirements.

If, after reviewing Developer's Reports, the UG believes that the participation goals contained in this Exhibit have not been met, and that the Best Efforts described herein have not been met, then the UG shall inform Developer of this determination in writing. If, within thirty (30) days following its receipt of said written determination from the UG, Developer fails to demonstrate to the UG's reasonable satisfaction that either: (i) the goals contained in this Exhibit have been met; or (ii) the goals contained in this Exhibit may not have been met but the Best Efforts described herein have been met, then the UG shall have the right to reduce the by an amount equal to 2.5% (applied separately to Construction and Professional Services) as the UG's sole and exclusive remedy for such failure. The UG shall also have the right to renegotiate LBE, MBE, and WBE goals for future construction projects.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS	**MENARD, INC.**
By:_____	By:_____
Douglas G. Bach	Name:_____
County Administrator	Title:_____
Date:_____, 2020	Date:_____, 2020

Attachment A

Unified Government **Date:_____**

Project Utilization Plan

Project Name:_____

Bid Package	Estimated Contract Value	Estimated LBE Value	Estimated LBE %	Estimated MBE Value	Estimated MBE %	Estimated WBE Value	Estimated WBE %	Total Combined Value	Total Combined %

DIVERSITY TOTAL	**0**			**0**	**#DIV/0!**	**0**	**#REF!**		

Attachment B

LBE/MBE/WBE Utilization Report

LBE/MBE/WBE - UTILIZATION REPORT

CONSTRUCTION

Month, Year

APPLICABLE TRADES

		Goal		Actual
Total by Classification		0.00%	LBE	0.00%
		0.00%	MBE	0.00%
		0.00%	WBE	0.00%

Discipline	Subcontractor/Supplier Name	Original Contract Value	Change In Contract Value	Total Contract (Excluding CCIP)	LBE $	LBE %	MBE $	MBE %	WBE $	WBE %	Ceritifying Agency or Local Zip Code
Bid Package #1											
Bid Package #2											
Bid Package #3											
Bid Package #4											
Bid Package #5											
Total Applicable Contract Volume Awarded To Date											
					$	%	$	%	$	%	
					TOTAL - LBE		TOTAL - MBE		TOTAL - WBE		

Attachment C

LBE/MBE/WBE COMPLIANCE

SUMMARY REPORT

EXPENDITURES FOR REPORTING PERIOD

GOODS SUPPLIES and OTHER SERVICES	**Total**	**Class**	**Percent**	**Comments**
Total $ Awarded				
Total $ Expended				
Total $ MBE		% MBE		
Total $ WBE		%WBE		
Total $ M/WBE		%M/WBE		

MINORITY AND WOMEN EMPLOYEES

List the name, address, trade, classification, date hired, sex and ethnic origin for each minority/women employed by your company.

Name & Address	Trade	Classification	Date Hired	Sex	Ethnic Origin

REDEVELOPMENT PROJECT PLAN
EPIC CENTER REDEVELOPMENT DISTRICT

SUBMITTED PURSUANT TO
K.S.A. 12-1770 *et seq.*, as amended

Submitted: August 19, 2020

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- B. Map of Redevelopment District/Project Area
- C. Legal Description of the Redevelopment District/Project Area
- D. Redevelopment District Ordinance No. O-19-09
- E. TIF Revenue Projections

I. INTRODUCTION

A) Redevelopment District

Pursuant to the Kansas Tax Increment Financing Act, K.S.A. 12-1770 *et. seq.*, as amended ("**TIF Act**"), Kansas municipalities are authorized to establish a redevelopment district and Tax Increment Financing ("**TIF**") redevelopment project plans for property within their jurisdiction. Redevelopment districts may be created based upon certain findings by the municipality, including that property is located within a designated enterprise zone (as defined by the TIF Act).

On March 5, 2009, the Unified Government of Wyandotte County/Kansas City, Kansas (the "**UG**"), after conducting a duly noticed public hearing, found that certain real property generally shown on the map attached hereto as **Exhibit B** and legally described on **Exhibit C**, is located within an enterprise zone. Based in part upon such finding, the UG established a redevelopment district called the Epic Center Redevelopment District pursuant to Ordinance No. O-19-09 (the "**District**") that encompasses the Property. The District consists of one (1) redevelopment project area (the "**Project Area**").

B) Redevelopment Project

If approved, this Tax Increment Financing Redevelopment Project Plan (this "**Redevelopment Plan**") shall not exceed twenty (20) years and shall commence upon the UG's approval of the same (the "**TIF Collection Period**").

This Redevelopment Plan contemplates the redevelopment of the District, which consists of approximately 29.20 acres located at the southwest corner of 18th Street Expressway and Interstate 35, plus adjacent right of way.

The redevelopment project consists primarily of a new Menards home improvements store and related infrastructure improvements. A site plan depicting the general development concept of the Project (as more fully described below) is attached hereto as **Exhibit A**. Other uses within the District may consist of office, hotel, restaurant/retail and mixed use buildings, and related public and private infrastructure.

This Redevelopment Plan contemplates reasonable variations from the descriptions contained herein, subject to the terms and conditions of the Development Agreement (18th Street Expressway Menards) (the "**Development Agreement**") between Menard, Inc., a Wisconsin corporation (the "**Developer**") and the UG, but generally allowing for certain retail uses, including a home improvement store.

II. REDEVELOPMENT PROJECT PLAN

A) The Property

Developer owns a portion of the real property that comprises the Project Area. A map generally depicting the Project Area is attached hereto as **Exhibit B**, and the legal description of the Project Area is attached hereto as **Exhibit C**.

B) Established Redevelopment District

The Property is within an established District approved by the UG on March 5, 2009 pursuant to Ordinance No. O-19-09 (see copy attached hereto as **Exhibit D**). The proposed Redevelopment Plan is consistent with the stated purpose and intent of the approved District.

C) Description of the Proposed Project

The Redevelopment Plan provides for the construction of the Project, as described below:

Construction of a new Menards home improvements store and related infrastructure improvements. including the following elements: (i) a new Menards prototype building comprising approximately 209,000 square feet, (ii) an approximately 156,000 square foot outdoor sales area, and (iii) an accessory building comprised of approximately 42,000 square feet of warehouse space. Additional development will include associated site work and infrastructure, which may include sidewalks, utilities, storm water control, access, street improvements, landscaping, lighting, parking facilities (including parking garages), and other associated and appurtenant improvements allowed under the TIF Act.

All redevelopment efforts described in this paragraph are referred to collectively as the "**Project**".

D) Feasibility Study

As required by the TIF Act, a study has been prepared to determine whether the Project's estimated benefits and tax increment revenues are expected to exceed or be sufficient to pay for the Project's estimated costs. This effort involved utilization of consultants with experience and expertise in the actual design, development, financing, management, and leasing of projects of similar scope and nature. Further, outside resources were consulted to compare and verify cost and revenue projections including outside industry sources and actual taxing jurisdiction data where available. The results of this study are as follows:

1. Project Costs

The total estimated cost to complete the Project, including land acquisition, site development, building construction, soft costs, and all fees, is approximately $33,971,244. A breakdown of the estimated costs by category and the amount and basis for determination is set forth below on Table 1.

Estimated Project Costs

Description	Total Costs
Property Acquisition	$8,000,000
Site Costs	$11,350,791
Building Construction Costs	$13,812,804
Professional Services and Soft Costs	$807,000
TOTAL ESTIMATED PROJECT COSTS	**$33,971,244**

2. Eligible Costs

Pursuant to the TIF Act, only certain costs are eligible for TIF financing and reimbursement ("**Reimbursable Project Costs**"). This Redevelopment Plan contemplates that, to the full extent permissible under the TIF Act, available TIF proceeds will be available to reimburse Reimbursable Project Costs, subject always to the terms, conditions and limitations of the Development Agreement. As shown

herein, it is estimated that approximately $19,908,440 of the Project costs are eligible Reimbursable Project Costs. These Reimbursable Project Costs are set forth by category and amount in Table 2 below, although the amounts and categories set forth below are not intended to act as a cap eligible Reimbursable Project Costs in any particular category:

TIF Eligible Costs

Description	Total Costs
Property Acquisition	$8,000,000
Site Costs	$11,350,791
Building Construction Costs	$0
UG Approved Professional Services and Soft Costs	$557,649
TOTAL ESTIMATED REIMBURSABLE PROJECT COSTS	**$19,908,440**

Notwithstanding the foregoing, the UG will cap reimbursement from TIF proceeds at no more than $11,710,618.

3. **Financing Method**

It is anticipated that the Developer will be reimbursed under this Redevelopment Plan on a "pay-as-you-go" method. There will be no bonds or other obligations issued by the UG in order to reimburse the Developer for any Reimbursable Project Costs.

4. **Project Revenues – Ad Valorem Property Tax Increment Captured**

According to the Wyandotte County Appraiser's Office, the 2009 assessed value for the District is $107,391. This serves as the base value against which future assessed values of the District will be compared in order to determine the amount of TIF Revenues that will be generated.

Pursuant to the TIF Act, TIF Revenues will be generated from ad valorem taxes generated by the then-current assessed valuation of real property within the District during the TIF Collection Period, less the ad valorem taxes produced from the assessed valuation as of the date the District was established (excluding ad valorem taxes not allowed to be captured pursuant to the TIF Act).

This Redevelopment Plan proposes to finance Reimbursable Project Costs by capturing 100% of the allowable ad valorem tax increment over the 20-year life of this Redevelopment Plan (the "**TIF Collection Period**"). Any uncaptured ad valorem taxes will be distributed to all taxing jurisdictions in accordance with their respective mill levies.

The TIF Revenues generated over the TIF Collection Period are estimated to be $12,631,400 for the Project Area. TIF Revenue projections are set forth in **Exhibit E**, attached hereto.

5. **Sales Tax Revenues**

No sales tax revenues will be captured by the TIF.

6. **Significant Contribution to Economic Development of the City**

The development contemplated in this Redevelopment Plan will provide significant economic development for the UG by, among other things, providing increased sales tax revenues to the UG, and

increasing employment opportunities and general commerce for area residents. The feasibility study demonstrates that the benefits and tax increment revenue and other available revenues derived from the development contemplated in this Redevelopment Plan will exceed the costs and be sufficient to pay the costs of the Project.

7. **Sufficiency of Tax Increment Revenues Compared to Project Costs**

Based on the Redevelopment Plan's (1) Reimbursable Project Costs and (2) TIF Revenues, the revenues are expected to exceed or be sufficient to pay for the Project costs as contemplated under the TIF Act, when supplemented by certain other revenues described in the Development Agreement.

Estimated Total Project Costs	**$33,971,244**

Sources of Funds	**Amount**
TIF Revenue to fund Reimbursable Project Costs	$11,710,618
Private debt/equity	$22,260,626
Total Sources of Funds	**$33,971,244**

8. **Effect on Outstanding Special Obligation Bonds**

There is no anticipated effect on special obligation bonds payable from revenues described in K.S.A. 12-1774(a)(1)(D) because no such special obligation bonds are outstanding or planned to be issued to finance the Project.

E) Relocation Assistance Plan

The UG and Developer have determined pursuant to K.S.A. 12-1777 that no relocation assistance plan is required for the Project.

III. CONCLUSION

Based on the foregoing, this Redevelopment Plan proposes to utilize the ad valorem tax increment and certain other funds described herein to finance the costs of the Project. The UG and Developer hereby submit this Redevelopment Plan for public hearing and due consideration.

Exhibit A

Proposed Site Plan

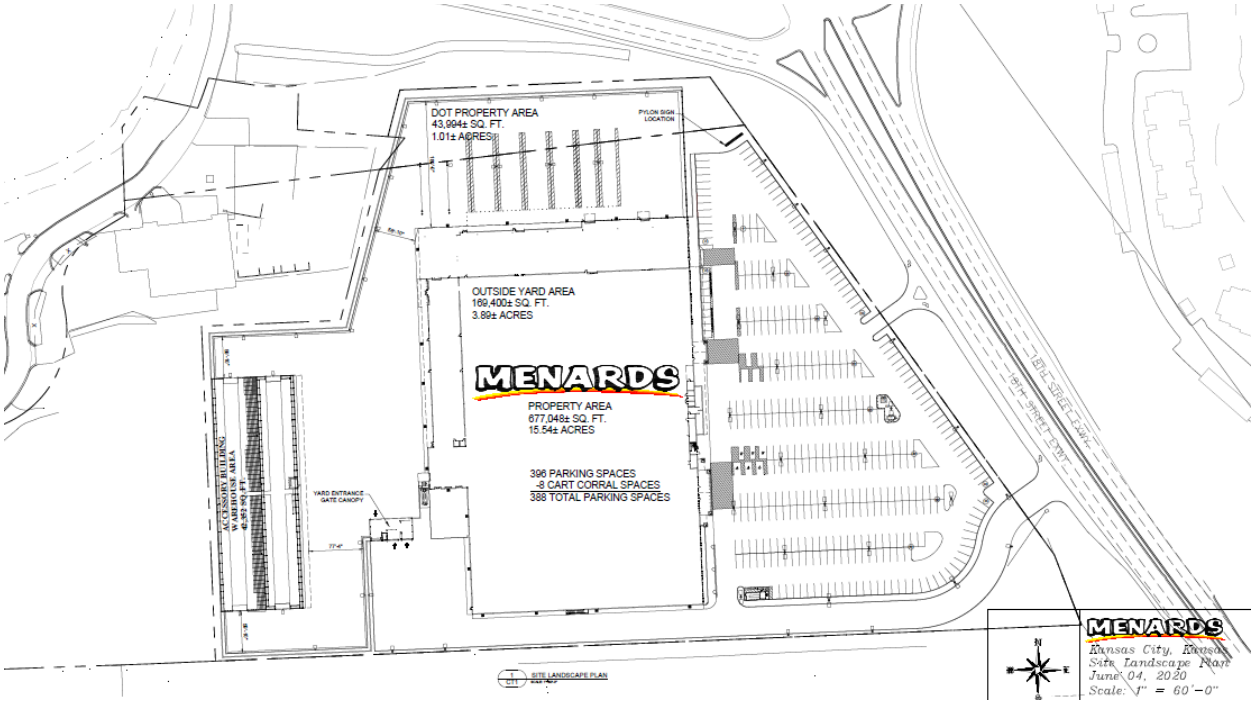


Exhibit B

Map of Redevelopment District/Project Area

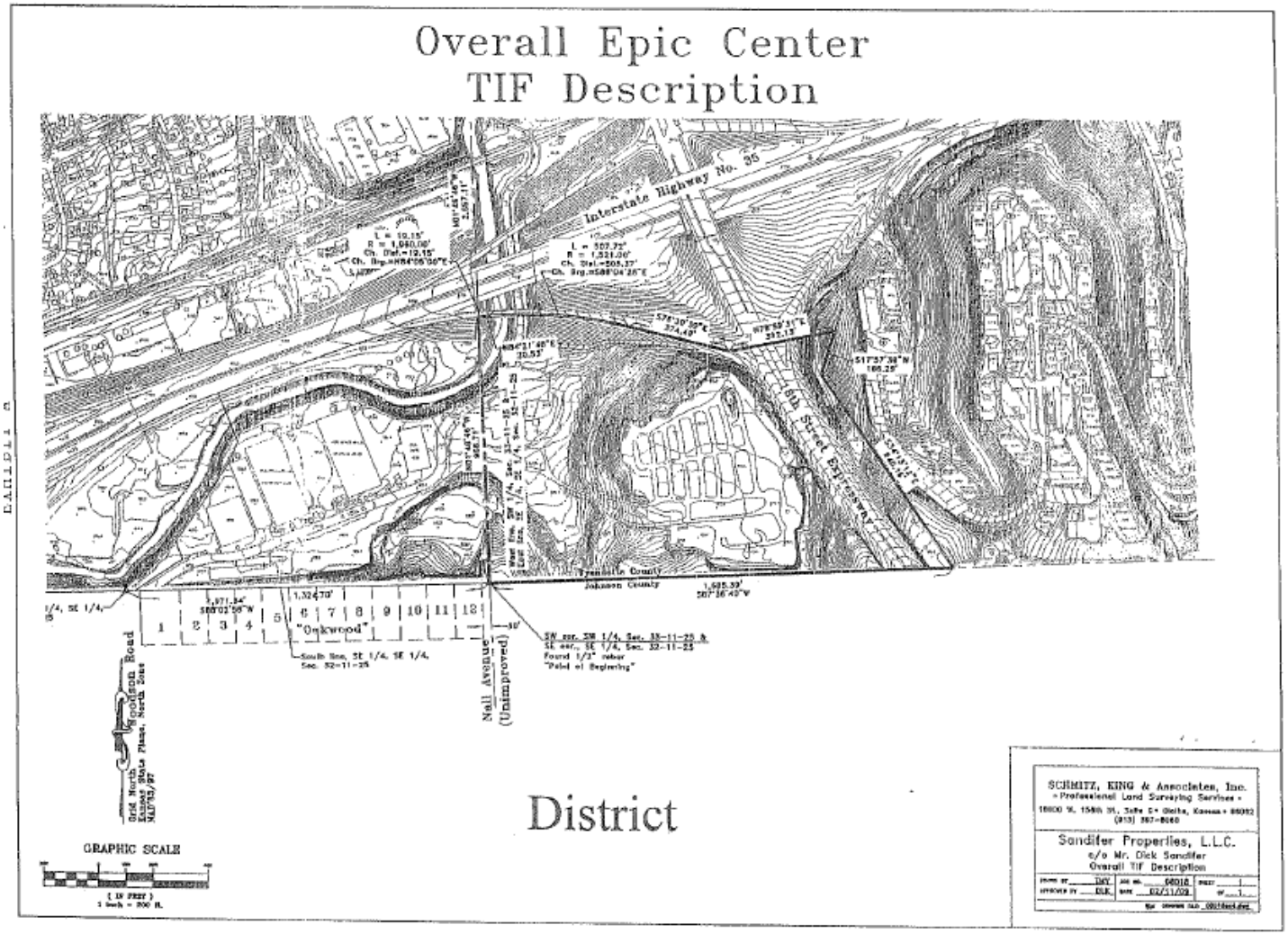


Exhibit C

Legal Description of Redevelopment District/Project Area

Legal Description – Overall Epic Center TIF Description

A tract of land in the Southwest Quarter of Section 33, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 33;

Thence North 01°46'46" West 966.71 feet, along the West line of the Southwest Quarter of said Section 33, to a point on the Southerly edge of pavement of the on-ramp to 18th Street Expressway, said point also being on a non-tangent curve concave to the South having a radius of 1,960.00 feet;

Thence Easterly 19.15 feet, continuing along said Southerly edge of pavement and said curve to the right having a chord bearing of North 84°05'00" East and a chord distance of 19.15 feet;

Thence North 84°21'48" East 20.53 feet, along said Southerly edge of pavement, to the beginning of a curve concave to the South having a radius of 1,521.00 feet;

Thence Easterly 507.72 feet, along said Southerly edge of pavement and curve to the right having a chord bearing of South 86°04'26" East and a chord distance of 505.37 feet;

Thence South 76°30'39" East 374.49 feet along said Southerly edge of pavement;

Thence North 78°59'31" East 392.13 feet to a point on the Easterly right-of-way line of 18th Street Expressway as now established;

Thence South 17°57'38" West 166.29 feet along said Easterly right-of-way line;

Thence South 34°13'12" East 840.16 feet, along said Easterly right-of-way line, to a point on the South line of the Southwest Quarter of said Section 33;

Thence South 87°36'40" West 1,685.39 feet, along said South line, to the "point of beginning" of the tract herein described, containing 1,271,922 square feet or 29.20 acres, more or less.

Subject to all easements and restrictions of record.

Exhibit D
Redevelopment District Ordinance No. O-19-09

(Published in the Wyandotte Echo on March 5, 2009)

ORDINANCE NO. O-19-09

AN ORDINANCE OF THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 et seq., as amended (the "Act"), the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is authorized to establish redevelopment districts within a defined area of the Unified Government which is an area within the City of Kansas City, Kansas (the "City") that was designated as an enterprise zone prior to July 1, 1992, and is therefore an "eligible area" as said term is defined in the Act; and

WHEREAS, the Governing Body adopted Resolution No. R-8-09 on January 22, 2009 calling for a public hearing considering the establishment of a redevelopment district to be known as the "Epic Center Redevelopment District" to be held by the Governing Body on February 26, 2009; and

WHEREAS, notice of the public hearing was given as required by the Act; and

WHEREAS, the public hearing was held on February 26, 2009 and closed on the same day; and

WHEREAS, at the public hearing, the Governing Body determined that the Epic Center Redevelopment District shall not include that area described in Resolution No. R-8-09 as Project Area B, and instead that the Epic Center Redevelopment District shall only include one project area, described as Project Area A in Resolution No. R-08-09.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

SECTION 1. The Governing Body hereby finds that the real property described in **Exhibits A and B** (the "Redevelopment District") attached hereto is an eligible area for being designated as a redevelopment district pursuant to the Act because the real property is an area within the City that was designated as an enterprise zone prior to July 1, 1992.

SECTION 2. The Governing Body hereby finds that the real property described in **Exhibits A and B** is a portion of the real property designated in the notice of public hearing given as required by the Act and Resolution No. R-8-09.

SECTION 3. The Governing Body hereby finds that the conservation, development or redevelopment of the Redevelopment District is necessary to promote the general and economic welfare of the Unified Government.

SECTION 4. The Governing Body hereby establishes the Redevelopment District, which shall consist of one (1) project area, depicted on the map attached hereto as **Exhibit A**. The district plan is hereby approved, and consists of buildings and facilities to be constructed within the one (1) project area, generally described as follows:

Construction of a multi-story office building, construction of a multi-story hotel, construction of one or more restaurant/retail buildings and construction of a mixed use building, and related public and private infrastructure.

SECTION 5. The Act authorizes the issuance by the Unified Government of bonds to finance all or a portion of the costs of implementing the district plan. Said bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of passage of this Ordinance, pursuant to Treasury Regulation §1.150-2. The maximum amount of bonds or other obligations expected to be issued to fund redevelopment project costs prior to the approval of the redevelopment plan for the Redevelopment District is $21,000,000.

SECTION 6. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

ADOPTED by the Governing Body this February 26, 2009.

SIGNED by the Mayor this February 26, 2009.

Mayor

(SEAL)

Tom G. Roberts

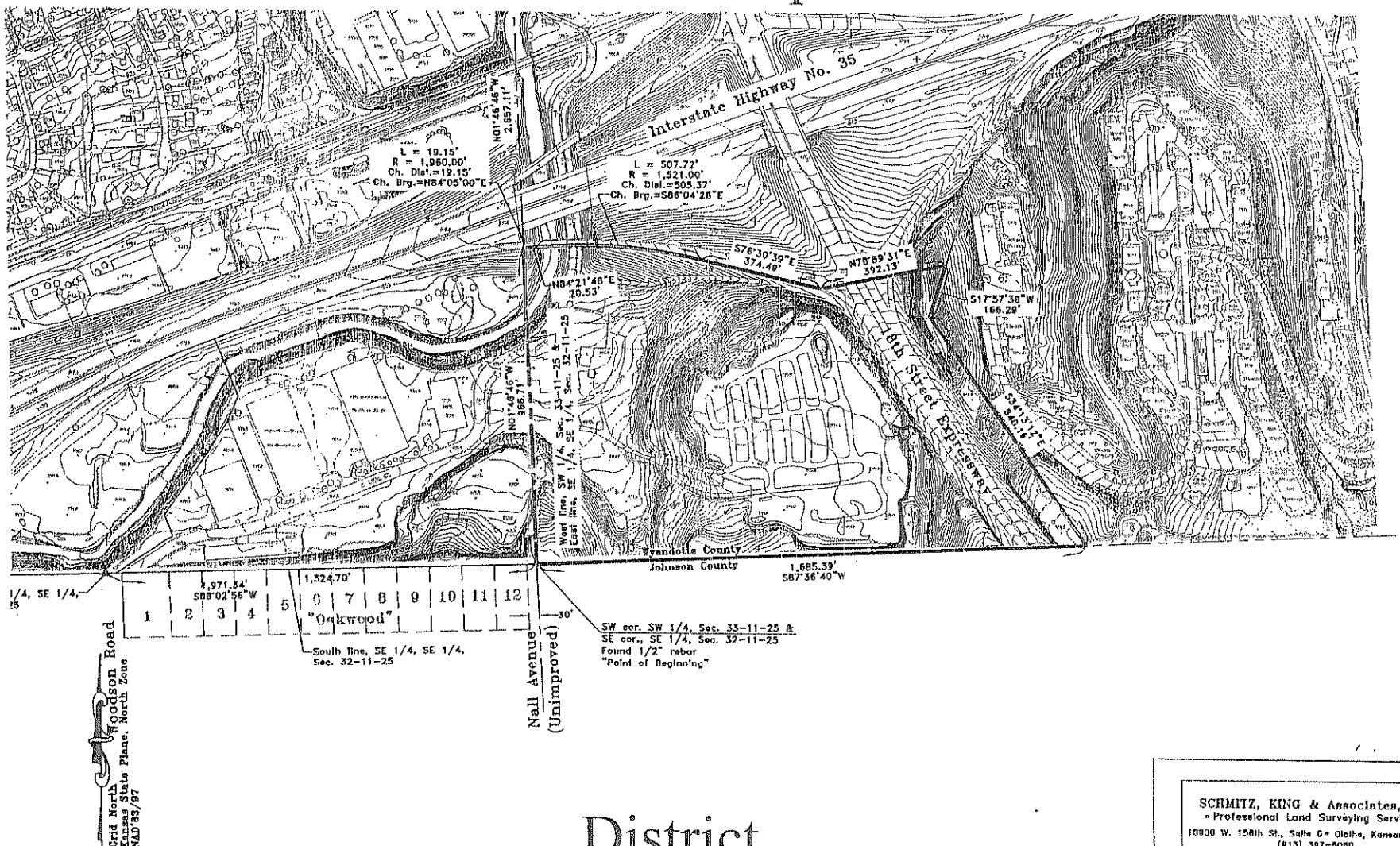
Unified Government Clerk

Approved As To Form Only:

Deputy Chief Counsel

EXHIBIT A

Overall Epic Center TIF Description



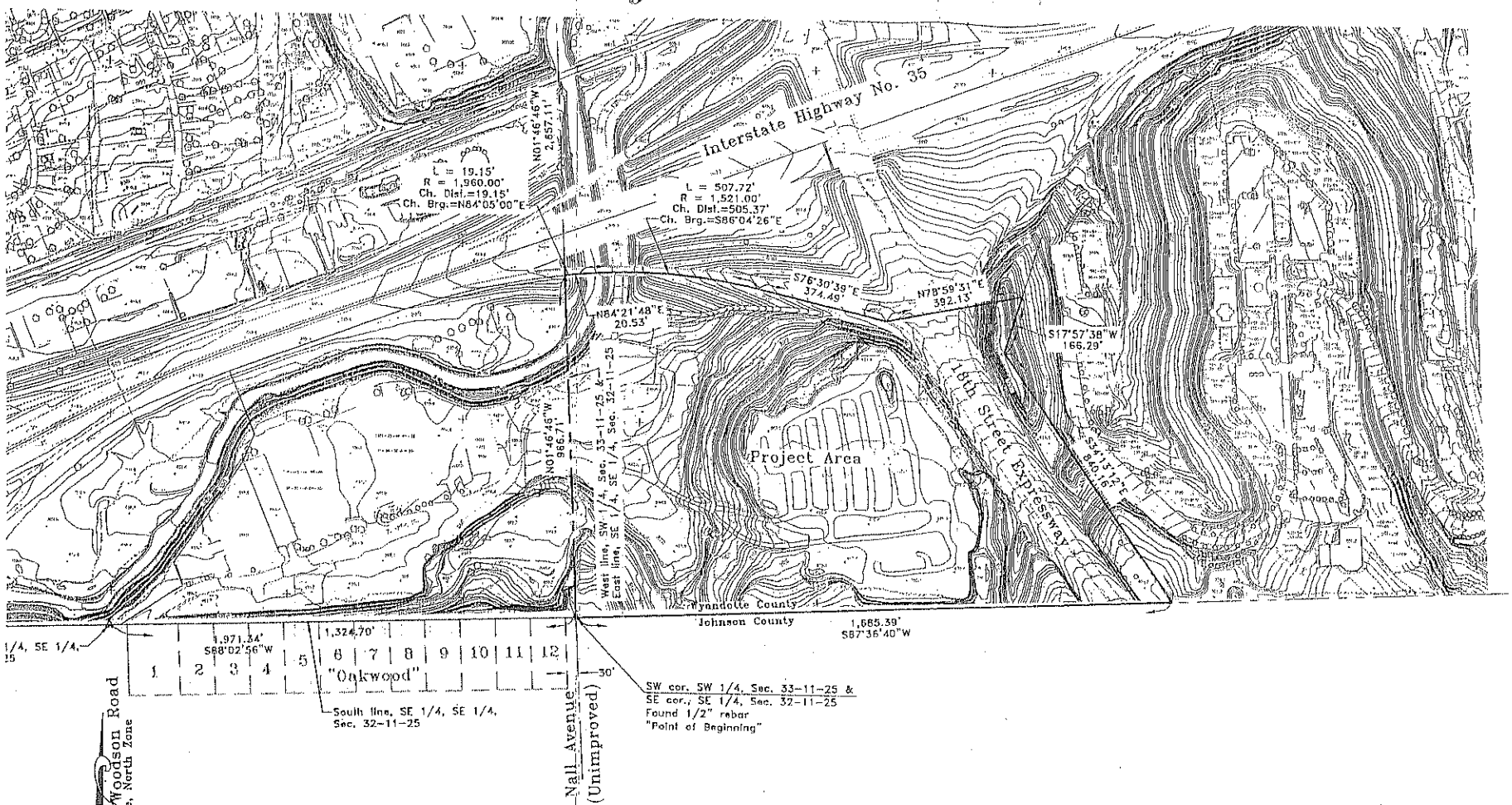
District

SCHMITZ, KING & Associates, Inc.
• Professional Land Surveying Services •
18900 W. 156th St., Suite C • Olathe, Kansas • 66062
(913) 397-8050

Sandifer Properties, L.L.C.
c/o Mr. Dick Sandifer
Overall TIF Description

DRAWN BY TMY | JOB NO. 08018 | SHEET 1
APPROVED BY DLK | DATE 02/11/09 | OF 1
DWG DRAWING FILE: 08018ex4.dwg

Epic Center Redevelopmet
Project Area



GRAPHIC SCALE

200 0 100 200 400

(IN FEET)

1 inch = 200 ft.

SCHMITZ, KING & Associates, Inc.
• Professional Land Surveying Services •
18900 W. 156th St., Suite G • Olathe, Kansas • 66062
(913) 397-6080

Sandifer Properties, L.L.C.
c/o Mr. Dick Sandifer
Overall TIF Description

DRAWN BY TMV	JOB NO. 08018	SHEET 1
APPROVED BY DLK	DATE 02/11/09	OF 1

DRAWING FILE: 08018ex5.dwg

EXHIBIT B

Legal Description – Overall Epic Center TIF Description

A tract of land in the Southwest Quarter of Section 33, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 33;

Thence North 01°46'46" West 966.71 feet, along the West line of the Southwest Quarter of said Section 33, to a point on the Southerly edge of pavement of the on-ramp to 18th Street Expressway, said point also being on a non-tangent curve concave to the South having a radius of 1,960.00 feet;

Thence Easterly 19.15 feet, continuing along said Southerly edge of pavement and said curve to the right having a chord bearing of North 84°05'00" East and a chord distance of 19.15 feet;

Thence North 84°21'48" East 20.53 feet, along said Southerly edge of pavement, to the beginning of a curve concave to the South having a radius of 1,521.00 feet;

Thence Easterly 507.72 feet, along said Southerly edge of pavement and curve to the right having a chord bearing of South 86°04'26" East and a chord distance of 505.37 feet;

Thence South 76°30'39" East 374.49 feet along said Southerly edge of pavement;

Thence North 78°59'31" East 392.13 feet to a point on the Easterly right-of-way line of 18th Street Expressway as now established;

Thence South 17°57'38" West 166.29 feet along said Easterly right-of-way line;

Thence South 34°13'12" East 840.16 feet, along said Easterly right-of-way line, to a point on the South line of the Southwest Quarter of said Section 33;

Thence South 87°36'40" West 1,685.39 feet, along said South line, to the "point of beginning" of the tract herein described, containing 1,271,922 square feet or 29.20 acres, more or less.

Subject to all easements and restrictions of record.

Legal Description – Epic Center Redevelopment Project Area

A tract of land in the Southwest Quarter
of Section 33, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 33;

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Thence South 87°36'40" West 1,685.39 feet, along said South line, to the "point of beginning" of the tract herein described, containing 1,271,922 square feet or 29.20 acres, more or less.

Subject to all easements and restrictions of record.

Exhibit E
TIF Revenue Projections

Epic Center TIF - Menards
Projected Incremental Tax Revenues

					Base Value	
	Annual Value Increase	Assessment Rate			$ 107,391	
	2.0%	25.0%		Value of TIF		
Year	Estimated Actual Value	Estimated Assesed Value	Total Mill Levy	Mill Levy Captured*	Estimated Incremental Property Tax Revenues	
1	$ 699,500	$ 174,875	167.47	145.97	$ 9,851	
2	$ 15,500,000	$ 3,875,000	167.47	145.97	$ 549,958	
3	$ 15,810,000	$ 3,952,500	167.47	145.97	$ 561,271	
4	$ 16,126,200	$ 4,031,550	167.47	145.97	$ 572,809	
5	$ 16,448,724	$ 4,112,181	167.47	145.97	$ 584,579	
6	$ 16,777,698	$ 4,194,425	167.47	145.97	$ 596,584	
7	$ 17,113,252	$ 4,278,313	167.47	145.97	$ 608,830	
8	$ 17,455,517	$ 4,363,879	167.47	145.97	$ 621,320	
9	$ 17,804,628	$ 4,451,157	167.47	145.97	$ 634,060	
10	$ 18,160,720	$ 4,540,180	167.47	145.97	$ 647,054	
11	$ 18,523,935	$ 4,630,984	167.47	145.97	$ 660,309	
12	$ 18,894,414	$ 4,723,603	167.47	145.97	$ 673,829	
13	$ 19,272,302	$ 4,818,075	167.47	145.97	$ 687,619	
14	$ 19,657,748	$ 4,914,437	167.47	145.97	$ 701,684	
15	$ 20,050,903	$ 5,012,726	167.47	145.97	$ 716,032	
16	$ 20,451,921	$ 5,112,980	167.47	145.97	$ 730,666	
17	$ 20,860,959	$ 5,215,240	167.47	145.97	$ 745,593	
18	$ 21,278,178	$ 5,319,545	167.47	145.97	$ 760,818	
19	$ 21,703,742	$ 5,425,935	167.47	145.97	$ 776,348	
20	$ 22,137,817	$ 5,534,454	167.47	145.97	$ 792,188	
Total Value					**$ 12,631,400**	

* Excludes 21.5 mills for state school levy.

10/21/20 EXECUTIVE SUMMARY
DEVELOPMENT AGREEMENT (18TH STREET EXPRESSWAY MENARDS)

1. **Parties**. The UG and Menard, Inc., a Wisconsin corporation ("Developer").

2. **The Project Site**. The Project Site is generally located southwest of I-35 and 18th Street Expressway in Kansas City, Kansas. Developer does not yet own the Project Site but has the right to acquire it from the current owner pursuant to a Purchase and Sale Agreement executed on April 20, 2020.

3. **The Project**. The Project is to be designed, developed and constructed as a new Menards home improvements store, consisting of the following components: (i) an approximately 209,000 square foot Menards prototype building; (ii) an approximately 157,000 square foot outdoor sales area; and (iii) an accessory building on the westernmost part of the Project Site comprised of approximately 42,000 square feet of warehouse space.

4. **Timing**. This Agreement is somewhat unusual for the UG in that Developer has not committed to a "completion date" for completion and opening of the store. Section 5.10 specifically says that Developer does not have an " obligation to commence construction or complete construction of the Project on or before any particular deadlines." However, Developer does agree that if Developer does not complete and open the store before the date that is 8 years after we sign the Agreement, then the UG may elect, in its sole discretion, to terminate the Agreement and/or Developer's access to the TIF Financing.

5. **Incentive Financing Provided**. The Project Site is in an existing tax increment financing district that was established in 2009 (the "TIF District"), but no project plan has ever been adopted. The Agreement would provide that upon approval of a TIF project plan, 100% of incremental real property taxes from the TIF District (over the 2009 base year) would be available to reimburse Developer on a pay-as-you-go basis for TIF eligible expenses. The TIF financing is only for use on site improvement, design and hard construction costs within the TIF District. TIF financing would also be limited in the following ways:

(a) the maximum amount of TIF reimbursements to Developer is capped at $11,710,618 (the "TIF Cap");

(b) the TIF collection period ends on the earlier of the date that Developer has been reimbursed for all TIF eligible expenses in an amount equal to the TIF Cap or 20 years from the date that the UG approves the TIF project plan; and

(c) reimbursement would be paid on a 50/50 basis between private funds and the available TIF proceeds to ensure that at all times, the UG will not have paid more TIF proceeds to Developer than the amount of project costs paid by private funds.

6. **Term/Use and Operation**. The term of the Agreement would run for the 20-year TIF collection period. During the term, Developer has agreed to the UG's standard use and operation requirements in Article 6, including restrictions on uses (6.2(f)), compliance with law (6.5), payment of taxes (6.6), insurance (6.10), and indemnification (6.12).

7. **MBE/WBE/LBE**. Developer has agreed to the following participation goals for construction of the Project:

	Construction	Professional Services
LBE	18%	18%
MBE	15%	13%
WBE	7%	8%

If, upon completion of Project, Developer shall have failed to use best efforts to meet the LBE/MBE/WBE goals, then the UG will have the right to reduce the TIF Cap by 2.5% for each of Construction and Professional Services.

8. **Assignment/Transfer**. In general, Section 6.13 provides that Developer cannot sell, mortgage or transfer the Project Site or the Project without UG approval, which approval would be at the UG's reasonable discretion.

9. **Default**. The default provisions are generally consistent with other development agreements.

(Published in ***The Wyandotte Echo*** on November __, 2020)

ORDINANCE NO. O- _____-20

AN ORDINANCE OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ADOPTING A REDEVELOPMENT PROJECT PLAN PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO, FOR THE PROJECT AREA WITHIN THE EPIC CENTER REDEVELOPMENT DISTRICT.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the "Act"), the Unified Government of Wyandotte County/Kansas City, Kansas (the "Unified Government") is authorized to adopt redevelopment project plans within established redevelopment districts, as said terms are defined in the Act, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the Unified Government or special obligation tax increment bonds of the Unified Government payable from such described revenues; and

WHEREAS, the Board of Commissioners of the Unified Government (the "Governing Body") by the passage of Ordinance No. O-19-09 on February 26, 2009, created the Epic Center Redevelopment District within Kansas City, Kansas, the boundaries of which were defined in said Ordinance (the "Redevelopment District") and containing one redevelopment project area the ("Project Area"); and

WHEREAS, a Redevelopment Project Plan for the Redevelopment District dated August 19, 2020 (the "Redevelopment Project Plan") was filed with the Unified Government Clerk; and

WHEREAS, on September 17, 2020 the Planning Commission of the Unified Government made a finding that the Redevelopment Project Plan was consistent with the intent of the Unified Government's comprehensive plan for the development; and

WHEREAS, a copy of the Redevelopment Project Plan was delivered by the Unified Government to the Board of Education of Unified School District No. 500; and

WHEREAS, the Governing Body adopted Resolution No. R-69-20 on September 17, 2020 calling for a public hearing considering the adoption of the Redevelopment Project Plan to be held by the Governing Body on October 29, 2020; and

WHEREAS, notice of the public hearing was given as required by the Act, and the public hearing was held and closed on October 29, 2020.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. **Approval of Redevelopment Project Plan**. The Governing Body finds and determines that all required notice of the public hearing and the Redevelopment Project Plan were properly given in accordance with the Act. The Governing Body hereby adopts the Redevelopment Project Plan pursuant to the Act for the Project Area, which is depicted on **Exhibit A** and legally described on **Exhibit B**

attached hereto.

Section 2. Relocation Assistance Plan. The Governing Body finds and determines that the Redevelopment Project Plan does not require a relocation assistance plan under the Act.

Section 3. Transmittal of Redevelopment Project Plan. Copies of the Redevelopment Project Plan and this Ordinance shall be filed with the Clerk and also transmitted by the Clerk to the County Appraiser, County Treasurer, and the governing boards of the County and the school district in which the Redevelopment District is located.

Section 4. Further Action. The Mayor/CEO, County Manager, Unified Government Clerk and other officials and employees of the Unified Government, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 5. Effective Date. This ordinance shall be in full force and take effect from and after its passage by 2/3 vote of the Governing Body and publication once in ***The Wyandotte Echo***.

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PASSED BY NO LESS THAN TWO-THIRDS OF THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 29TH DAY OF OCTOBER, 2020.

[SEAL]

_____
Mayor/CEO

Attest:

_____
Unified Government Clerk

EXHIBIT A

MAP OF REDEVELOPMENT DISTRICT AND PROJECT AREA

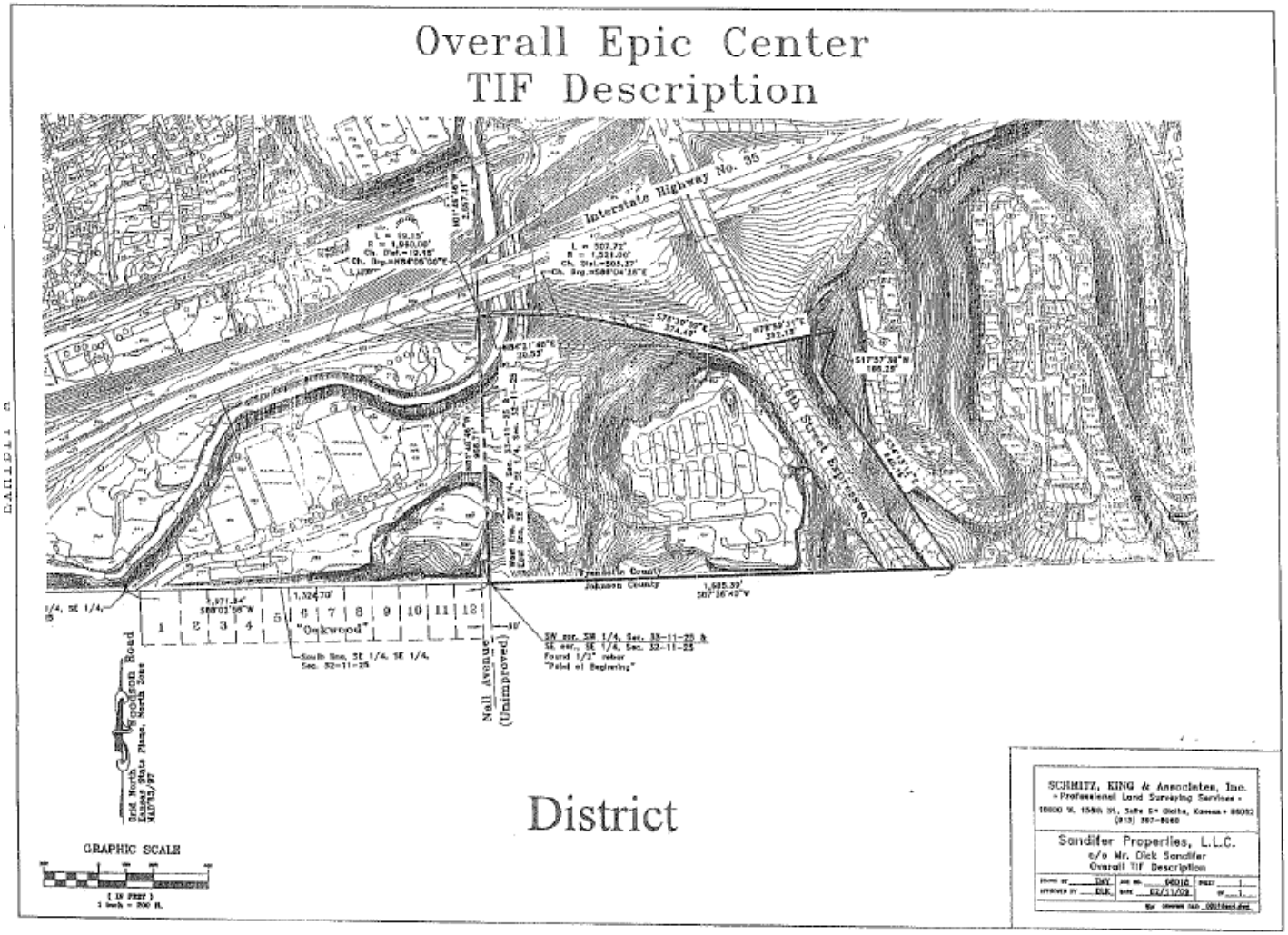

EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT AND PROJECT AREA

A tract of land in the Southwest Quarter of Section 33, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 33;

Thence North 01°46'46" West 966.71 feet, along the West line of the Southwest Quarter of said Section 33, to a point on the Southerly edge of pavement of the on-ramp to 18th Street Expressway, said point also being on a non-tangent curve concave to the South having a radius of 1,960.00 feet;

Thence Easterly 19.15 feet, continuing along said Southerly edge of pavement and said curve to the right having a chord bearing of North 84°05'00" East and a chord distance of 19.15 feet;

Thence North 84°21'48" East 20.53 feet, along said Southerly edge of pavement, to the beginning of a curve concave to the South having a radius of 1,521.00 feet;

Thence Easterly 507.72 feet, along said Southerly edge of pavement and curve to the right having a chord bearing of South 86°04'26" East and a chord distance of 505.37 feet;

Thence South 76°30'39" East 374.49 feet along said Southerly edge of pavement;

Thence North 78°59'31" East 392.13 feet to a point on the Easterly right-of-way line of 18th Street Expressway as now established;

Thence South 17°57'38" West 166.29 feet along said Easterly right-of-way line;

Thence South 34°13'12" East 840.16 feet, along said Easterly right-of-way line, to a point on the South line of the Southwest Quarter of said Section 33;

Thence South 87°36'40" West 1,685.39 feet, along said South line, to the "point of beginning" of the tract herein described, containing 1,271,922 square feet or 29.20 acres, more or less.

Subject to all easements and restrictions of record.

Staff Request for Commission Action

Tracking No. 20451

Full Commission Meeting Date: 10/29/20
Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/14/2020	Susan Alig	x5069	salig@wycokck.org	Legal

Item Description:
The Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Fraternal Order of Police, Lodge 40, effective January 1, 2020 through December 31, 2021 has been ratified by the Fraternal Order of Police Lodge 40, submitted by Susan Alig, Assistant Counsel. The parties are seeking approval from the Commission to adopt the MOU and allow the County Administrator to sign on behalf of the Unified Government.

Action Requested:
To adopt the resolution.

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
FOP 40 MOU reso 10.08.20, FOP 40 MOU Clean Copy 2020 10 07 SPM format changes, 2020-10-26 09-36

RESOLUTION NO. _____

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

That the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said County Administrator and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to the following:

(1) Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the Fraternal Order of Police, Lodge 40, effective January 1, 2020 through December 31, 2021.

ADOPTED BY THE BOARD OF COMMISSIONDERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF _____, 2020.

_____
David Alvey
Mayor/CEO

ATTEST:

_____
Unified Government Clerk

MEMORANDUM OF UNDERSTANDING

THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

and

WYANDOTTE COUNTY SHERIFF'S DEPARTMENT

and

FRATERNAL ORDER OF POLICE,
WYANDOTTE COUNTY LODGE #40

January 1, 2020 through December 31, 2021

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DEFINITIONS

County	The Unified Government of Wyandotte County/Kansas City, Kansas
Department	Wyandotte County Sheriff's Office
Deputy	A sworn Deputy of the Wyandotte County Sheriff's Office
Detective	A sworn Deputy of the Wyandotte County Sheriff's Office assigned to the investigation of criminal complaints and/or internal affairs matters.
Employee	An employee of the Wyandotte County Sheriff's Office within the bargaining unit
Employer	Wyandotte County Sheriff's Department and/or The Unified Government of Wyandotte County/Kansas City, Kansas
FOP	Fraternal Order of Police, Lodge #40
F.T.O.	Field Training Officer
Gender	The male shall include the female and the female shall include the male
Immediate Supervisor	The person directly above the employee in rank
J.T.O.	Jail Training Officer
Lodge	Fraternal Order of Police, Lodge #40
Memorandum	The Memorandum of Understanding

S.E.R.T.	Sheriff's Emergency Response Team
Sheriff	Sheriff of Wyandotte County, Kansas
Unified Government	The Unified Government of Wyandotte County/Kansas City, Kansas

MEMORANDUM OF UNDERSTANDING

WHEREAS, the parties hereto desire to maintain a harmonious relationship, to advance mutual interest in the preservation of public safety, law and order; to promote standards and conditions of employment for all members of the bargaining unit; to achieve harmonious and peaceful adjustment of differences which may arise; and to establish standards of wages, hours, benefits and other conditions of employment.

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER CONTAINED, THE UNIFIED GOVERNMENT, THE SHERIFF AND THE LODGE HEREBY AGREE AS FOLLOWS:

ARTICLE 1: RECOGNITION

The Unified Government of Wyandotte County/Kansas City, Kansas (hereinafter the "Unified Government") and the Wyandotte County Sheriff's Department (hereinafter the "Department") recognize and acknowledge the Fraternal Order of Police, Wyandotte County Lodge #40 (hereinafter the "Lodge") as the exclusive bargaining representative for all Sheriff's deputies, including Detectives, currently below the rank of Captain employed by the Department for the purpose of negotiating collectively with the Unified Government and the Department pursuant to the Public Employer-Employee Relations Act of the State of Kansas, with respect to conditions of employment, as defined by that Act. The recognition herein afforded extends only to those classifications of Sheriff's Deputies below the rank of Captain. Excluded from the representation herein afforded are all non-sworn personnel of the Department, all confidential and supervisory employees and all deputies of the rank of Captain & above.

ARTICLE 2: LODGE RIGHTS

Section 2.1 FOP Hours

Bargaining unit members designated by FOP Lodge 40 may be entitled, in accordance with the provisions herein stated, to draw upon a bank of seven hundred fifty (750) work hours with pay, per calendar year, for the purpose of conducting business of the lodge and/or police association business of members of the bargaining unit. The bargaining unit business referenced herein includes, but is not limited to, State and National conferences of the Fraternal Order of Police organization, or to attend educational conferences in which the FOP or bargaining unit members participate or sponsor.

Further the Sheriff's Department must have adequate manpower to provide the services of the affected employees' division, department or unit in their absence in order to allow the employees to be absent for this purpose. FOP hours granted with pay will include travel time to and from the conventions, conferences or training seminars on the day before and the day after the conventions, conferences or training seminars subject to the approval of the Sheriff which shall not be unreasonably withheld.

Section 2.2 Payroll Deduction of Dues

The Unified Government agrees to deduct, once each month, dues in an amount certified by the Lodge and authorized in writing by the employees who individually request (Dues Deduction Authorization Form), that such deductions be made. Employees may revoke the authorization at any time by giving thirty (30) days written notice of such termination or revocation

to both the Unified Government and the Lodge; otherwise, the authorization will automatically renew. The total amount of such authorized deductions shall be remitted by the Employer to the Treasurer of the Lodge, promptly.

Section 2.3 Lodge Business, Lodge President and Lodge Stewards

a) Lodge Business.

The Unified Government and the Sheriff agree that the President, Vice-President, Secretary, Treasurer, Sergeant-at-Arms, Chief Lodge Steward and 2nd Vice-President may conduct authorized Lodge business during regular working hours, provided that their immediate supervisor is given notice in advance.

b) Lodge Stewards.

Employees selected by the Lodge to act as employee representatives shall be known as "Stewards." The names of employees selected as Stewards who may represent employees shall be provided to the Department by the Lodge. The Department shall be notified, in writing, of any changes in the above names that may occur.

c) Number of Stewards.

Each shift of the Detention, Operations and Community and Support Services Divisions shall have a Steward, if possible. The Sergeants collectively shall have a Steward. The Chief Stewards (2 positions) shall also serve as the Stewards for the shift and/or division to which he or she is assigned.

d) Lodge Meetings.

Not more than one on-duty employee shall be granted leave to attend Lodge Meetings. Subject to this restriction, the President, Vice-President, Secretary, Treasurer, Sgt. at Arms, three (3) Trustees, Chief Lodge Stewards and 2nd Vice-President of the Union shall be allowed reasonable time to attend not to exceed one (1) regular meeting and one (1) special meeting per month of the lodge. Afternoon shift stewards may be allowed reasonable time to attend, manpower permitting one (1) regular meeting per month, with consent of their Supervisor. If the Steward is not available to attend the meeting then the alternate shift Steward may be sent in his place. The Sheriff, or his designee shall be given written notice at least seven (7) calendar days in advance of such regular meetings and shall be given written notice and must consent to these Union officers being granted time off for any special meetings. Deputies granted leave from an on-duty assignment to attend a Lodge meeting will be allowed two and one-half (2 ½) hours of leave, which includes travel time.

e) Prohibited Conduct of President and Stewards.

The President and Stewards have no authority to encourage, incite, or condone work action against the Department or Unified Government. In the event of such action by the President or any Steward, she shall be subject to immediate discipline up to and including termination.

Section 2.4 **Negotiators Pay**

The Department, Parks and Unified Government will not allow Lodge members time off with pay for purposes of engaging in collective bargaining sessions with the Department and Unified Government except when the Lodge negotiators request to use their accumulated vacation time, compensatory time, FOP hours or personal time, or as provided in Section 2.3 herein.

ARTICLE 3: LODGE COOPERATION - MANAGEMENT RIGHTS

Section 3.1 Lodge Cooperation

The Lodge, the Unified Government and the Department have entered into this Memorandum for the purpose of facilitating the peaceful adjustments of differences that may arise from time to time and to promote harmony and efficiency so that the employees, the employer and the general public may mutually benefit. Consistent with this general purpose, the Lodge recognizes that an obligation rests upon each Deputy to render honest, efficient and courteous service to the Department, Unified Government and the public. The Lodge agrees to cooperate with the Unified Government in its efforts to strengthen the good will between the Sheriff's Department, the Unified Government and the general public.

The Lodge recognizes the need for improved methods in providing services to the public and agrees to cooperate with the Unified Government and the Department in the installation of such methods, in suggesting improved methods, in the education of its members and the necessity for such changes and improvements.

The Department agrees that no arbitrary quotas or levels requiring members of the appropriate unit to make a certain number of arrests or other law enforcement activities shall be established or performed.

Section 3.2 Management Rights

By entering into this Memorandum, the Unified Government and the Department have agreed to certain specific limitations on their right to manage the department and to direct the personnel. However, it is the intention of the parties hereto that the Unified Government and the Department retain each and every right and privilege they ever had except insofar as it has, by this

Memorandum, agreed to specific limitations thereon. The Unified Government and the Department have, by certain specific articles of this Memorandum, relinquished a portion of their exclusive management rights and it is understood that those articles shall supersede the reservation of rights to the extent of the article in conflict.

The exclusive rights of the Unified Government and the Department which are not abridged other than by this Memorandum shall include, but are not limited to, their right to determine the existence or nonexistence of facts which are the basis of a management decision; to establish or continue policies, practices and procedures for the conduct of the Department and to change or abolish such policies, practices or procedures; to introduce new or improved methods, equipment or facilities; to discontinue processes or operations or to discontinue their performance by employees; to select, determine and schedule the number or type of employees required; to assign work to such employees in accordance with the requirements determined by the Department; to establish and change work schedules and assignments; to determine the facts of lack of work; direct the work of their employees; hire, promote, demote, transfer, assign and retain employees in positions within the department; discipline, suspend or discharge employees for proper cause; maintain the efficiency of governmental operation; to lay off or furlough employees; take actions as may be necessary to carry out the mission of the Department in emergencies; determine the method, means and personnel by which operations are to be carried on; to unilaterally develop standard operating procedures, general and special orders and rules and regulations not in conflict with this Memorandum; to establish and maintain reasonable standards for wearing apparel and personal grooming; and all other prerogatives and responsibilities normally inherent in management of the Unified Government and the Department which are not in conflict with the specific provisions of this Memorandum. All management rights, power,

authority and functions other than those relinquished by the Unified Government and the Department in this Memorandum shall remain vested exclusively in the Unified Government and the Department.

Neither the Unified Government, the Department nor the Lodge through their officers, members, representatives, agents or committees, shall engage in any subterfuge of any kind for the purpose of defeating or evading the terms of this Memorandum.

The Sheriff shall have the exclusive right to assign, or not to assign department vehicles by bid positions to be taken home by the employee. Department/Unified Government vehicles shall be parked at the employee's residence and only used for authorized Unified Government business.

ARTICLE 4: PROBATIONARY EMPLOYEES

New employees shall be considered Probationary Employees from their date of hire through the date that such employees have completed their Academy training, the Jail Training Officer Program ("JTO Program") and six (6) months of continuous employment after completion of the JTO Program. Any interruption of employment except for on-the-job injuries (leave, sickness, injury, etc.) during the probationary period in excess of ten (10) working days shall not be counted as part of such probationary period. Probationary Employees may be discharged or disciplined at the sole discretion of the Department without recourse to the provisions of this Memorandum.

Probationary Employees shall not accrue seniority until the completion of their probationary period. Upon the completion of the probationary period, the employees' seniority date will be measured from their date of hire as provided in Article 5.

ARTICLE 5: SENIORITY

Section 5.1 General

a) *Deputies.*

Seniority shall be measured by continuous service as a Deputy in the Department from the date of last hire, unbroken by other than vacation, military leave or other authorized leaves of absence of not to exceed ninety (90) days and lay-off not in excess of two (2) years. Seniority shall be broken by discharge, resignation, retirement, lay-off in excess of two (2) years, permanent disability, or disciplinary suspensions of forty-five (45) working days or more or if the employee is called back to work from layoff and does not report for work within fourteen (14) calendar days of receipt of written notice by certified mail. In cases of disputes concerning seniority, the Department's records shall govern. The seniority of officers with the same date of hire will be decided by the officer's class academic ranking. Academic ranking will be based upon total points scored on all tests given during the basic academy class. Temporary or part-time employees shall not accumulate nor exercise any seniority rights. Department seniority shall be utilized as indicated in this Memorandum.

b) Military Leave

Military leaves of absence shall not affect seniority in accordance with applicable Federal laws governing the same.

Section 5.2 Seniority Rosters

The Lodge will be provided with up-to-date seniority rosters containing names and length of service of Deputies. These seniority rosters will be posted at reasonable locations.

ARTICLE 6: WORK PERIODS

Section 6.1 General

The Sheriff has the management right to change the hours of work shifts or work periods and to institute new work shifts or periods or discontinue existing work shifts or periods. The Sheriff agrees to notify the Lodge at least thirty (30) days in advance of implementing any such planned changes.

Section 6.2 Standard Work Period

The standard work period for Deputies assigned to 8 – hour shifts shall be seven (7) days for a total of forty (40) hours with two (2) consecutive days off. The standard work period for Deputies assigned to eight and one quarter (8 ¼) hour shifts shall be seven (7) days for a total of forty and one quarter (41 ¼) hours with two (2) consecutive days off. The standard work period for deputies on twelve and one quarter (12 ¼) hour shifts in the Detention Division shall be seven (7) days for a total of forty-three (43) hours, with three (3) consecutive days off. Deputies in the Detention Center may also be required to attend training for an additional two (2) hours each month, for which they shall receive compensation as any other hours worked. Standard work periods may vary during shift or job change periods. The work week shall be established to conform to the requirements of federal and state law and so as to facilitate Unified Government payroll procedures.

Section 6.3 Standard Work Day

The standard work day for those Deputies assigned to the Detention Center on twelve and one quarter (12 ¼) hour shifts shall be twelve and one-quarter (12 ¼) consecutive hours in a twenty-four hour period, except for a forty-five (45) minute paid intermission for lunch and for deputies in the Detention Center assigned to eight (8) hour shifts it shall be 9 consecutive hours in

a twenty-four hour period, except for a one-hour unpaid intermission for lunch, and for deputies in the Detention Center assigned to a six and one quarter (6 ¼) hour shift, it shall be six and one-quarter (6 ¼) consecutive hours in a twenty-four (24) hour period, including a twenty (20) minute break period. The standard work day for those deputies assigned to the Operations Division and Community Support Services on 8-hour shifts shall be eight and three-quarters (8 ¾) consecutive hours in a twenty-four (24) hour period except for a thirty (30) minute unpaid intermission for lunch.

Section 6.4 Meal Period for Detention Employees

Each employee's meal period shall be taken at a time during his regular work day as designated by the employee's supervisor. The meal period shall be as indicated above in Section 6.3. The Sheriff shall establish reasonable rules permitting food to be served in the Officer's Mess or brought from or delivered to the detention facility from home, commercial establishments or vendors. If possible, each employee on twelve and one quarter (12 ¼) hour and six and one quarter (6 ¼) hour shifts will also be allowed a fifteen (15) minute break during shift.

ARTICLE 7: OVERTIME

Section 7.1 General

a) Employees on 8-hour shifts shall receive one and one-half (1-1/2) times their actual hourly rate of pay, or compensatory time up to a maximum of two hundred (200) compensatory hours, for work performed in excess of forty (40) hours in a given work period. Employees on 8 ¾ -hour shifts shall receive one and one-half (1-1/2) times their actual hourly rate of pay, or compensatory time up to a maximum of two hundred (200) compensatory hours, for work performed in excess

of forty one and one-quarter (41¼) hours in a given work period. Employees on twelve and one quarter (12 ¼) hour shifts (with one (1) day at six and a quarter (6 ¼) hours) shall receive one and one-half (1-1/2) times their actual hourly rate of pay, or compensatory time up to a maximum of two hundred (200) compensatory hours, for work performed in excess of forty-one (41) hours in a given work period. (Provided, that, no employee shall have accumulated more compensatory hours on the books than that allowed by Federal law and/or regulation.) Compensatory time may be paid in lieu of overtime payment if the employee so elects. For the purpose of overtime calculations, pre-approved use of holiday, vacation and compensatory time and jury duty is considered time worked. For the purpose of this section, pre-approved is defined as receiving written approval from the employee's supervisor via the usual leave request form at least twenty-four (24) hours prior to the start of the shift. Management has the right to determine staffing needs and whether any holiday, vacation or compensatory time will be pre-approved. Any unplanned use of holiday, vacation and compensatory time without sufficient pre-approval is not considered hours worked for the purpose of calculating overtime. Holidays cashed in during the annual holiday buy back period provided for in Section 12. 3 shall not count as hours worked.

(b) The assignment of voluntary overtime shall be offered to deputies on the same division and shift when the need for the overtime is posted according to their relative position on the Department seniority list, starting from the most senior to the least senior deputy. It may then be offered to deputies on other divisions or shifts following the same protocol. The assignment of forced overtime shall be based on a round robin system within the division starting with the least senior deputy to the most senior deputy. Every six (6) months the round robin system of forced overtime shall be reset so that the least senior deputy within the division shall again be the next deputy

required to work forced overtime and then again progressing to the most senior deputy within the division.

(c) Voluntary overtime to cover a Sergeant's position shall first be offered to other Sergeants in the same division based on their seniority in grade. In the Operations Division, if no Sergeant within the Division will volunteer, then the assignment shall be offered to Sergeants who have completed the Field Training Officer Program to cover the affected first shift. If no Sergeant that has completed the Field Training Officer Program agrees to cover the shift in the Operations Division or, in Detention if no Sergeant will volunteer, then the assignment shall be offered to Deputies in accordance with the procedures specified in Section 18.2 (Acting Sergeant).

(d) If the Department determines within its sole discretion that it will fill a Detective's absence on an overtime assignment or determines that additional detective manpower is required after normal working hours, such assignment shall be on an on-call basis. The on-call schedule of Detectives shall be established by the Department. If additional detective staffing is needed after the on-call detectives have been called in, then such additional detective positions shall be assigned on a seniority basis in the case of voluntary overtime and a reverse seniority basis in the case of forced overtime. An employee shall only be entitled to overtime compensation if they satisfy Section 7.1(a) above.

(e) If an employee is off-duty and reports for an assignment and the Department determines that his services are not needed, he shall receive a minimum of two (2) hours pay. Such two (2) hours pay shall be at the straight time rate unless such two (2) hours would qualify for overtime compensation under Section 7.1(a) above.

(f) Upon acceptance of a voluntary overtime shift or upon assignment of an involuntary overtime shift, an employee shall be obligated to work such shift. Employees, who are required to work overtime or volunteer to work overtime, who do not work and do not have approved leave shall be subject to the following discipline:

1. First instance: Documented Warning (email or memorandum will suffice; no blanket warning, i.e. roll call discussion, will be permitted; after 1 year, to be stamped "Not to Be Used as Discipline" in employee's file.)
2. Second instance: Written Reprimand (no blanket warning, i.e. roll call discussion, will be permitted; after one (1) year, to be stamped "Not to Be Used as Discipline" in employee's file.)
3. Third instance: Fifteen (15) points
4. Fourth instance: An additional fifteen (15) points
5. Fifth instance: An additional fifteen (15) points and a one (1) day suspension without pay.

Section 7.2 Duty to Perform

Employees may be required to work a reasonable amount of forced overtime, not to exceed a total of twenty (20) hours overtime per standard work week and may be subject to discipline for any refusal to work when ordered. Overtime will be offered on the basis of seniority to employees who will work the overtime hours consecutively on the preceding or following shift within the shift where the overtime becomes available. Absent exigent circumstances, pre-shift and post-shift forced overtime shall not cause any deputy to work more than twelve and one-quarter (12 ¼) consecutive hours in a single work day as defined in Section 6.3. In cases of natural disasters and declared emergencies, this twenty (20) hour limitation may be exceeded.

No employee within a unit assigned standard work hours shall have his hours of work or days of work changed within their area of assignment as a punitive measure or specifically for the purpose of avoiding the payment of overtime.

Section 7.3 Court Time

Employees shall receive pay at the overtime rate for a minimum of one (1) hour or time actually worked, whichever is greater, for court appearances arising from their direct employment with the Unified Government when required to appear while off-duty. Employees will not receive court time pay for appearances while on duty.

In addition, employees so appearing will receive one (1) hour's pay at the overtime rate for travel to each court appearance provided that at least two (2) hours have passed between the termination of one (1) court appearance and the beginning of the next. Employees will not receive court overtime pay for a court appearance arising from off-duty employment. Employees shall have the option of selecting compensatory time or overtime payments for all court time.

In order to receive court time pay, employees must have their court appearance verified by the prosecuting attorney involved in the case.

Section 7.4 **Out of County Prisoner Transport**

Deputies will receive at least twenty-four (24) hours' notice of scheduled out-of-county transports. On out-of-county transports, deputies will be allowed to miss roll call for that day with their supervisor's previous approval, in order to begin the trip. On all prisoner transport trips which involve an overnight stay, the Unified Government will pay for the transporting deputies' dinner, lodging and breakfast. U.G. issued credit cards will be used to purchase inmates meals when necessary.

ARTICLE 8: DISCIPLINE

Section 8.1 Authority to Discipline

The Lodge recognizes that the Department has the responsibility for maintaining discipline and the efficient and orderly operation of the Department. Accordingly, the authority to discipline employees is vested exclusively in the Sheriff or his designees. Employees, excluding probationary employees, shall only be disciplined or discharged for just cause. Discipline or discharge for just cause shall include, but shall not be limited to, discipline or discharge for violation of the Department's or Unified Government's Rules or Regulations, General and Special Orders and Standard Operating Procedures. The Department's and Unified Government's Rules and Regulations, General and Special Orders and Standard Operating Procedures may be modified from time to time by the Department or Unified Government. Management agrees to inform Bargaining Unit Representatives thirty (30) days in advance of any changes in the above before said changes are to take place, unless otherwise agreed upon. In accordance with state law and the Kansas Public Employer-Employee Relations Act, the parties agree to meet and confer in good faith regarding any changes in Rules and Regulations, General and Special Orders and Standard Operating Procedures which address mandatory subjects of bargaining.

Section 8.2 Imposing Discipline

All employees are expected to comply with the employer's standards of behavior and performance and any non-compliance with their standards may result in disciplinary action.

Under normal circumstances, the Unified Government and Sheriff endorse a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve.

The severity of discipline imposed shall be consistent with the offense committed. Discipline will be preceded by verbal counseling or warning in all minor violations. When notice of disciplinary action is given to an employee, a copy will be provided to the Lodge. Discipline may include the following:

1. Documented Warning (email or memorandum will suffice; no blanket warning, i.e. roll call discussion, will be permitted; after 1 year, to be stamped "Not to Be Used as Discipline" in employee's file.)

2. Written Reprimand (no blanket warning, i.e. roll call discussion, will be permitted; after 1 year, to be stamped "Not to Be Used as Discipline" in employee's file.)

3. Points.

4. Suspension

5. Demotion (in Sergeants and Detectives cases only)

6. Discharge

Records of verbal and written counseling or warning shall be removed from the employee's personnel file after one (1) year. All documents must be reviewed by the Sheriff or Undersheriff prior to being placed into an employee's file.

Section 8.3 **Imposition of Discipline**

Under normal circumstances, the Department will not impose any proposed discipline until the employee involved and the Lodge have concluded their appeals under the Grievance Procedure as outlined in Article 10 of this Memorandum.

Section 8.4 **Forfeiture of Benefits and Rights**

Employees who are terminated for just cause shall forfeit all employment benefits and rights, except accumulated vacation days, and compensatory time as provided in Unified Government written policy, retirement benefits in accordance with applicable law and any accrued wages.

ARTICLE 9: JOINT STANDING COMMITTEES

Section 9.1 **– Joint Uniform & Equipment Committee**

There shall be a joint uniform & equipment committee composed of six (6) members, three (3) appointed by the Lodge and three (3) appointed by the Sheriff. The Sheriff shall appoint the chairperson from members of the committee. The purpose of the committee shall be to study, evaluate and make recommendations to the Sheriff concerning the purchase of new uniforms or equipment or the upgrading, utilization, maintenance or upkeep of Department uniforms or equipment and personal appearance of employees. The committee shall meet bi-annually, and submit an annual written report to the Sheriff and the Lodge detailing its proposed recommendations by December 31st of each year. No change may be made in uniform/equipment requirements without thirty (30) days advance notification to the Lodge. Except for exigent circumstances, no change in uniform/equipment requirements shall be made prior to March 1st in any given calendar year.

Section 9.2 **– Joint Safety Committee**

There shall be a Joint Safety Committee composed of four (4) members. The Sheriff shall have authority to appoint two (2) members to this committee. The Lodge shall have authority to

appoint two (2) members to this committee. The Sheriff shall appoint the chairperson from the members of the committee. The purpose of the Committee shall be to study, evaluate and make recommendations to the Sheriff concerning the safety of officers and inmates of the detention facility. The committee shall meet quarterly on dates determined by the Committee and submit an annual written report to the Sheriff and the Lodge detailing its proposed recommendations by December 31st of each year. Should either management or the Lodge fail to participate in the scheduled meeting, a report may nonetheless be submitted by the parties who were in attendance at the scheduled meeting. However, both parties shall make all reasonable attempts to participate in the quarterly meetings.

ARTICLE 10: GRIEVANCE PROCEDURE

Section 10.1 General

The parties shall make sincere and determined efforts to settle meritorious grievances at the voluntary steps of the grievance procedure and to keep the procedure free from unmeritorious grievances. Where a matter within the scope of this grievance procedure is alleged to be both a grievance and a prohibited practice under the jurisdiction of the Public Employee Relations Board, the Lodge may elect to pursue the matter under either the grievance procedure herein provided or by action before the Public Employee Relations Board. The employee's election of either procedure shall constitute a binding election of the remedy chosen and waiver of the alternative remedy. Any time limit set forth in this procedure may be extended by the parties' written agreement to do so.

Section 10.2 **Discipline Grievances**

In the event of a grievance arising from any discipline, such grievance shall be processed through the grievance procedure. A Lodge representative will be present during any step of the grievance procedure, unless the employee requests that the Lodge representative not be present. Other than criminal internal affairs investigations, the Department further agrees to allow a Lodge representative to be present during investigatory interviews of a deputy upon such deputy's request when the deputy reasonably believes that the investigatory interview may result in discipline. The Lodge and the affected deputy shall be given no less than two (2) hours written notice of any show cause hearing, which may be extended upon a written request by the Lodge for additional preparation time.

Step I

The matter must first be submitted in writing to the Undersheriff's office within twenty (20) calendar days after the occurrence giving rise to the grievance, or after becoming known, or it shall be considered as dropped. The Undersheriff's office shall reply in writing within twenty (20) calendar days or the grievance shall be found in the employee's favor. Grievances over written warnings or reprimands shall not proceed past this step of the Grievance Procedure.

Step II

If no settlement is reached by the parties under Step I, the matter shall be resolved as follows.

A. Points.

The assessment of points shall only be grievable through Step I above. If points are used for the purposes of progressive discipline, the Lodge shall be entitled to challenge the merits of

the assessment of points at a subsequent grievance proceeding, once there is discipline imposed that rises to the level of suspension.

B. Suspensions of Thirty Days or Less.

Step II of the grievance process for disciplinary suspensions of thirty (30) days or less shall go to the Grievance Board, hereinafter described, for determination. If the Lodge desires to pursue Step II of the grievance process, it must make such a request in writing to the Sheriff within twenty (20) calendar days after the employee receives the Employer's response under Step I. The Grievance Board for all Deputies shall be composed of one (1) duly-designated Lodge representative chosen by the Lodge and one (1) duly-designated Department representative of the rank of Captain or above, selected by the Sheriff. One additional individual shall be appointed to the Grievance Board, who shall be selected from a panel by the Federal Mediation and Conciliation Service (FMCS) or as agreed upon by the parties. If the parties do not agree upon the selection of the third member of the Grievance Board, then within fifteen (15) working days of the Lodge's request for a Grievance Board hearing, the parties shall jointly and in writing, request the FMCS to submit a panel of seven (7) arbitrators, from which the parties shall select one individual to sit on the Grievance Board. Within fourteen (14) days after receiving such a list, the parties, or their respective designees, shall alternately strike names from the list, until only one (1) name remains, which shall be selected to sit on the grievance board. The order of striking names shall be determined by the toss of a coin. All fees, costs and expenses of retention of such individual shall be shared equally by the Lodge and by the Department. The Grievance Board authority shall be governed by Step III, Subsection 5 of this Article.

The Grievance Board shall meet promptly upon call but in any event not later than sixty (60) days after the selection of the third-party Grievance Board member, unless otherwise agreed upon by the parties. Employees serving on the Grievance Board will be compensated at their normal rate of pay while serving. Each party shall provide to the other at least ten (10) calendar days prior to any hearing before the Grievance Board a list of witnesses who may testify and a copy of exhibits, which may be offered at the hearing. Any amendments to the lists of witnesses or exhibits shall be provided in writing at least five (5) calendar days prior to the hearing. Witnesses employed by the Department shall be notified by the Department and be made available to testify. Attorneys at law shall be permitted to appear at Grievance Board hearings as a representative of each party. The deliberations of the Grievance Board shall be confidential. A majority vote of the Grievance Board shall be final and binding on the parties.

The decision shall not be arbitral for any reason.

C. Suspensions of Thirty Days or More, Demotions or Terminations.

Grievances involving suspensions of thirty (30) days or more, demotions or terminations shall proceed to mediation through the FMCS or through such other mediation process as agreed to by the parties prior to proceeding to Step III below. If the Lodge desires to proceed to this step in the grievance process, the Lodge shall make such a request in writing to the Sheriff within (20) calendar days after the employee receives the Employer's response under Step 1. Mediation must be conducted within sixty (60) (60) days of the Employer's response under Step I, unless the parties mutually agree to a longer period. If the matter is not resolved through mediation, it may proceed to arbitration if requested in accordance with Step III below.

Step III

Arbitration may be requested in the following manner:

1. Notice in writing of intent to arbitrate in disciplinary cases involving suspensions of thirty (30) days or more, demotions or terminations shall be delivered by the parties seeking arbitration to the opposing party within twenty (20) days of the mediation in Step II. . For contract interpretation grievances, pursuant to section 10.3, notice of intent to arbitrate shall be delivered within thirty (30) calendar days following the joint meeting of the parties' legal representatives. If notice of intent to arbitrate is not delivered within the time limits set out herein, the grievance shall be deemed abandoned.

2. Within fifteen (15) calendar days after the above notice is delivered, the parties will submit a joint request for a panel of arbitrators from the FMCS.

3. Within fifteen (15) calendar days after receipt of the panel of arbitrators from FMCS, the parties will alternately and independently strike unacceptable arbitrators from the list, with the last remaining arbitrator being selected.

4. Employees shall be paid for the time spent in attending an arbitration proceeding under the procedure set forth in section 7.3 of this M.O.U.

5. The jurisdiction and authority of the arbitrator shall be bound by the following.

   a. The arbitrator shall have the authority to determine the procedural rules of arbitration and shall have the ability to make such binding orders as are necessary to enable him or her to act effectively. The arbitrator shall

observe the rules of evidence and his or her decision shall be final and binding on both parties.

b. The arbitrator shall have no power to add to, subtract from or modify any of the terms of this Memorandum.

c. In the resolution of disputes between the parties to this Memorandum, the arbitrator shall give no weight or consideration to any matter except the specific language of this Memorandum and the facts and evidence presented by the parties in the presence of each other.

d. The arbitrator shall have no authority to substitute his or her judgment for that of the Employer, nor shall he or she have authority to usurp, subtract from, modify or exercise any management right of the Employer.

e. In discipline or discharge matters, the arbitrator shall have the discretion to increase or decrease the discipline imposed, if the evidence so warrants.

The cost of the arbitrator shall be shared equally by the Employer and the Lodge.

Section 10.3 Contract Interpretation Grievances

An impasse in any negotiations for any Memorandum of Understanding shall not constitute a grievance. Any grievance or complaints concerning contract interpretation must first be filed in writing at Step 1 of the Grievance Process within thirty (30) calendar days after the occurrence giving rise to the grievance, or after becoming known, or shall be considered as being dropped in the Department's favor. The parties will endeavor to resolve the grievance through that process. In the event of any complaint or grievance concerning interpretation or application of this

Memorandum, other than disciplinary issues, is not resolved through the informal process, the Unified Government's legal representative shall discuss with the Lodge's legal representative the question of interpretation of the Memorandum and both may choose to jointly meet with all involved parties to attempt to resolve the issue. If the parties are unsuccessful in resolving the conflict, either party may request that the matter be arbitrated as provided in Step III within thirty (30) calendar days of the joint meeting or the date the parties decide that a meeting is not beneficial.

ARTICLE 11: STRIKES

The Lodge, on behalf of its membership, recognizes that the protection of the public health, safety and welfare are of paramount importance to itself, the Department. Therefore, during the life of this Memorandum the Lodge will not condone, nor encourage nor instigate any work slowdowns, stoppages or strikes, or any actions that are detrimental to the operations of the Department.

Any violation of this Article may be the subject of disciplinary action, including discharge.

The Lodge shall, within twenty-four (24) hours of the commencement of any of the acts prohibited herein, take all reasonable affirmative action to terminate such conduct.

ARTICLE 12: VACATIONS - HOLIDAYS- PERSONAL DAYS - FUNERAL LEAVE - MILITARY LEAVE - JURY DUTY - FAMILY AND MEDICAL LEAVE LEAVE WITHOUT PAY -MATERNITY

Section 12.1 Vacations

After completing one (1) year of service each Deputy shall be entitled to vacation pay pro-rated in accordance with section 12.1(c) of this article for any portion of the initial year of employment occurring before January 1st. Thereafter vacation pay shall be earned from January 1st of each year to January 1st of the next year on the following basis:

Continuous completed years	***Vacation entitlement***
Over 1 year of service	15 days
Over 5 years of service	20 days
Over 11 years of service	25 days
Over 19 years of service	30 days

Each day of vacation entitlement shall be in the same number of hours as the employee's then assigned shift even if the employee's shift was different when the vacation entitlement was earned. Employees must have completed the requisite years of service prior to January 1 of a given year in order to be eligible for greater vacation benefits that year.

a) Scheduling

The vacation period and schedule of vacations of each qualified employee shall be set by seniority, desire, and preference of the employee, consistent with efficient operation of the Department, for the employee's first three vacation choices made during the annual vacation bid which shall occur prior to February 15th of any given year. In the event an employee bids to another position or assignment after February 15th of any given year, he shall not be entitled to exercise seniority for a preferred vacation. Whenever possible, requests for days off using single vacation

days, comp time, or holidays shall be responded to no later than forty-eight (48) hours after the request has been submitted. If the requesting employee is not on duty, it will be the responsibility of the requesting employee to contact the Department for confirmation of denial or approval of the day off requested.

b) Exceptions

Employees shall not accrue vacation time while on unpaid leave of absence, lay-off, suspension or while absent due to an injury or illness unless they are on approved sick leave. In the event an employee is absent from work on an authorized leave of absence, or on lay-off status or due to a non-work related illness or injury for which he is not on approved sick leave, his vacation pay shall be reduced pro rata to the portion of the year he earned and was eligible for vacation privileges.

c) Pro-Rata Vacation

For the purpose of computing vacation pay, an employee shall earn one twelfth (1/12) of his vacation pay for each month of service during the twelve (12) month period preceding January 1st of each year. Each month in which an employee works one-hundred ten (110) hours shall be considered a month of service. Employees who are discharged prior to taking their vacation shall not forfeit any right to vacation or vacation pay. Vacation time shall normally be taken in the calendar year in which the vacation falls.

d) Vacation carryover

Employees may carry over up to thirty days of accrued and unused vacation each year, but the total accumulated carried over vacation days shall not exceed thirty days. Those employees

who have accumulated more than thirty (30) carryover vacation days as of December 31, 2009 shall be permitted to carry over those vacation days in excess of thirty (30) from year to year however, those employees shall not be permitted to accumulate any additional carryover vacation days until their total number of carryover vacation days is less than thirty (30). Those employees hired prior to January 1, 2016 who have accumulated less than thirty (30) vacation days may accumulate up to thirty (30) vacation days. Those employees hired on or after January 1, 2016 shall not be permitted to carry over a vacation leave time bank in excess of twenty-six (26) days of accrued vacation leave from any one (1) year to the next.

e) ***Vacation Buy-Out***

Employees shall be paid for accrued, unused vacation pay standing to their credit at the time of their departure from the Department. In the case of death of any employee for any reason, such payment shall be paid to the person or persons designated as that employee's beneficiary or beneficiaries under the Kansas Police and Fire Retirement System or KPERS.

f) ***Scheduling***

Employees will annually bid for vacation between January 15th and February 15th for any dates through February 15th of the following year.

When bidding for vacation time between January 15th and February 15th, Department seniority will only apply when scheduling the first three choices of vacation time for each employee. A choice of vacation time is defined as a contiguous block of time uninterrupted other than by holidays and/or regular days off. Vacations or holidays scheduled after February 15th, for any dates through February 15th of the following year, will be on a first come first served basis. Vacation calendars must be posted after February 15th in an area open to inspection by all Deputies.

Section 12.2 Sick Leave

a) Entitlement

A permanent employee hired prior to January 1, 2016 shall accumulate sick leave with pay~~,~~ at the rate of one and one fourth (1 1/4) calendar days for each calendar month of service. All permanent employees hired on or after January 1, 2016 shall be allowed leave with pay due to sickness or non-duty related injury at a rate of one (1) calendar day for each calendar month of service. Each sick day taken will be in the same number of hours as the employee's then assigned shift even if the employee's shift was different when the sick leave entitlement was earned. Sick leaves shall not accumulate during general leaves of absence, educational leaves, military leaves, suspension or layoff. Employees must actually work or be credited with working at least one hundred and ten (110) hours per month in order to accumulate the sick leave entitlement for that month.

b) Limitation on Accumulation

There shall be no limit on the number of sick days that an employee may accrue.

c) Transferred Employees

When an employee is transferred to another department of the Unified Government, any unused sick leave that may have accumulated to his credit shall continue to be available for his use, as necessary.

d) Termination

Upon an employee's voluntary resignation, termination for just cause or layoff in excess of three (3) years, any accrued, unused sick leave shall be forfeited.

e) <u>Retirement or Death</u>

Employees hired before January 1, 2016 who retire or who are killed in the line of duty shall receive regular straight time compensation for any accumulated unused sick leave, but not to exceed one hundred twenty (120) calendar days and such compensation shall not exceed four months base pay. Employees hired on or after January 1, 2016 who retire shall receive regular straight time compensation for fifty percent (50%) of accumulated unused sick leave, but such compensation shall not exceed two (2) months base pay. Thirty days of accumulated sick leave shall be used for each one (1) months equivalent pay. If an employee has less than the referenced number of accumulated sick leave days, he shall receive the pro-rated one-thirtieth (1/30) of one (1) months pay for each day of accumulated sick leave existing at that time. If an employee is killed in the line of duty, his heirs under KP&F or KPERS retirement systems shall be entitled to receive pay for all accumulated sick leave the deceased employee had on the books at the date of his death.

f) <u>Use Provisions</u>

Use of accumulated sick leave by an employee or payment to an employee of paid sick leave shall be subject to the following rules:

1. Sick leave may only be used for the purposes for which it was intended, that being to provide an employee with protection against a loss of pay due to an actual illness. Sick leave may be utilized for maternity leave or physical or mental illness.

2. The granting of sick leave shall be at the determination of the Sheriff or his designee

3. The employee shall not be entitled to receive paid sick leave unless he has notified his immediate supervisor of his illness before such paid sick leave is due to begin, unless the delay of such notification can be shown to be unavoidable.

4. The Employer shall have the right to have made, from time to time, by its physician at its expense, such examination as it may deem necessary to ascertain an employee's condition during his illness.

5. Any employee who is absent for three (3) or more consecutive work days due to illness or off-duty injury, may be required to furnish to the Sheriff or his designee a certificate from a duly licensed physician, stating clearly the nature of the illness or injury and the probable length of time it will be necessary for the employee to be absent due to such illness or off-duty injury.

6. If a Detention Deputy, within any twelve (12) consecutive month period, has used eight (8) or more sick leaves or if any Deputy assigned to any other division within any twelve (12) consecutive month period has used five (5) or more sick leaves immediately before or immediately after his regular days off or any other days off, he shall be classified as an excessive user of sick leave and shall be so classified for a period of twelve (12) months. The employee shall be notified in writing within thirty (30) days that he is placed in this category, with a copy directed to the Lodge. When an employee is so classified, he shall be subject to the following rules concerning use of sick leave:

a) On the day the employee returns from sickness the employee shall furnish a statement from a Medical Doctor (M.D.) or licensed Nurse Practitioner to the Sheriff or his designee. The statement shall contain the physician's report as to the cause for the

employee's absence and the physician's statement that the employee was unable to work on the day that he was absent.

b) When an employee is absent from work for four (4) hours or less for a prearranged doctor's appointment, and utilizes sick leave, it shall not be considered an occasion of sick leave for the purpose of identifying excessive users, provided that the physician's statement satisfactorily verifies the employee's attendance at the appointment.

c) If the employee does not furnish a physician's statement, as provided herein, he shall be subject to the following discipline:

i.) 1st offense - three (3) work day's suspension without pay;

ii) 2nd offense - five (5) work day's suspension without pay;

iii) 3rd offense - termination.

7. If an employee uses sick leave on twelve (12) or more occasions in any twelve (12) consecutive month period, he may be notified by the Sheriff or his designee that he is placed on restrictive sick leave for the next twelve (12) months. If the officer uses sick leave on twelve (12) or more occasions during this second twelve (12) month period, he may be subject to termination.

8. Employees on sick leave are prohibited from being gainfully employed by any employer other than the Unified Government or from being gainfully self-employed.

9. Employees may be allowed to donate sick time to other employees in the Wyandotte County Sheriff's Department who have a catastrophic or disabling personal or immediate family illness. Immediate family is restricted to individuals currently defined as such by the FMLA. Employees must have at least one hundred (100) hours remaining after donating to participate. Employees may donate up to forty (40) hours at a time. Sick time hours donated will not be converted into any other form of compensation and donated sick time will not be paid upon separation from employment by the officer receiving the donated time. All other accrued leave and/or time must be exhausted before donated time can be used. Donated sick time shall not be deducted from the donating employee's sick leave time bank until the recipient of such donated sick leave actually uses the donated leave. Employees who have been disciplined for being in violation of the employer's sick leave policy within the previous twelve (12) months of the dated request shall not be eligible to participate in the process. Employees on disability are not eligible to receive donated sick time. The eligibility of an employee to receive donated sick time will be at the discretion of the Sheriff. The maximum number of donated sick leave hours is fifteen months.

10. *Records of Sick Leave*

It shall be the duty of the Department to keep a permanent record of sick leave and each employee's accumulation and use of sick leave.

11. *Use of Sick Leave at Separation*

Sick leave shall not be used for the purpose of extending the length of employment beyond the final day of work except when an employee is awaiting approval of a disability retirement under KP&F OR KPERS.

12. ***Bonus Days***

Employees not using any sick leave or injury leave from January 1 through June 30 of any calendar year shall receive one (1) extra day off with pay the following year. Employees not using any sick leave or injury leave from July 1st through December 31st of any calendar year shall receive one (1) extra work day off with pay the following year. Such day may be taken by the employee, schedule permitting and with approval of his or her supervisor. Bonus days taken will be in the same number of hours as the employee's then assigned shift, even if the employee's shift was different when the bonus days were earned.

Section 12.3 Holidays

Employees shall receive one (1) day off with pay in compensation for the following holidays:

New Year's Day	Memorial Day
Presidents' Day	Independence Day
Martin Luther King Jr. Day	Labor Day
Spring Holiday	Veterans' Day
Thanksgiving Day	Day After Thanksgiving
Christmas Day	

Employees shall, in addition to the above holidays, receive all other holidays declared to be such by the Unified Government's Board of Commissioners for the benefit of other Unified

Government employees. Holidays taken will be in the same number of hours as the deputy's then assigned shift even if the employee's shift was different when the holiday was earned.

Deputies whose shifts do not allow them the actual holidays off may accumulate holidays as long as they do not bank more than sixteen (16) days at any time. At no time during the year will an employee's holiday time bank be credited with any holidays beyond sixteen (16) days. If an employee has sixteen (16) days in their holiday time bank, any additional holidays earned pursuant to this section shall result in a forfeiture. If an employee wishes to avoid such a forfeiture, it is the responsibility of the employee to manage his or her own time bank.

During each calendar year, employees may elect to "cash in" any holidays in their holiday time bank as of November 31st which are in excess of five (5), up to a limit of eleven (11) days which shall be paid at the employee's normal rate of pay effective on December 1st of that year. This payment shall be made during the first pay period of December.

After the buyback is completed, there shall be no more than five (5) holidays in the employee's bank, which may be carried over into the following year. If any employee has more than sixteen (16) days in their holiday bank, the employee is responsible for using those holidays before December 1st, or they shall forfeit those holidays in excess of five (5) which are not paid out in the annual buyback.

Section 12.4 Personal Days.

Personal Days must be preapproved by the shift commander, except that the shift commander may permit an employee to use personal leave without notice in the case of an emergency. Employees may annually convert up to five (5) days of sick leave to personal days. Personal leave shall be deducted from the employee's accrued sick leave. Unused personal leave

continues to accrue in the form of sick leave (not personal leave) and within the guidelines for accrual of sick leave. Personal days taken will be in the same number of hours as the employee's then assigned shift even if the employee's shift was different when the personal day was earned. Nothing herein would preclude the shift commander or his designee from verifying the emergency that the employee is citing as the need for the use of a personal day when the personal leave is used for an emergency and was not pre-approved.

Section 12.5 Leaves of Absence

Leaves of absence described in this Section 12.5 shall be without pay unless specifically stated or mandated by law that the leave is to be with pay.

1. *General Leaves of Absence*.

Any general leave of absence which shall be granted is the decision of the Sheriff. The maximum general leave of absence shall be for thirty (30) calendar days, but the Sheriff may extend such leave in writing for a period of up to ninety (90) calendar days. Any employee desiring a general leave of absence shall submit a written request to the Sheriff stating the reason for such request, at least seven (7) days prior to the commencement of the requested leave, except in cases of emergency. Before an employee may take a general leave of absence, written permission must be obtained from the Sheriff with notice to the Lodge. The time an employee spends on general leave of absence shall not be counted as time worked in determining any benefits under this Memorandum. Failure to report at the end of a general leave of absence will be considered a voluntary resignation on behalf of the employee. If an employee on a general leave of absence obtains other employment with a law enforcement agency while on such leave, his or her Unified

Government employment will be automatically terminated and the employee will have no recourse whatsoever under this memorandum.

2. *Educational Leave*

Educational leaves, not to exceed twelve (12) months, may be granted without pay to an employee. Requests shall be submitted in writing and must be approved by the Sheriff. The time an employee spends on educational leave shall not be counted as time worked in determining any benefits under this memorandum.

3. *Maternity Leave*.

A leave of absence for maternity shall be granted in accordance with the family and medical leave act (FMLA) or other applicable state or federal law.

4. *Military Leave*.

Any employee who voluntarily or involuntarily enters active duty in any branch of the military service, including all guard and reserve units of the armed forces of the United States, may be granted a military leave of absence without pay in accordance with applicable federal and state law. Any employee who is a member of the National Guard or any other component of the military reserve may be granted a leave of absence without pay to meet his military obligation in accordance with federal and state law. Military obligation means required annual training events, camps and meetings and may or may not, in accordance with applicable federal or state law, include camps and training sessions attended voluntarily. In either case, such employee shall comply with existing federal and state law and regulation and shall comply with Unified Government procedures in requesting such leave and upon his separation from the service he or

she shall be entitled to such benefits accruing to him or her under existing federal or state laws and regulations. An employee on military leave shall report for duty with the Unified Government within ninety (90) days of his separation from service on his initial tour of duty or he will be considered as having resigned voluntarily. Neither sick leave, holidays nor vacation time shall accrue during military leave.

5. ***Funeral Leave***.

Each employee shall have, in the event of a death in his or her immediate family, three (3) consecutive calendar days off with pay, one of which shall be the day of the funeral. The employee may be granted one (1) additional day off with pay for each five hundred (500) miles he or she must travel. The term "immediate family" shall include the employee's spouse, child, step-child, parent, step-parent, parent of a spouse or domestic partner, daughter-in-law, son-in-law, sister, brother, sister-in-law, brother-in-law, grandchild, great grandchild, grandparent, grandparent of a spouse, great grandparent, great grandparent of a spouse, and any other relative who lived in the employee's home immediately prior to the date of the death. The Sheriff, at his discretion, may grant funeral leave to an employee to attend the funeral of other relatives, or extend the funeral leave.

ARTICLE 13: PROMOTIONS

Section 13.1 Promotional eligibility, process and selection

a) ***Promotional Packet.*** Upon the Department's determination that it will fill a Detective, Sergeant or Captain position, the Department shall post a promotional notice requesting that interested employees submit a promotional packet to the Sheriff s Office. The

promotional packet shall include a resume, submitted with college transcripts from a regionally or nationally accredited college and copies of certificates for any of the following:

a. Kansas Law Enforcement Training Center (KLETC)/Law Enforcement Certification;

b. Any completed Incident Command System (ICS) courses;

c. Any completed leadership trainings; and

d. Any American Correctional Association (ACA) or American Jail Association (AJA) certifications.

b) Eligibility

In order to be eligible for promotion a Deputy must have completed at least four (4) continuous years of service with the Department as a Deputy immediately prior to the promotion and must have successfully completed the Department's PRIDE Academy. Even if not eligible to promote on the testing date, a Deputy will be qualified to test for a promotion if the Deputy will have completed at least four (4) continuous years of service with the Department as a Deputy within three (3) years of the testing date. However, the Deputy will not be eligible to promote from the promotion list until the Deputy has completed four (4) continuous years of service as a Deputy in the Department and has successfully completed the Department's PRIDE Academy. If a Deputy that is otherwise eligible to promote but, although currently enrolled in PRIDE Academy, has not yet successfully completed PRIDE Academy, the Sheriff may assign that Deputy to serve as a permanent Acting Sergeant or Acting Detective until that Deputy has successfully completed PRIDE Academy.

c) Disqualifiers.

Two (2) commanders with the rank of Major or above shall be selected by the Sheriff to review personnel files for employees submitting promotional packets. Employees submitting promotional packets shall be disqualified from further participation in the Detective, Sergeant or Captain promotional process if:

1. The candidate has two (2) or more founded internal investigations complaints within the three (3) year period preceding the promotional posting date;

2. The candidate has received accumulated major discipline of thirty (30) days or longer within the three (3) year period preceding the promotional posting date;

3. The candidate is classified as an excessive user of sick leave or he or she is placed on restrictive sick leave as of the promotional posting date;

4. The candidate has voluntarily or through disciplinary action been demoted within the three (3) year period preceding the promotional posting date; or

5. The candidate has attended the Kansas Law Enforcement Training Center (KLETC) and failed to complete the basic law enforcement certification course as a result of an academic failure within the three (3) year period preceding the promotional posting date.

If an employee that submitted a promotional packet is disqualified for any of the above reasons, the Undersheriff shall write a letter indicating the disqualifier(s). That letter shall be placed in the employee's file and a copy shall be made available to that employee upon request.

d) Promotional Process.

1. ***Written Examination.***

Each candidate must take a written examination prepared in compliance with federal equal opportunity standards. The test shall be compiled by the Sheriff and/or his designees. The purpose of the examination shall be to determine the candidate's suitability for the rank or position sought. The written examination shall be governed by the following:

a. The written exam shall consist of one hundred (100) questions. These questions shall test the candidate's knowledge of the Sheriff's Office General Orders ("GOs") and the Detention Center Standard Operating Procedures ("SOPs"). The ratio of questions addressing GOs versus SOPs shall be agreed upon by the Sheriff and the Lodge.

b. All examinations for promotion shall be administered on the same day when possible.

c. Those candidates who score a total score of seventy percent (70%) or more on the written examinations shall be eligible to move forward in the promotional process, as set forth below.

d. Following the written examination, a list of all candidates that have met the minimum required score on the written examination and are, therefore, eligible to move forward in the promotional process, will be placed in both the training division and in the Detention Center roll call room.

e. The following steps, Section 13.1(d) 2-6, of the promotional process

apply only to those candidates who receive a score of seventy percent (70%) or more on the written exam.

2. Staff Evaluations of the Attribute List.

Staff evaluations of the attribute list shall be performed by a panel of three (3) sworn members of the Department. Two (2) of those panel members shall be selected by the Lodge. Those panel members selected by the Lodge shall be supervisors of the candidate, one (1) of which would preferably be a direct supervisor. The third panel member shall be selected by the Sheriff. Each panel member shall use an attribute list that the Lodge and Department have agreed upon and which contain attributes that both the Lodge and Department agree are applicable to the position at issue. Each panel member shall score the candidate for each attribute, which will render a total score by that panel member. Those three (3) panel members' scores shall then be averaged and that average score shall be added to the candidate's final score for the promotional process.

3. File and Resume Review.

This part of the process shall be performed by a panel of two (2) sworn staff members agreed upon by both the Sheriff and Lodge President. The candidate's employee file and promotional packet, submitted by the candidate, shall be reviewed and scored as follows:

a. Each candidate shall begin with twenty-five (25) total points. The panel members shall utilize a score card, agreed upon by the Department and the Lodge, which contains a list of items for which the candidate shall receive point deductions and additions. A designated value is assigned to each item.

b. For each item in the deduction category, the panel may only reference

the three (3) year period preceding the promotional testing date.

c. For each item in the addition category, the time frame is unlimited.

d. Only one form shall be used in scoring this part of the process. Thus, the panel members must agree on each addition and deduction.

e. The net value of the twenty-five (25) points the candidate begins with, minus the total deductions, plus the total additions, shall be the score that is added to the candidate's final score for the promotional process provided, however, that the maximum score a candidate may add to his or her final score from this File and Resume Review step of the process is fifty (50) points. Thus, if a candidate's net value from this step of the process is greater than fifty (50) points, fifty (50) points, and not that greater net value, is the value that will be added to his or her final score in this promotional process. Likewise, if a candidate's net value from this step of the process is less than zero (0), a score of zero (0) is the value that will be used for the candidate for this step of the promotional process. There will be no negative value scores used for any candidate in this step of the promotional process.

4. Oral Interviews.

Oral interviews shall be conducted by a panel of three (3) sworn members of the Department. This panel shall be comprised of two (2) Captains or above and one (1) Sergeant or Detective, depending on the position at issue. The panel members shall be mutually agreed upon by the Sheriff and the Lodge President. Each panel member shall separately score the candidate. Those three (3) scores shall then be averaged. The average score that the candidate

receives from the oral interviews shall be added to the candidate's final score for the promotional process.

5. Scoring

A candidate's final overall score for the promotional process shall be the combined total of each score from items 1-4, above.

6. Selection

The candidates' final scores for the promotional process shall be submitted to the Sheriff. The list submitted to the Sheriff shall contain each candidate's name, date of hire, date of current rank, the candidate's score for each aspect of the promotional process and the candidate's final total score from the promotional process. A candidate may be required to participate in a leadership assessment or any other instrument or interview, at the discretion of the Sheriff. The selection of the candidate(s) to be promoted shall be done at the sole discretion of the Sheriff. The Sheriff shall not be bound by the ranking of the candidates' final promotional scores.

f. Promotion Eligibility List.

Separate eligibility lists shall be established for those seeking promotion to the ranks of Detective, Sergeant and Captain. The list shall be valid for a period of three (3) years or until a new promotion eligibility list is published by means of a new promotional process, whichever occurs first. Each list shall be published and posted in prominent places in the Department and a copy of each list shall be provided to the Lodge within ten (10) days of its promulgation. The Sheriff will make his selection for promotion only from the eligibility list.

g. Detective

Eligibility, disqualifiers, the promotional process and selection for Detective shall be identical to 13.1(a)-(e), above.

h. Captain

1. *Eligibility.*

In order to be eligible for promotion to Captain a Detective or Sergeant must have completed four (4) years of continuous service in the Department, three (3) continuous years in grade as a Detective or Sergeant in the Department and completed the Department's PRIDE Academy. Even if not eligible to promote on the testing date, a Detective or Sergeant will be qualified to test for a promotion if the Detective or Sergeant will have completed at least four (4) continuous years of service with the Department and three (3) years in grade as a Detective or Sergeant in the Department within three (3) years of the testing date. However, the Detective or Sergeant will not be eligible to promote from the promotion list until the Detective or Sergeant has completed four (4) continuous years of service in the Department, three (3) continuous years in grade as a Detective or Sergeant in the Department and successfully completed the Department's PRIDE Academy. If a Detective or Sergeant that is otherwise eligible to promote but, although currently enrolled in PRIDE Academy, has not yet successfully completed PRIDE Academy, the Sheriff may assign that Detective or Sergeant to serve as a permanent Acting Captain until that Detective or Sergeant has successfully completed PRIDE Academy.

2. Disqualifiers

The disqualifiers listed in 13.l(c) apply to candidates seeking promotion to Captain.

3. Promotional Process

The promotional process and selection for Captain shall be identical to 13.l(d)-(e), above, with the exception that the oral interview panel under 13.1(d)(4) shall consist of three (3) Captains or above, selected by the Sheriff or his designee.

ARTICLE 14: LAYOFF/RECALL

Section 14.1 Layoffs

Layoffs are involuntary separations made because of lack of work or reduction in force. Layoffs shall be made in the inverse order of seniority within the Department.

An employee shall maintain his recall rights for two (2) years from the date of his layoff. The Department may not hire new employees while such employees are laid off for a period of less than two (2) years and are qualified and capable of immediately returning to work. When employees are recalled, they must be recalled in the order of seniority, i.e., the most senior laid off employee must be recalled first.

Section 14.2 Recall

The term recall shall apply only to employees who were separated from employment with the Unified Government by layoff. Reemployment after resignation, discharge or one (1) year after the layoff date shall not be considered a recall.

The Personnel Department shall have the prime responsibility for administering the recall policy. The Department shall have the responsibility for maintaining their separate recall files.

Accepting any Department sworn position within one (1) year constitutes a recall and automatically removes the laid-off employee's name from the recall file. If the Department calls employees back, the call back shall be in the inverse order of the layoff. An employee recalled to a sworn position shall report to work within fourteen (14) calendar days of receipt of notice of his recall or he shall forfeit all seniority rights and all future recall rights. Notice of recall shall be provided by certified mail, return receipt requested, to the employee's last address furnished to the Employer.

ARTICLE 15: BIDDING PROCEDURES/WORK ASSIGNMENT

Section 15.1 Bidding Procedures

a. ***Annual Bid***

Deputies shall be assigned annually to their respective job assignments, shifts and days off by the division commanders on a bid basis in accordance with seniority. Bidding shall occur annually on or before December 15 of each year to become effective the first day of the first pay period in January. Probationary deputies shall have no bidding rights, and may be assigned at the discretion of the division commander after all eligible deputies have bid. Bidding shall occur at a designated place which is mutually agreed upon by the Sheriff and the Lodge, and shall take place between the hours of 0800 and 1700. Deputies shall be assigned a time to bid in accordance with their seniority. Once a Deputy has submitted his bid, he shall immediately leave the bidding area.

Upon the Department's receipt of written documentation indicating that an employee will be vacant from work for a period of thirty (30) calendar days or longer or upon an employee's actual vacancy from work for a period of thirty (30) calendar days or longer the Department may post such vacant position for bid. Such bid shall be awarded on a seniority basis. If the successful bidder is incapable of fulfilling the vacant position which he has successfully bid within ten (10) calendar days of its effective date, then the position shall be considered vacant and shall be filled by another officer from the same bid. When the vacant employee returns to work such employee shall be restored to his or her original position.

b. Absentee Bid - Failure to Bid

In the event a Deputy is going to be absent during the entire period in which he is assigned to bid, he shall have an opportunity to exercise his bid right by proxy. The proxy shall be signed by the Deputy and shall specify four alternate bid choices. The proxy shall be given to the President of the Lodge or his designee, who shall exercise it, and provide one copy to the Sheriff's designee. If the absent Deputy is unable to obtain a bid position with any of his alternative choices, he shall then be assigned to an unbid position by the Sheriff's designee.

Deputies who do not exercise the opportunity to bid during the appropriate period shall forfeit their right to bid. The Deputy may be assigned to any unbid position by the Sheriff's designee. All bids shall be tabulated and certified by the Sheriff's designee, and the President of the Lodge, or his designee.

Prior to implementation, the Employer agrees to notify the Lodge at least 30 days in advance of any changes or additions in bid assignments or shifts and allow for rebids or 'bumps' where applicable.

Section 15.2 **Operations Division**

Positions in the Operations Division to be bid, not including Sergeants, are:

Court Transport	10*	(Mandatory 1 Female)
Juvenile	1*	
Probate	1*	
Out of County	2*	
District	16*	

* Numbers subject to modifications by the Sheriff based on workload evaluation and his exercise of management rights under section 3.2 of this Memorandum.

Bidding procedure for shifts and days off for Operations positions will be as outlined in Section 15.1 of this Memorandum. Full-time regular vacancies in the Operations Division shall be filled on a bid basis according to Department seniority, with the exception of Tax Deputy, Tag Enforcement, District 1116 Deputy and School Resource Officer, which shall be filled with a call-for-resume as provided in Section 15.11 of this Memorandum.

Section 15.3 **Detention Division**

Determination of the number of employees assigned to positions in the Detention Division shall be within the management right and sole determination of the Sheriff and shall be subject to modifications by the Sheriff based on workload evaluation. Deputies not bidding booking/intake, property room, central control, intake movement, Trustee Officer or Sergeants' positions will be General Assignment Deputies and will be rotated between pod, rover and fill-in assignments on a regular, fair and equitable basis. Bidding procedures for positions, shifts and days off for the

Detention Division will be as outlined in Section 15.1 of this Memorandum. Full-time regular vacancies in the Detention Division shall be filled on a bid basis according to Department seniority, with the exception of Property Officer and Inmate Worker Supervisor, which shall be filled with a call-for-resume as provided in section 15.11 of this Memorandum.

Section 15.4 Law Enforcement Officer Certification

When the Department sends deputies for Kansas Law Enforcement Certification, these selections shall be determined by seniority, however, any Deputy choosing to seek certification as a law enforcement officer, who was hired prior to 2009, shall have previously passed a written examination approved by the Sheriff and the Lodge. Any Deputy passing the written examination shall remain on the list.

If able and manpower permitting, the Sheriff may select three (3) eligible candidates from the list by departmental seniority for attendance at each class session at the KLETC or any other law enforcement training academy certified by the State of Kansas to provide L.E.O. certification training. The Sheriff shall be allowed to fill one of the three (3) KLETC positions per year with the most senior eligible member of the S.E.R.T. team irrespective of the employee's departmental seniority. The number of candidates shall be determined by KLETC.

Prior to attendance at any training academy for certification, the candidate selected on seniority must meet all other qualifications required by the KLETC or any other law enforcement training academy certified by the State of Kansas to provide L.E.O. certification training including but not limited to physical and mental minimum standards. Should a deputy be withdrawn from KLETC for academic reasons, he shall not again be eligible to attend KLETC until the expiration of three (3) years from the date of withdrawal. Should a deputy be terminated from KLETC for violation

of rules and regulations, his eligibility to again attend KLETC shall be in accordance with department General Orders.

Newly hired deputies whose LEO status has expired and are eligible for attendance at a re-certification course, may be sent to KLETC within two (2) years of their hire date, at the expense of the department, to include ammunition. If the deputy fails to obtain re-certification on the initial attempt, the Department is not obligated for expenses for any further attempts.

If the employer is unable to provide transportation to KLETC or any training facility, and the employee is require to use their personal vehicle for transportation to KLETC or any training facility, the deputy will be compensated for mileage in accordance with established Unified Government procedures.

Section 15.5 Park Rangers

Four (4) slots at the annual bid for Patrol Services will be filled by former Park Rangers, who will bid, based upon their overall seniority, on the slots that are open at the time they bid.

Section 15.6 **Temporary Assignments.**

Any employee may be temporarily reassigned three times per bid year to any other position for no more than ninety (90) days total during any bid year at which time, said employee shall be reassigned to his bid position for the remainder of the bid year. The Sheriff shall solely decide if there is enough man-power to allow the reassignment. No employee shall be deprived of the right to annually bid for assignment except as may be provided in this contract. Such bid shall not limit the Department's ability to reassign or continue a prior reassignment of an employee for the ninety (90) day period. The Lodge shall receive written notice of all such reassignments.

Section 15.7 **Bid & Resume Positions**

All bid and resume positions shall be specific jobs subject to acceptable performance standards. Deputies assigned to these positions may be transferred out of these positions by the Division Commander, for any of the following documented reasons:

a) Inability to perform assigned duties.

b) Inability to successfully complete training requirements of their position.

c) Inability to function within a given area without an unusual incidence of founded complaints.

d) Classification as an excessive user of sick leave pursuant to Section 12.2(f)(6) of this Memorandum.

The affected Deputy shall be given the opportunity to correct deficiencies before any action is taken. The Deputy shall have the right to grieve the decision of the Division Commander through the grievance procedure in Article 10 of this Memorandum unless, however, the FOP determines that the facts and circumstances do not support the filing of such a grievance. Deputies removed from a specific job bid position shall be allowed to choose any vacant General Assignment shift, until the next annual bid date.

The affected Deputy shall be given the opportunity to correct deficiencies before any action is taken. The Deputy shall have the right to grieve the decision of the Division Commander through all the steps of the grievance procedure in Article 10.3 of this Memorandum unless, however, the FOP determines that the facts and circumstances do not support the filing of such a grievance. Deputies removed from a specific job bid position shall be allowed to choose any

vacant General Assignment shift, until the next annual bid date. Deputies, who fail to successfully complete ~~in~~ the Field Training Officer ("FTO") program as determined by the Division Commander, shall be prohibited from bidding into an Operations Division position ~~at~~ for the next two (2) annual bid cycles. For example, Deputies, who fail to complete the FTO program on March 21, 2019, will not be allowed to bid into the Operations Division during the 2020 or 2021 bid years. During those two years, the affected Deputy shall be offered an opportunity to attend training on areas of deficiencies identified during the FTO program. Such training shall be paid for by the Department.

After the two (2) year period has expired, the Deputy shall be permitted to bid into the Operations Division and attempt to successfully complete the FTO program. Deputies, who fail to successfully complete the FTO a second time will be prohibited from bidding into any Operations Division positions during the remainder of their employment with the Department.

Section 15.8 **Community/Support Services Division**

Certain positions within the Community/Support Services Division that require specialized knowledge and training in order to perform the duties of the position shall be filled by the Sheriff on the basis of training, education and experience, and if all qualifications for the job are equal, seniority shall prevail. Positions within Offender Registration shall be filled on a call-for-resume basis, as provided under Section 15.11 of this Memorandum.

Section 15.9 **Bidding Procedures/Work Assignments for Sergeants and Detectives**

(a) Sergeants shall be assigned annually to their respective job assignments, shifts and days off by the division commanders on a bid basis in accordance with seniority in rank. Sergeants shall bid on the same day as, but before the time set out for, the regular deputies and shall bid in order of their seniority-in-rank. Bidding procedures for Sergeant positions will be as outlined in

Section 15.1 of this memorandum. Full-time regular vacancies in Sergeant positions, including newly-created Sergeant positions, shall be filled on a bid basis according to seniority in rank.

(b) Detectives shall bid within their own unit according to seniority in rank for any different shifts and/or days off that may be created.

Section 15.10 **Field / Jail Training Officers**

Deputies may be selected by the Sheriff to serve as Field / Jail Training Officers (FTO's or JTO's). Designated FTOs and JTOs shall receive compensation as outlined in Section 18.5.

Section 15.11 **Positions filled at the Discretion of Sheriff**

The positions of Tag Enforcement, Tax Deputy, Task Force, Property Officer, Offender Registration, Training Deputy, District 1116 Deputy, Inmate Worker Supervisor and School Resource Officer shall be filled by the call-for-resume process. The Sheriff, or his designee, shall post a call-for-resume for these positions. After the submission of resumes the Sheriff, or his designee(s), shall review the submissions and may conduct interviews of the candidates. Relative qualifications shall be training, education, experience, performance and ability and any other items specifically set forth in the call-for-resume. If all of these factors are equal, then seniority shall control. The Sheriff or his designee shall make the selection. The selected candidate for each position shall serve for a two (2) year term, with the option of the Sheriff to extend any such term for any reason, as provided for under his Management Rights in Section 3.2 of this Memorandum.

Positions to be filled on a call-for-resume basis are:

Tag Enforcement	2*
Tax Deputy	1*

Task Force	2*
Property Officer	4*
Training Deputy	2*
Offender Registration	3*
District 1116 Deputy	2*
School Resource Officer	1*
Inmate Worker Supervisor	1*

* Numbers subject to modifications by the Sheriff based on workload evaluation and his exercise of management rights under section 3.2 of this Memorandum.

ARTICLE 16: INSURANCE COVERAGE

During the term of this Memorandum, UG agrees to offer the employees of the Department the same medical, dental or other similar welfare benefit plans which are made available to the UG's employees generally.

A. Employee Premium.

Each covered employee shall make monthly medical plan premium payments for either Single or Family coverage elected according to the following schedule, provided that in 2019 the following monthly premium contribution amounts shall be annually adjusted at the same percentage increase or decrease as would be applicable to any adjustment to the dependent coverage premium for Family coverage during any plan year:

Annual Base Pay	Monthly Premium Contribution
$30,000 or less	$10.00 per month
$30,001 - $60,000	$20.00 per month
$60,001 or more	$30.00 per month

For purposes of the foregoing schedule, "Base Pay" is calculated solely upon an employee's then applicable hourly rate of pay or monthly salary as projected over the course of a year assuming full time employment. "Base Pay" shall not include any overtime, out of class, longevity or interpreter's pay. The Unified Government shall pay the remainder of each covered employee's monthly medical plan premium that is also adjusted annually based on an equal percentage as for employee premiums for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

B. Family Premium.

Employees electing to obtain dependent coverage under a Family coverage election under the medical plan(s) will pay 25% of the premium cost of the dependent portion of Family coverage in addition to any applicable employee premium cost discussed in subsection A above, and the Unified Government shall pay the remaining contribution cost for the least expensive medical plan provided or administered by a major reputable carrier recommended by the Joint Committee and approved by the Unified Government Administrator.

C. Election of More Expensive Plans.

Should UG offer a more expensive medical plan and an employee(s) should select to be covered by the same, then the employee shall be responsible to pay any and all additional premiums, if any, and his portion of the premium therefore shall deducted from the employee's paycheck.

D. Unusual Increase in Annual UG Premium Costs.

The cost of the premium paid by the UG for individual and dependent coverage for these employees shall not increase more than fourteen percent (14%) from one year to the next. If the cost of the medical plan, dental or other similar welfare benefit plan is projected, based on a review of actual plan experience and historical utilization data as well as applicable industry survey and medical trend documentation, to increase by more than fourteen percent (14%) from the preceding budget year, then insurance plans, insurance carriers or other claims administrators, contribution formula and/or benefits must be changed under the medical, dental or other similar welfare benefit plan in order to decrease the overall projected cost increases to fourteen percent (14%) or less. The UG Employee Health Benefit Committee (EHBC) shall meet and confer in an attempt to make recommendations to the UG Administrator for modifying the polic(ies), carrier(s), administrator(s), plan design(s), benefits, contribution formula or other variables to reduce the projected cost increase to fourteen percent (14%) or less for the next budget year. The Union shall have one voting member on the EHBC. The EHBC shall have at least an equal number of voting members from representatives of bargaining units of the UG as members from unrepresented groups, administrative staff and retirees. If the EHBC recommendation is deadlocked, then the UG Administrator shall make the determination and the Union (FOP 40) has the right to submit the matter to expedited arbitration. When the EHBC determines what its recommendations are to be to the UG Administrator, the UG Administrator shall then determine whether he or she agrees with those recommendations or not. If the UG Administrator agrees, the recommendation

modifications shall be immediately adopted. If the UG Administrator disagrees with the EHBC recommendations, the UG Administrator shall notify the EHBC of such determination. If the UG Administrator and EHBC cannot immediately resolve their differences, the matter shall be submitted to expedited arbitration. The arbitrator only has jurisdiction to determine if the UG Administrator's or the EHBC's recommendations are correct in determination of the method of modifications of carrier(s), plan(s), benefits, etc. in order to keep the UG's projected cost for the medical, dental or other similar welfare benefit plan for each year from exceeding the preceding year(s) by fourteen percent (14%). The factors used to determine costs for any one year of this Memorandum shall be as follows:

1. Plan experience during year. (On a claims paid, not claims made basis).

2. Administrative expenses to administer the plan during the year.

3. Sufficient funds to create and/or preserve a "premium stabilization" reserve fund of at least five percent (5%) of the previous year's total premium costs amount.

Retirees shall be eligible for the same health insurance benefits made available by the UG to other UG retirees.

ARTICLE 17: UNIFORMS

Section 17.1 Uniform Allowance

New hire bargaining unit members must complete at least 12 continuous months with the Department before receiving their yearly uniform allowance. All bargaining unit members shall receive a yearly uniform allowance in the amounts:

2020 $1000

2021 $1000

2022 $1000

The uniform allowance will be paid on the CHIT system with vendors designated by the Department. Uniform CHITs shall be received by March 1, of each calendar year. Employees shall be given the option to receive twenty-five percent (25%) of their uniform allowance in cash in the first quarter of each year. The initial cost of any new issue or newly required equipment shall be fully borne by the Department and will not be subtracted from an employee's uniform allowance. Items may be ordered thru the designated suppliers if items are not in stock. Employees who are required or employees who elect to wear Protective Body Vests will be required to use their uniform allowance to replace their Vests upon expiration. Firearms shall not be purchased with clothing allowance CHITs however the purchase of magazines and equipment for firearms will be allowed.

A bargaining unit member may use up to one-half (1/2) of his clothing allowance per year to pay for a membership at a gym or gun range located in Wyandotte County, Kansas. Proof of such usage may be required by the Employer. All bargaining unit members must maintain one Class A uniform.

Any bargaining unit member who fails to maintain his uniforms in an acceptable manner shall be subject to discipline.

If the Deputy has at least one hundred dollars ($100) left on his CHIT (uniform allowance) they will be allowed to carry it over for next year's CHIT (uniform allowance). The CHITs can never exceed eighteen thousand dollars ($1,800).

Section 17.2 Separation from Employment

Upon separation from employment with the Department, all initial issue Department clothing, uniforms, badges, weapons, brass, or any other equipment or materials provided the employee by the Department shall be returned. All equipment, leather goods, or other non-clothing item purchased by the employee through the CHIT system described in Section 189.1 shall be returned to Department if separation occurs within six (6) months of acquisition.

Section 17.3 **Cleaning Allowance**

All bargaining unit members starting on the date of hire, shall receive the sum of ten (10) dollars per month as and for uniform cleaning purposes.

Section 17.4 **Uniforms/Equipment for New Employees**

All new hire bargaining unit members shall receive the following initial issue uniform and equipment items:

2	Class A Long Sleeve Shirts
4	Class A Short Sleeve Shirts
2	Class A blue pants
2	5.11 6-pocket pants
1	Necktie
2	Badge and brass
2	Nameplate
1	All Weather Jacket
1	Set of Leather goods (holster/drop holster, handcuffs and handcuff case, magazine case, belt, 4 belt keepers)
2	Black Sheriff T-Shirts

Surgical gloves and disposable resuscitation masks shall be made available for each employee's use. Such equipment shall be replaced immediately after use.

Section 17.5 Personal Property Replacement

In the event that an Employee's personal property is damaged as the result of action taken in the course and scope of employment, Department shall repair or replace any such personal property. Prescription eyeglasses and prescription sunglasses shall be replaced at the actual cost. Jewelry, watches, and other such items shall be replaced to a maximum of $300.00, provided the employee was following procedure.

Section 17.6 **Use of Uniforms, Clothing and Equipment**

Employees who are provided uniforms or equipment shall wear such uniforms or use such equipment only during working hours, in performance of Department duties or for Department approved off duty employment and in the manner prescribed by the Department and/or assigned work unit. Employees who violate this provision shall be subject to discipline. When Department employment is terminated for any reason, the employee is required to return the initial issued items.

ARTICLE 18: COMPENSATION

Section 18.1 Salaries

Deputies shall receive the following monthly compensation as reflected in the tables below. Deputies shall progress from one step to the next step on the Anniversary hire month for the years of service reflected below.

Deputies below the rank of Sergeant

	Begin Month	10/1/2020	1/1/2021
Deputy	Years	Monthly	Monthly
1	Date of Hire	$3,589.55	$3,661.34
2	Completion of 2nd year	$3,677.10	$3,750.64
3	Completion of 4th year	$3,764.65	$3,839.94
4	Completion of 7th year	$3,957.26	$4,036.41
5	Completion of 9th year	$4,469.69	$4,559.08
6	Completion of 11th year	$4,596.38	$4,688.30
7	Completion of 15th year	$4,874.87	$4,972,36
8	Completion of 20th year	$5,242.49	$5,347.34

Sergeants and Detectives

	Begin Month	10/1/2020	1/1/2021
Sergeants and Detectives	Years	Monthly	Monthly
1	0-5	$5,375.68	--
2	6-10	$5,508.85	--
3	11+	$5,617.63	$5,729.98

Upon completion of ten (10) years as a Sergeant, the Sergeant shall attain the rank of Master Sergeant and will wear the appropriate insignia.

Sergeants and Detectives shall move to single tier pay on 1/1/2021.

Section 18.2 **Assignment Out-Of-Rank**

The Lodge recognizes the need for individual deputies to perform, from time to time, the duties of officers of the next higher rank.

a) <u>Acting Sergeant</u>

Before any deputies become acting sergeants in the Operations Division, the Department must ask all agency Sergeants that have completed the Field Training Officer Program to cover the affected shift first. Deputies may be assigned by their Division Commander to temporarily perform the duties of a Sergeant, at the hourly pay of a Sergeant. Such temporary vacancies will be filled by Deputies within the same division and on the same shift according to their relative position on the Sergeants Eligibility List. If a Deputy in the same division and on the same shift is on the Sergeants Promotion Eligibility List, then that Deputy shall fill the temporary vacancy. If there is no one available in the same division and on the same shift, then the Department's seniority list shall be used starting from the most senior to the least senior deputy. If at the time of the temporary vacancy there is no active Sergeants Eligibility List, then the acting position shall be offered according to the Department seniority roster starting from the most senior to the least senior officer. If no one accepts the temporary assignment, then the least senior deputy within the same division and on the same shift shall fill the temporary vacancy. Probationary deputies are not eligible for acting Sergeant assignment. Deputies who have been demoted from the rank of Sergeant are not eligible for an acting Sergeant assignment for two (2) years following their demotion. Deputies who have been dismissed from KLETC are not eligible for an acting Sergeant assignment. To be eligible to be an acting sergeant in the Operations Division, Patrol Services, a deputy must have two (2) years experience in the Operations Division, Patrol Services, as a deputy with the Sheriff's Office.

b) *Acting Detective*

Deputies may be temporarily assigned as Acting Detectives at the per diem pay of a Detective. Such temporary assignments shall be filled starting from the most senior deputy to the least senior deputy. Probationary deputies are not eligible for acting Detective assignments.

c) *Acting Captain*

Sergeants and Detectives on the Captains eligibility list shall be given an opportunity to serve as an Acting Captain to fill temporary vacancies, at the per diem pay of a Captain, in the same manner as prescribed in the preceding subsections, utilizing the Captains eligibility list first, then the Sergeants seniority list.

Section 18.3 Tuition Education Assistance

Employees are eligible to receive education assistance, in the form of reimbursement for tuition, fees and costs of materials, from the department under the following conditions:

A) They must complete required credit courses toward a degree in law enforcement, criminal justice or corrections, or any subject which is approved by the Sheriff, at an accredited university or college approved by the Sheriff. Employees will be eligible for tuition assistance on a credit hour basis provided that the employee receives a grade of "c" or better in the course for which they are seeking assistance. The Sheriff, through consultation with the FOP president, shall prepare a list of approved universities and colleges. Payment of such education assistance shall either be in the form of a reimbursement to the employee or a direct payment to a university or college approved by the Sheriff when such university or college has agreed to advance the cost of tuition to the student/employee. If the student/employee does not receive a grade of “C” or better in a course or if the student/employee withdraws from a class after the deadline for withdrawal without

financial obligation, the student/employee will be responsible for payment of the education expenses. If a participating university or college withdraws its agreement to advance the cost of tuition, fees and costs of materials, then the Department shall have no further obligation with respect to direct payment to such university or college. An employee who is seeking tuition assistance under a direct payment agreement with a university or college shall provide notice at the time of their enrollment with the university or college to the Department.

B) Employees will be reimbursed when verification of completion of the course is provided and satisfactory proof of payment of tuition is furnished.

C) Also eligible for reimbursement of fees and the cost of materials are Detention and Training Deputies or Sergeants who complete an American Correctional Associations course and obtain the Certified Corrections Officer (CCO), Certified Corrections Supervisor (CCS), National Sheriff's Association or Certified Corrections Manager (CCM) certifications or who complete the Certified Jail Officer or Certified Correctional Trainer course through the American Jail Association.

D) Education assistance shall not exceed one thousand, two hundred, fifty dollars ($1,250) for any individual employee in any consecutive twelve (12) month period.

E) Employees who voluntarily resign from employment with the Department within six (6) months after receiving tuition assistance payments hereunder shall be required to reimburse the Department for any tuition assistance provided within the six (6) months immediately preceding such employee's resignation.

Section 18.4 Bilingual Pay

Employees may be selected to serve as certified bilingual employees by the Sheriff. There shall be, not to exceed, five (5) certified bilingual employees on the Department who will receive

a monthly special duty pay of seventy-five dollars ($75.00) per month for the full year. The Department shall choose the specific language it determines is needed and number of needed certified employees for each language that is chosen. These employees shall be certified by the Administrative Judge of the Wyandotte County District Court as meeting the certification standards for sworn testimony in the use of the language in Wyandotte County District Court. The Department shall reimburse employees a one time certification fee upon proof of the successful completion of the certification process and acceptance by the Wyandotte County Administrative Judge, up to a maximum of one-hundred dollars ($100.00). Alternative methods to obtain certification may be approved by mutual agreement between the Sheriff and Lodge.

Although the Department shall pay those employees selected as certified bilingual employees, any use of certified bilingual employees will be at the discretion of the Department. Any certified bilingual employee who is on duty shall be available for use at the direction of the Department. If a certified bilingual employee declines a request to assist, then that employee may be removed from eligibility as a certified bilingual employee and shall not be paid or allowed to be on any Department list as such.

If the Department determines that an off-duty certified bilingual employee is needed for duty, certified bilingual employees shall be offered the assignment in the order of their seniority. If insufficient off duty employees are obtained, the Department shall force in employees for the specific language needed in reverse order of their seniority. This list shall not be affected by employees who were first assigned for such use on duty. If an off duty, paid, certified bilingual employee, not on an approved leave, declines to be called in for duty three (3) or more times in any consecutive twelve (12) month period, not including approved leave periods, then that employee may be removed from eligibility as a certified bilingual employee.

Section 18.5 **Field / Jail Training Officer Pay**

Employees who are selected by the Sheriff to serve as FTOs or as JTOs shall receive a per day for each hour, or part thereof, which they actually spend training other employees as directed by the Sheriff or his designee. The per hour rate shall be increased by seventy-five cents ($0.75) per hour for that day spent as an FTO or JTO.

Section 18.6 **College Incentive**

The following college incentive pay shall be added to the monthly salary of each sworn deputy, excluding probationary employees, who qualifies for such pay:

Certified Corrections/Jail Officer, Supervisor or Manager	$25.00
Associates of Arts or Sciences	$30.00
Bachelor of Arts or Sciences	$50.00
Masters of Arts or Sciences	$100.00

Section 18.7 **Sign Language Certification**

Employees may be selected to serve as certified translators for the hearing impaired by the Sheriff. Each deputy selected shall receive an additional $75.00 per month.

ARTICLE 19: RETIREMENT/PENSION

All members of the bargaining unit hired before July 1, 1999, shall be covered by the Kansas Police and Fire Retirement System (KP&F) as provided in K.S.A. 74-4951, et seq. Park Rangers shall be covered by the Kansas Police and Fire Retirement System, commencing January 1, 2002. Members of the bargaining unit shall be permitted in accordance with State law and the

rules and regulations of The Kansas Public Employees Retirement System (KPERS) to be covered by KP&F upon being State certified as a law enforcement officer or otherwise eligible under law.

ARTICLE 20: DRUG & ALCOHOL TESTING

Employees shall be subject to the Unified Government's drug and alcohol testing policy.

ARTICLE 21: ON-THE-JOB-INJURY

A. An employee who sustains an injury arising out of and in the course of his employment shall be covered by the provisions of the Workers' Compensation Act of the State of Kansas. If the employee is temporarily totally disabled as defined by the Kansas Workers' Compensation Act because of such injuries, he shall receive the difference between his regular base pay and the workers' compensation benefits received for a period not to exceed one-hundred eighty (180) consecutive calendar days from the date that said temporary total disability commenced upon the following conditions:

1. The employee is suffering from a bona-fide injury received arising out of and in the course of performance of his duties, as determined by the employer, which injury has resulted in and continues to result in a temporary total disability of the employee preventing the employee from being gainfully employed by the employer.

2. The employee shall provide a statement from his treating physician upon the request of the employer, which statements shall set forth the employee's current medical condition, the likelihood of said employee's return to work and a statement based upon reasonable medical certainty, as to when the injured employee may return to his regular duties with the employer and

a statement that the injured employee is temporarily unable to return to his duties due to his injuries.

3. If the physician referenced in paragraph #2 is not of the employer's choosing, the employee must submit at the Department's request to an examination by a physician of the employer's choosing. If such physician agrees that the employee is unable to perform gainful employment with the employer, the employee shall be entitled to receive the supplemental pay referenced herein. If the selected physician disagrees with the treating physician as to the employee's ability to perform required work, then the employee shall submit to examination by a third physician selected by the FOP President and the Unified Government Administrator or his designee. The determination of the third physician shall control.

If the employee does not meet conditions 1, 2 and 3 above, he shall not be entitled to receive the supplemental pay set forth herein, but he may continue to be entitled to release from his employment in accordance with the provisions of the Kansas Workers' Compensation Act. In such event, compensation received by the employee shall be governed solely by the Kansas Workers' Compensation Act. No employee will be entitled to receive more compensation as a result of being involved in a compensable injury than he would have received had he been working during the period of his regular schedule and at his regular rate. The initial seven (7) days after an on the job injury will not be deducted from the employee's accumulated time. Permanent partial disability settlements or award payments are excluded from the terms of this paragraph.

B. At the conclusion of one-hundred eighty (180) calendar days of temporary total disability, the employee shall be given a written notice that due to his absence and inability to perform the duties of his position, the employer will temporarily fill that position within a two (2) week period

from the notice and the employee shall receive the above-referenced supplemental pay for that additional two (2) week period with the same stipulations as set forth above.

C. In any event, employees on leave of absence due to injuries on duty in excess of one-hundred eighty (180) calendar days shall only receive compensation as governed by the Kansas Workers' Compensation Act.

D. If fifteen (15) months following the date of the employee's injury he is still unable to return to full duty, he must apply for disability pension, resign his position with the Unified Government, or be terminated.

E. Employees on approved injury leave are prohibited from being gainfully employed by an employer other than the Unified Government or being self-employed.

F. The employer may allow Employees to return to light duty if they are able to perform the work in which event they may be placed at the discretion of the employer. However, any light duty allowed shall not exceed twelve (12) months from the Deputy's return to such duty.

ARTICLE 22: PHYSICAL FITNESS/SMOKING

Section 22.1 Physical Fitness

Deputies must meet the Department's requirements to remain physically fit in accordance with the appropriate rules and regulations adopted and approved by the Sheriff and Lodge. Said rules and regulations shall be reasonable, based on nationally accepted standards relative to age and other accepted factors. A joint committee of two deputies and two commanders shall be appointed equally by the Sheriff and the Union President to serve on the joint physical fitness committee. The committee shall have a chairman, elected by the committee's members. The committee shall

meet regularly and shall report to the Sheriff and the Lodge on any recommendations it may have concerning programs, testing and facilities, for the development and implementation of a physical fitness program for the Sheriff's Department. A physical fitness program, which must be approved by the Department and the Lodge, shall contain voluntary standards, and shall have a bonus of two award days granted for those employees who meet such established standards on an annual basis.

Section 22.2 Smoke-Free Work Place

Employees are prohibited from smoking on or in UG property, real or personal, unless designated as a smoking area.

ARTICLE 23: MISCELLANEOUS PROVISIONS

Section 23.1 **Right to Review Personnel Files**

Any employee may review his or her own personnel files, subject to reasonable time and place considerations, that are kept within the normal course of business by the employer. Employees may request that records of disciplinary actions be expunged from their files for reasons such as, but not limited to, age of discipline, lack of pertinence, inaccuracy and issues of fairness. Such request shall be in writing, stating in detail the reasons for such request, and shall be submitted to the Sheriff.

The Sheriff may determine if the request has merit and may approve or disapprove the request at his discretion.

Section 23.3 **Contagious Diseases Medical Expenses for Deputy's Family**

The Department agrees to pay all expenses for inoculation or immunization shots for members of a deputy's family when such becomes necessary as a result of said deputy's exposure to contagious diseases where said deputy has been exposed to said disease in the line of duty.

Section 23.4 **Burial Expenses**

The Unified Government agrees to defray all funeral and burial expenses not paid in accordance with workers' compensation up to a total of Ten Thousand Dollars ($10,000), of any Deputy who is killed in the line of duty or who dies a duty related death. The Unified Government shall also pay for an American flag to be presented to the family of the deceased deputy at the burial service.

ARTICLE 24: ENTIRE MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding supersedes and cancels all previous agreements and all existing unwritten practices between the employer and the members of the bargaining unit and constitutes the entire Memorandum between the parties, except as to those areas of employment not covered herein which are subject to Policies or Resolutions of the employer. Any conflict which may exist between existing or future Policies or Resolutions of the employer and provisions of this Memorandum of Understanding shall be determined in favor of this Memorandum of Understanding. Any amendment or agreement supplemental hereto shall not be binding upon either party unless executed in writing by the parties hereto.

The parties further acknowledge that during the negotiations which resulted in this Memorandum each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective meeting and

conferring and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Memorandum.

Therefore, the employer and the Lodge, for the life of this Memorandum, agree that the other shall not be obligated to negotiate collectively, but may if mutually agreeable, with respect to any subject or matter referred to or not specifically referred to or covered in this Memorandum. Waiver of any breach of this Memorandum by either party shall not constitute a waiver of any further breach of this Memorandum.

ARTICLE 25: SAVINGS CLAUSE

Should any term or provision of this Memorandum be in conflict with any State or Federal statute or other applicable law or regulation binding upon the employer, such law or regulation shall prevail. In such event, however, the remaining terms and provisions of this Memorandum will continue in full force and effect.

If any article or section of this Memorandum shall be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section shall be restrained by such tribunal, the remainder of the Memorandum shall not be affected thereby. The parties shall then enter into immediate collective negotiations for the purpose of arriving at a mutually satisfactory replacement for such article or section.

ARTICLE 26: DURATION

This Agreement shall be effective from the 1st day of January 2020 and shall terminate at midnight on December 31, 2021.

This Agreement, and any written amendments made and annexed hereto, shall continue in full force and effect until midnight, December 31, 2021, and then shall automatically continue in effect until such time as a new Agreement is enacted by the parties.

IN WITNESS WHEREOF, THE UNIFIED GOVERNMENT, THE DEPARTMENT-AND THE LODGE have hereunto set their hands this _____day of _____, 2020.

FOR THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

_____ Date _____

Doug Bach, County Administrator

FOR THE FRATERNAL ORDER OF POLICE LODGE #40

_____ Date _____

Jeffrey Tayler, Lodge President

FOR THE SHERIFF OF WYANDOTTE COUNTY

_____ Date _____

Donald Ash, Sheriff

_____

Renee Ramirez, Director of Human Resources

Approved as to form:

_____

Kenneth J. Moore, Chief Counsel

ATTEST:

_____

Unified Government Clerk

_____ Date _____

Doug Bach, County Administrator

FOR THE FRATERNAL ORDER OF POLICE LODGE #40

_____ Date 10262020

Jeffrey Tayler, Lodge President

FOR THE SHERIFF OF WYANDOTTE COUNTY

_____ Date _____

Donald Ash, Sheriff

_____

Renee Ramirez, Director of Human Resources

Approved as to form:

_____

Kenneth J. Moore, Chief Counsel

ATTEST:

Staff Request for Commission Action

Tracking No. 20397

Full Commission Meeting Date: 10/29/20
Committee: Neighborhood & Community Development

Date of Standing Committee Action: 9/28/20
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/21/2020	Jud Knapp	x5472	jknapp@wycokck.org	Land Bank

Item Description:

The Land Bank Manager respectfully request that the neighborhood and community development committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Interim Land Bank Manager.

14 single family homes
3 Duplexes
2 Commercial
3 Garages

Map link - https://arcg.is/CHiGi

Action Requested:
Approve and forward to the Land Bank Board of Trustees

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Land Bank Standing Committee 9.28.2020, RFA 10.29.2020 Options

Neighborhood & Community Development Standing Committee

September 28, 2020

Option Agreements

Land Bank Options September 2020

[Map Link - https://arcg.is/CHiGi](https://arcg.is/CHiGi)

1 Single Family Home Blake Lostal

2 Single Family Home - Blake Lostal

3 Single Family Home - S&M Management

4 Single Family Home - Omar Khalil

5 Single Family Home - Omar Khalil

6 Single Family Home - Omar Khalil

7 Single Family Home - Justice Estralita

8 Single Family Homes - Darlene Dunn

9 Single Family Home - Oscar Guzman

10 Single Family Home - Mitch Graham

11 Single Family Home - Rogelio Avalos

12 Single Family Home - Lucio Vazquez

13 Single Family Home - Sean McLucas

14 Single Family Home - Sean McLucas

15 Single Family Home - Mosaic Construction

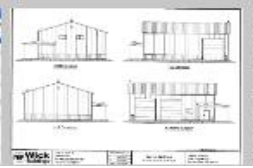
16 Duplex - Omar Khalil

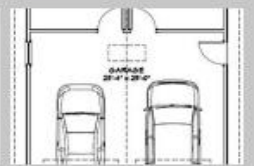
17 Duplex - Omar Khalil

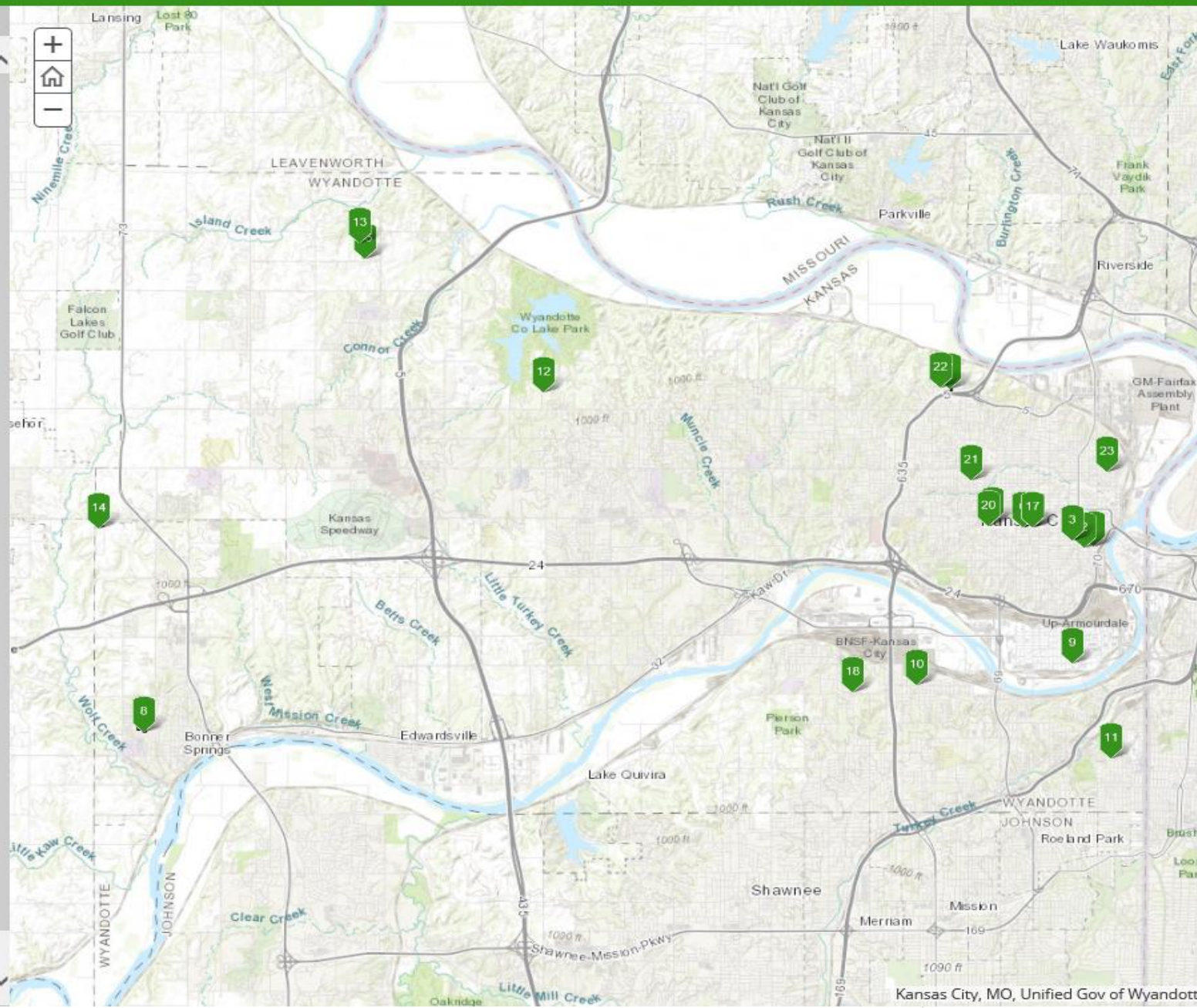
18 Duplex - Rogelio Avalos

19 Commercial - Chapel and Parking Lot

20 Commercial - Row Shops - Marquis Custom







SIGNED OPTION AGREEMENTS
BLAKE LOSTAL

1 & 2

2 Single Family Homes

- 517 Elizabeth Ave – Parcel 118134
- 624 Orville Ave – Parcel 118453

Option Signed – July 28th 2020
Option Expires – July 28th 2021

SIGNED OPTION AGREEMENTS
BLAKE LOSTAL

1 & 2

4 Beds
2 Bath
Sq. Ft. – 1,443
Project Start – 3 to 5 months
Project Completion – 6 to 8 moths

SIGNED OPTION AGREEMENTS
S&M MANAGEMENT LLC

New Construction – Single Family Home

Going to combine parcels to build home

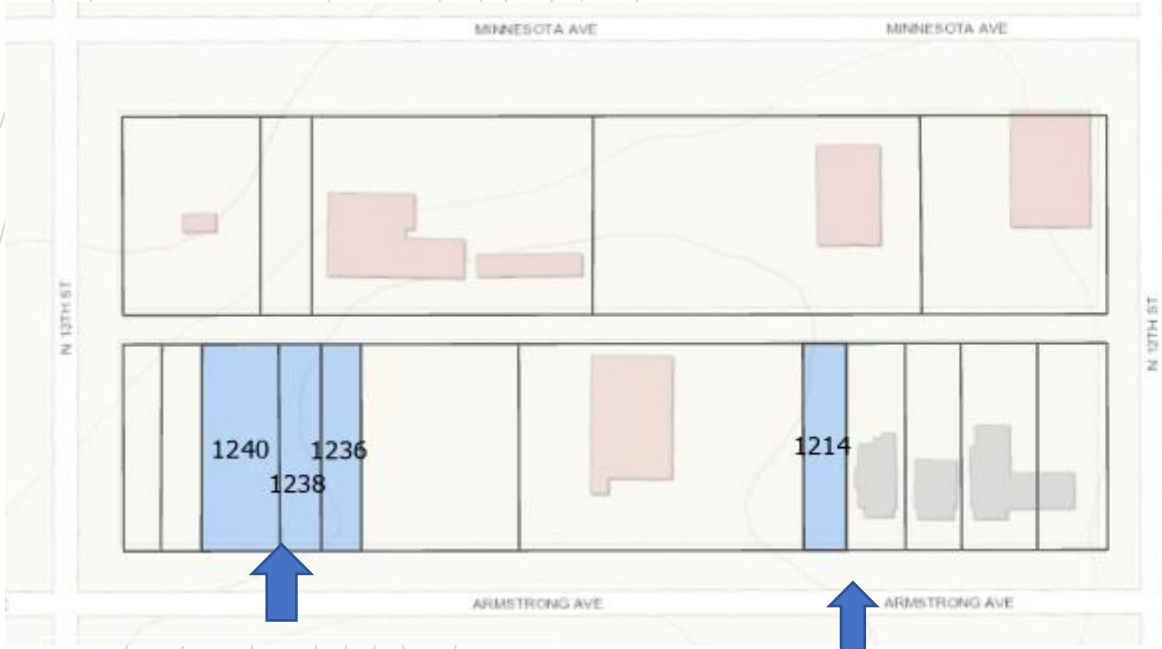
- 735 Tauromee Ave – Currently owns
- 737 Tauromee Ave – Requesting Land Bank Lot
- Parcel - 081463

SIGNED OPTION AGREEMENTS
S&M MANAGEMENT LLC

3 Beds
2 Bath
1380 Sqft

OPTION AGREEMENTS
OMAR KHALIL

4,5,6,18



3 Single Family Homes

1236 Armstrong Ave
- 080889

1238 Armstrong Ave
- 080883

1240 Armstrong Ave
- 080888

Wants to buy vacant home only if we can hold the land bank lot.

2 Duplexes

Combine lots
- 1138 & 1136
  - Frontage – 83ft
- 1134 & 1132
  - Frontage – 73ft

1132 Armstrong Ave
- 080798

1134 Armstrong Ave
- 080797

1136 Armstrong Ave
- 080796

1138 Armstrong Ave
- 080795

OPTION AGREEMENTS
OMAR KHALIL

4,5,6,18

Single Family Homes – 2 bed and 2 bath 1200 square foot
Duplexes – 2 bed and 2 bath
Timeline – Start March 2021
4 months to complete

OPTION AGREEMENTS
OMAR KHALIL

4,5,6,18

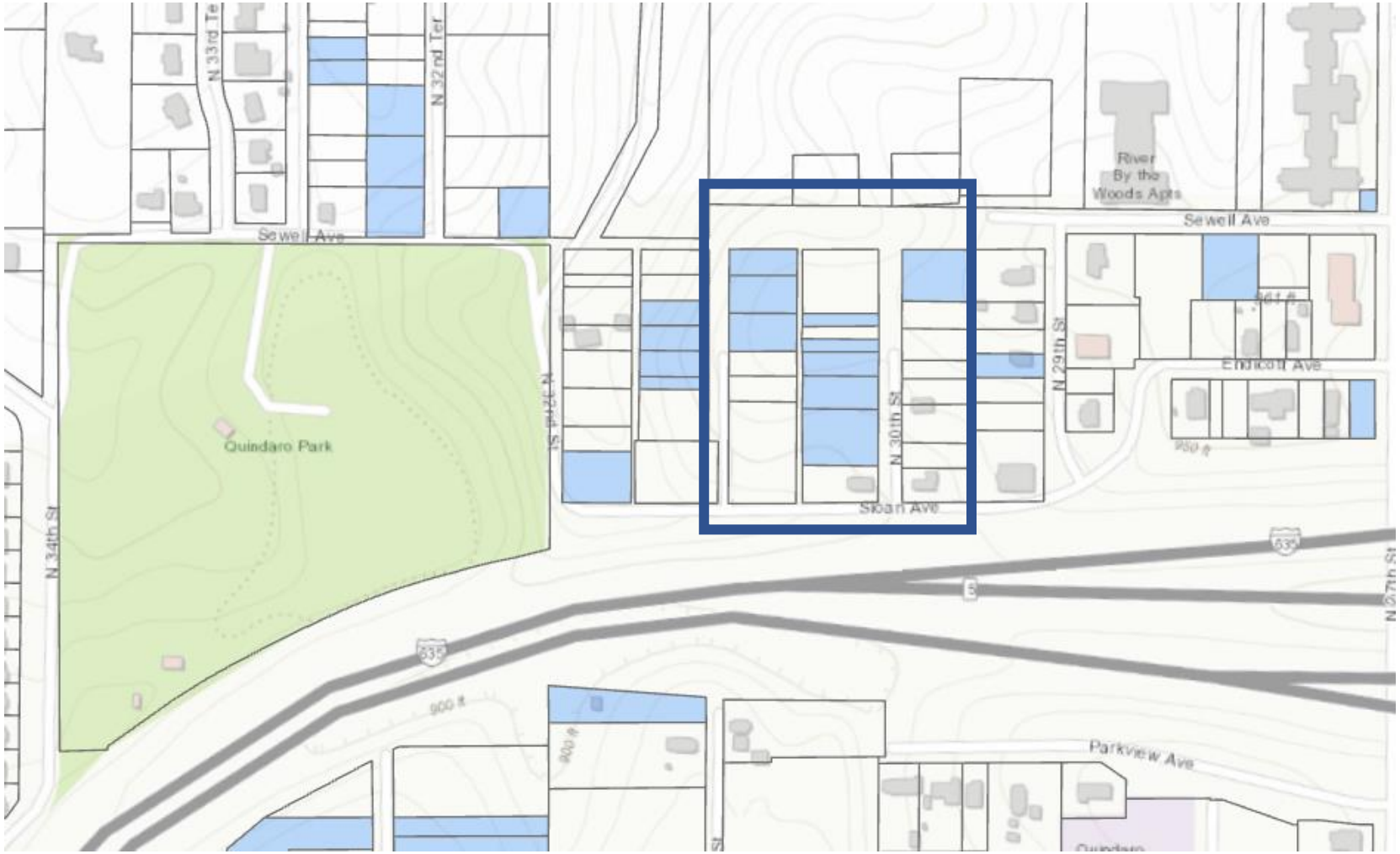
OPTION AGREEMENTS
JUSTICE ESTRALITA

New Construction –

Single Family Home
Pool & Sunroom
Great Hall

- N 31st St North of Sloan Ave
- Zoning R-1B
- Acres – 2.1 Total

Currently working with Planning

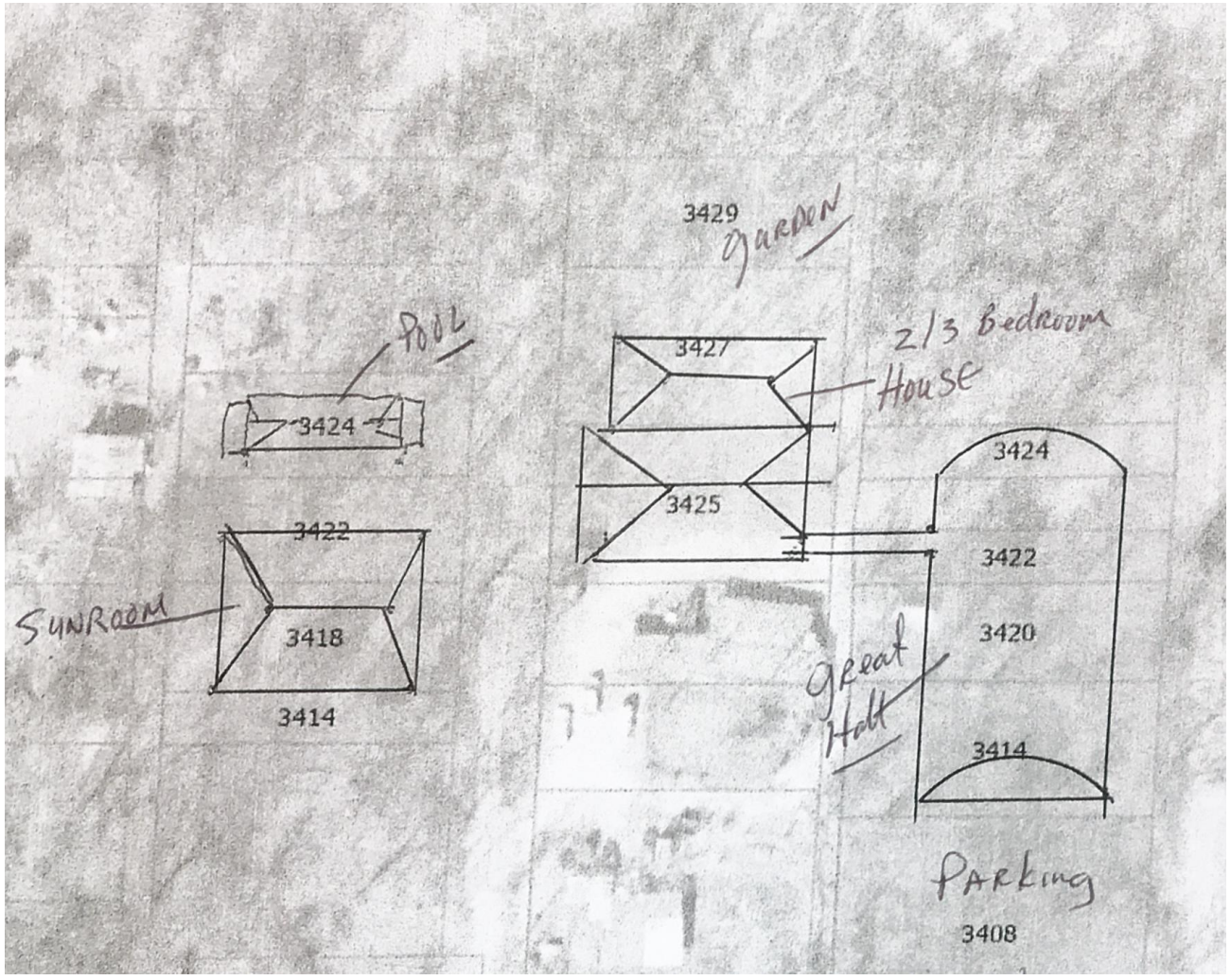


OPTION AGREEMENTS
JUSTICE ESTRALITA

3425 N 31st ST

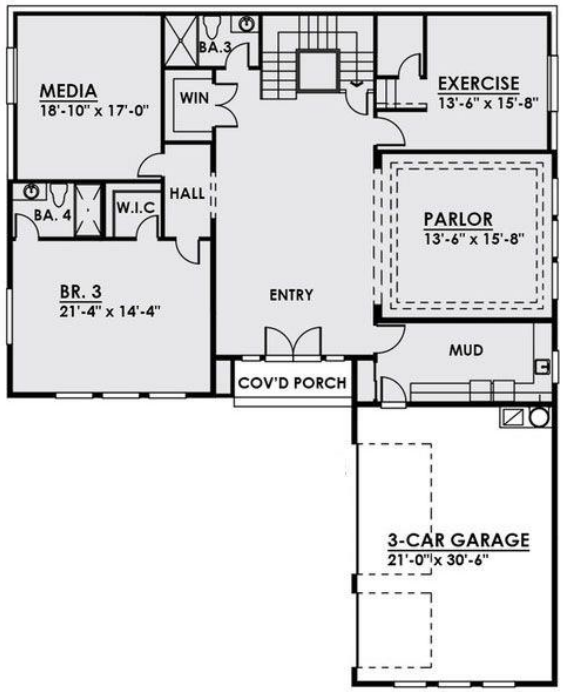
12 Parcels

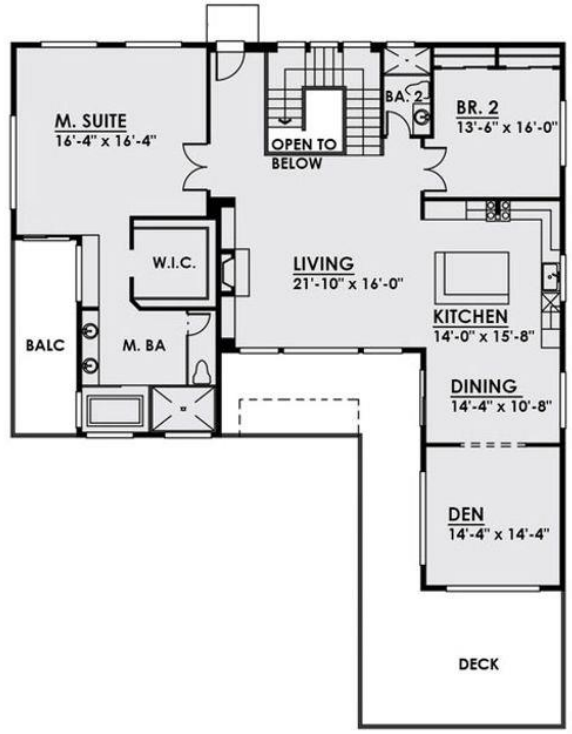
164220
164321
164225
164307
164218
164223
164322
164301
164216
164308
164300
164306



OPTION AGREEMENTS
JUSTICE ESTRALITA

3 Bedrooms
4 Full Baths





SIGNED OPTION AGREEMENTS
DARLENE DUNN

Multiple single family homes
455 N Bluegrass Dr, Bonner Springs
Parcel - 228408

SIGNED OPTION AGREEMENTS
DARLENE DUNN

Number of homes
- 5 to 7 homes

Number of beds & baths
- Range from 1/1 to 5/3

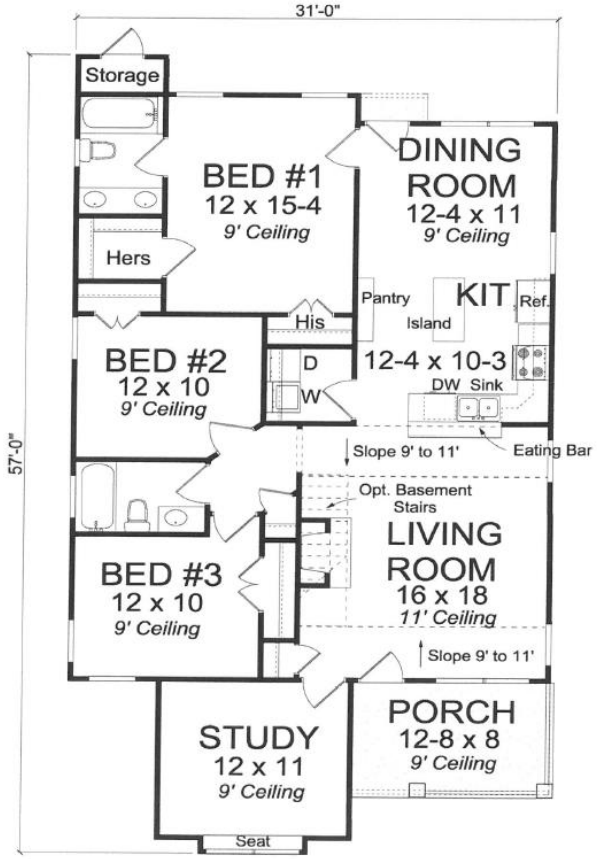
Square Foot
- 900 – 3000 Sq. Ft.

OPTION AGREEMENTS
OSCAR GUZMAN

New Construction – Single Family Home
926 S Coy St
Parcel – 074612
Zoning – R-2B

OPTION AGREEMENTS
OSCAR GUZMAN

3 beds 2 baths
1,580 Sqft
Completion time – 12 months



OPTION AGREEMENTS
MITCH GRAHAM

OPTION AGREEMENTS
MITCH GRAHAM

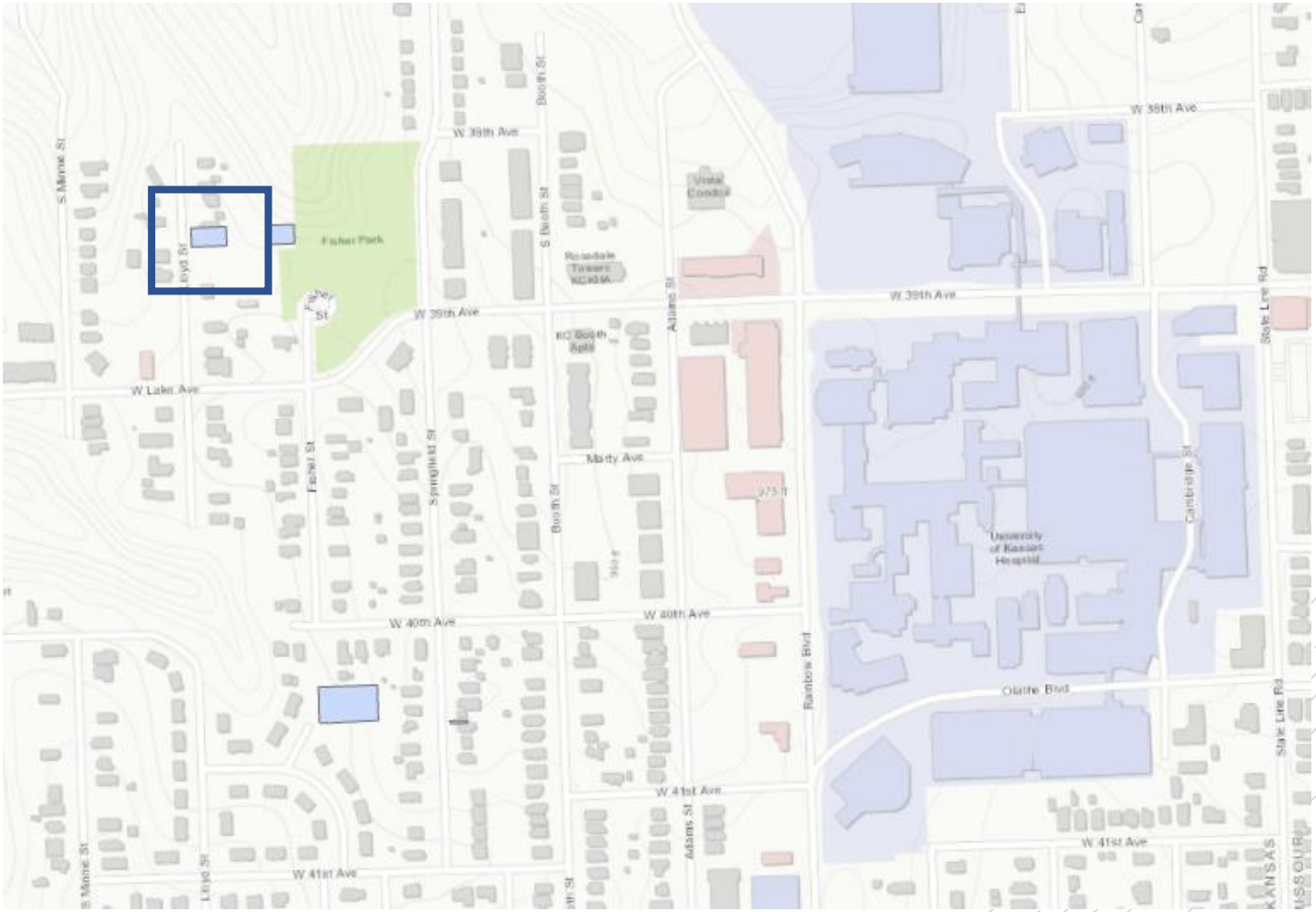
Parcel 170703
1302 S 38th St
Zoning – R1-B

3 Beds
2 Bath
1,200 Sqft
Zoning R-1B

OPTION AGREEMENTS
ROGELIO AVALOS

New Construction – Single Family Home

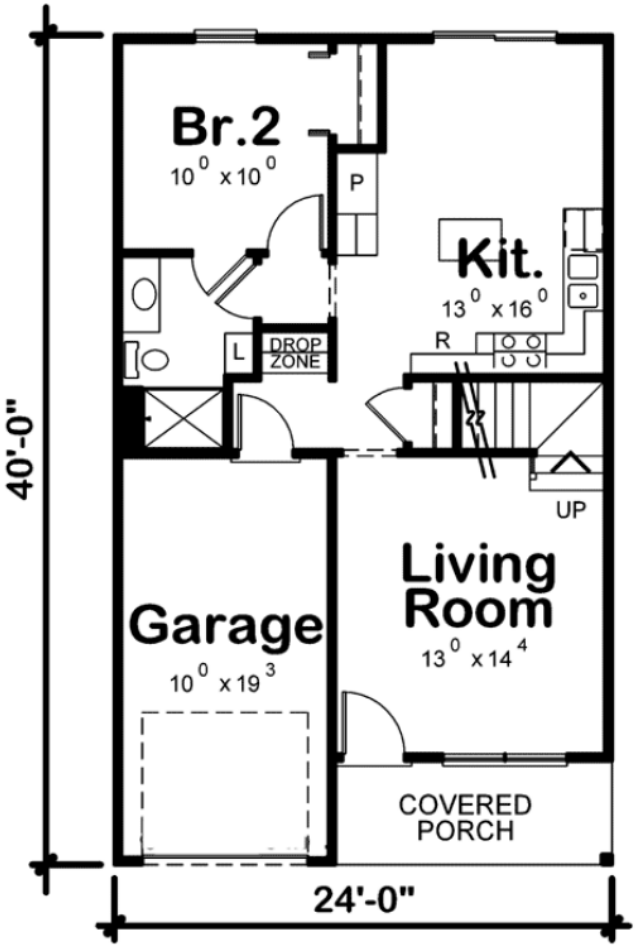
- 3819 Lloyd St – Parcel 132721

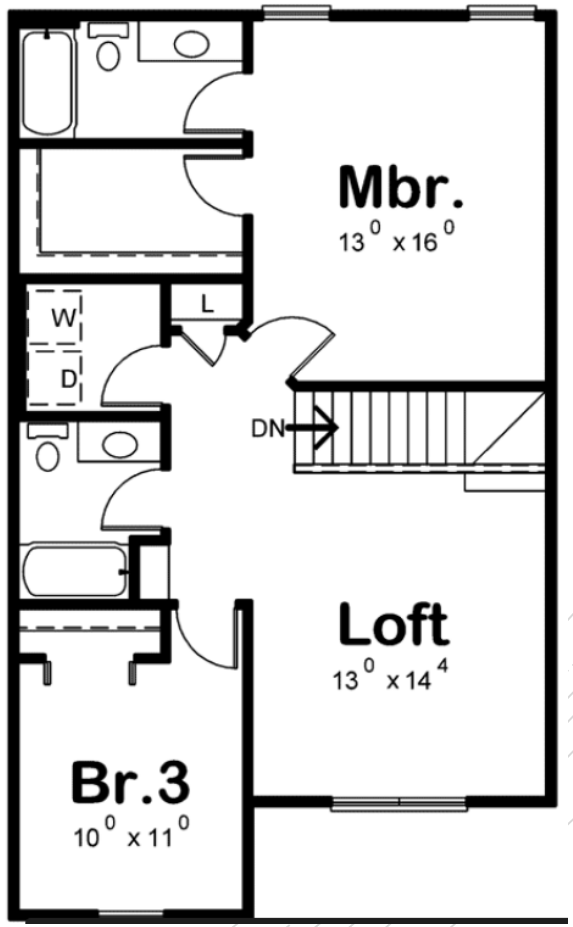


OPTION AGREEMENTS
ROGELIO AVALOS

3 Bedrooms
3 Baths
Sq. Ft. 1,540

Project Start – February 2021
Project Completion – July 2021





OPTION AGREEMENTS
LUCIO VAZQUEZ

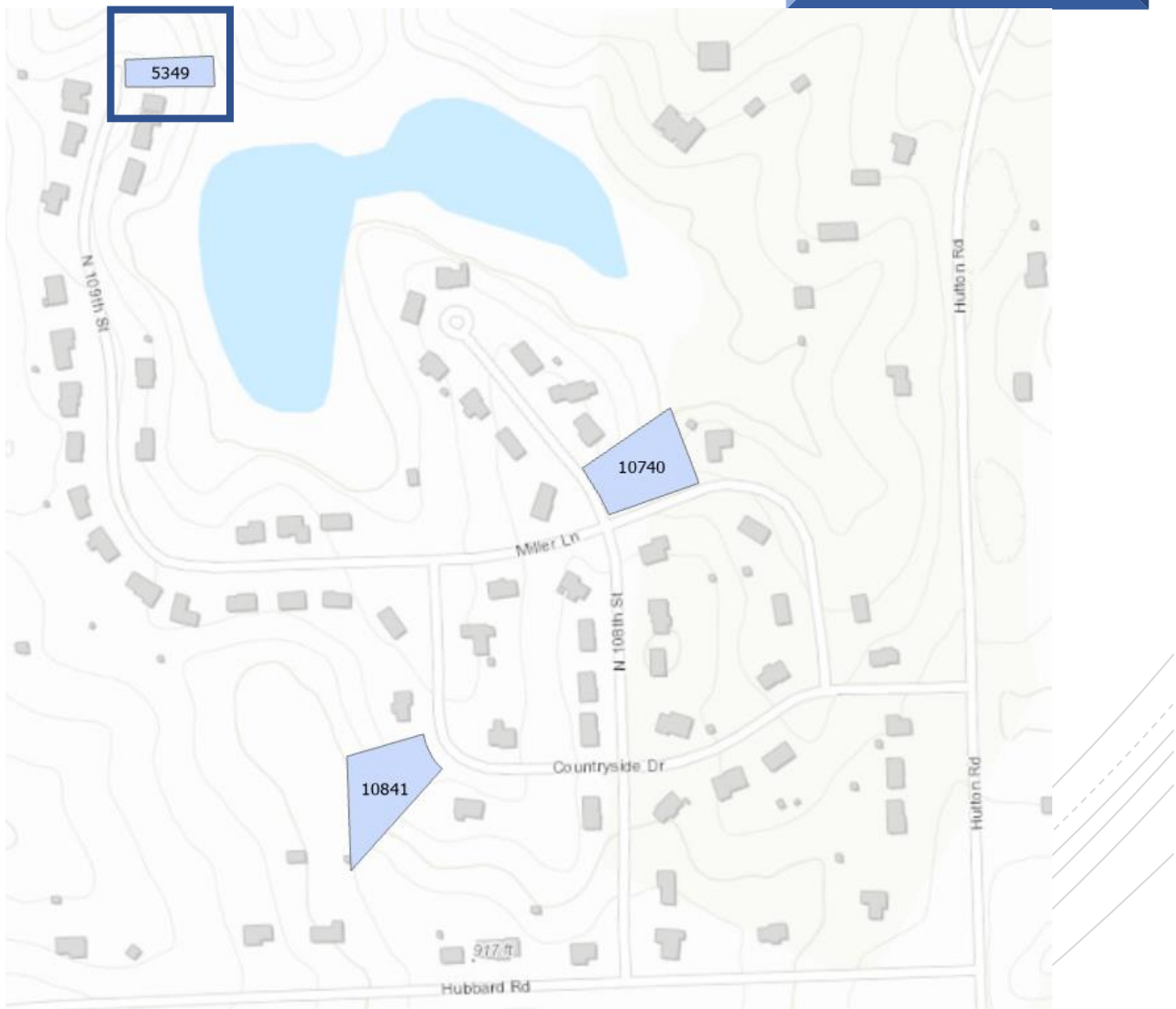
New Construction – Single Family Home
3341 N 87th ST
Parcel – 932020
Zoning – R-1

OPTION AGREEMENTS
LUCIO VAZQUEZ

4 Bed
2 Bath
1,500 – 2,000 Sq. Ft
Project Start – December 2020
Project Completion – October 2021

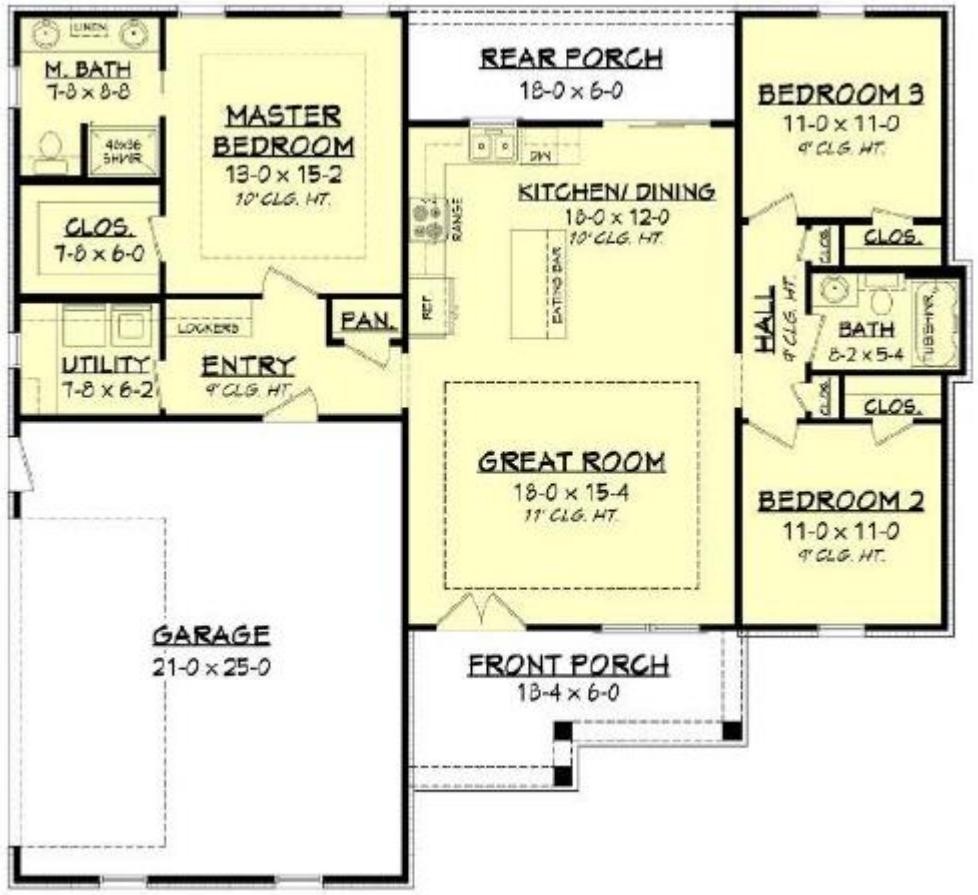
OPTION AGREEMENTS
SEAN MCLUCAS

New Construction – Single Family Home
5249 N 109th St
Parcel – 182736
Zoning – R-1



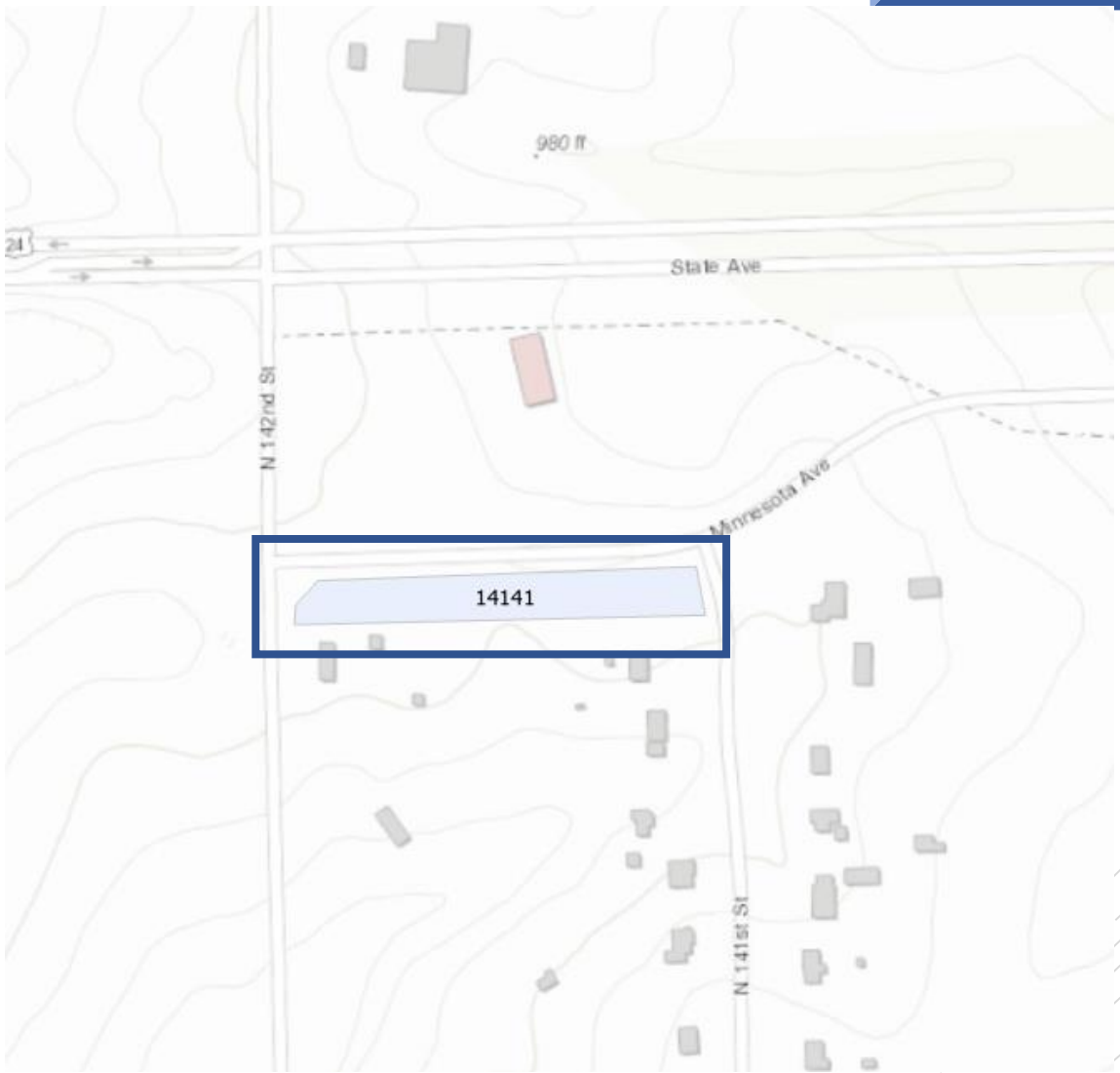
OPTION AGREEMENTS
SEAN MCLUCAS

3 Beds
2 Bath
Sq. Ft. 1,398
Project start date – October 2020
Project Completion – August 2021



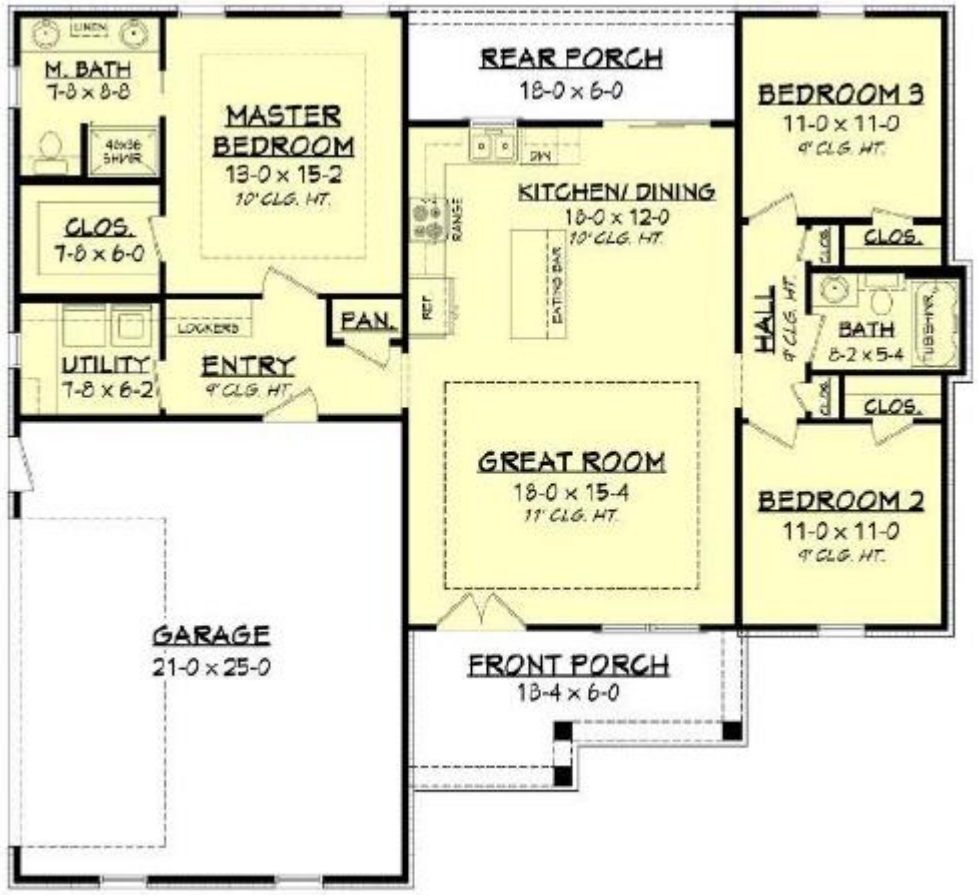
OPTION AGREEMENTS
SEAN MCLUCAS

New Construction – Single Family Home
14141 Minnesota Ave, Bonner Springs
Parcel – 179500



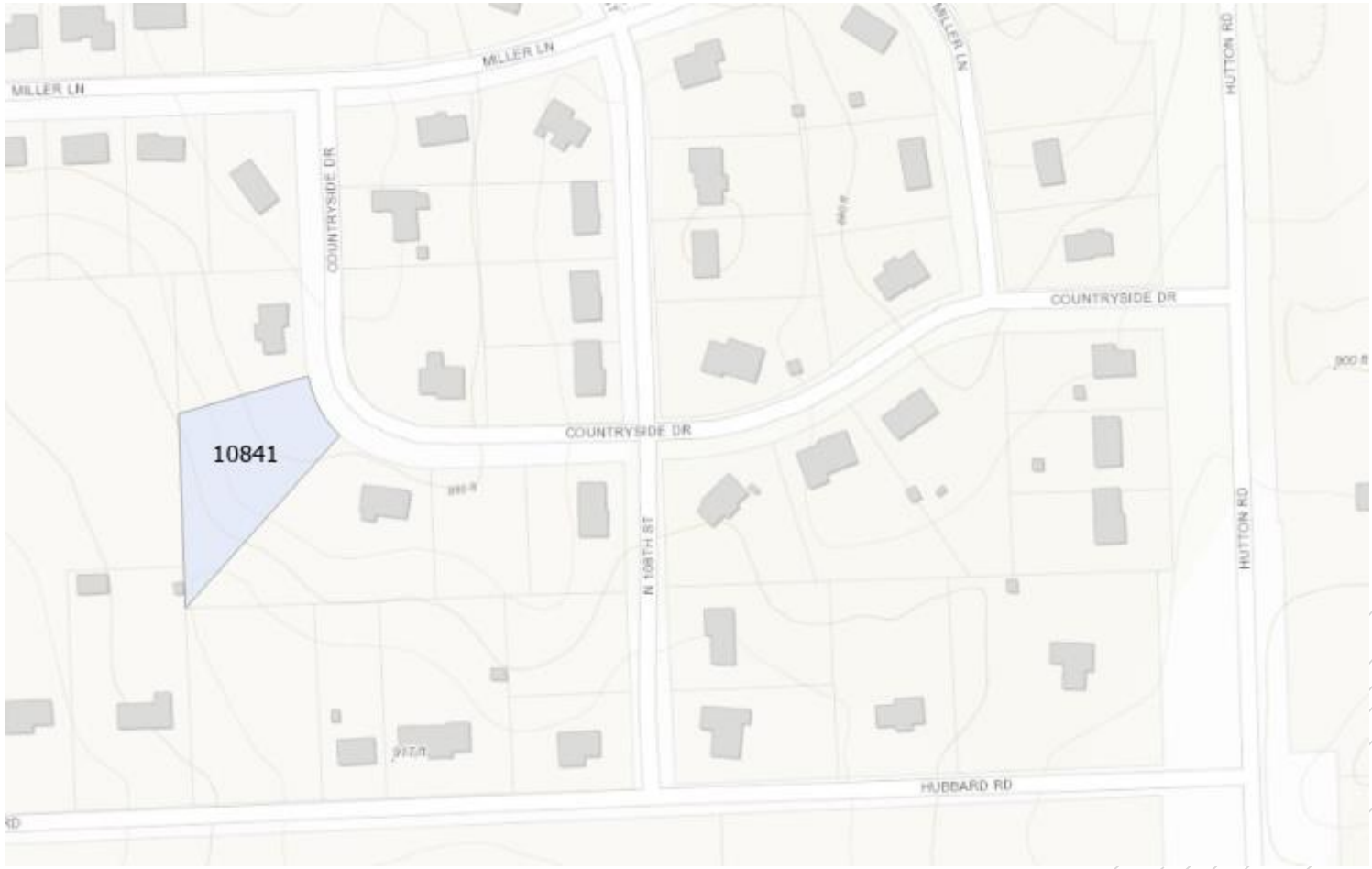
OPTION AGREEMENTS
SEAN MCLUCAS

3 Beds
2 Bath
Sq. Ft. 1,398
Project start date – October 2020
Project Completion – August 2021



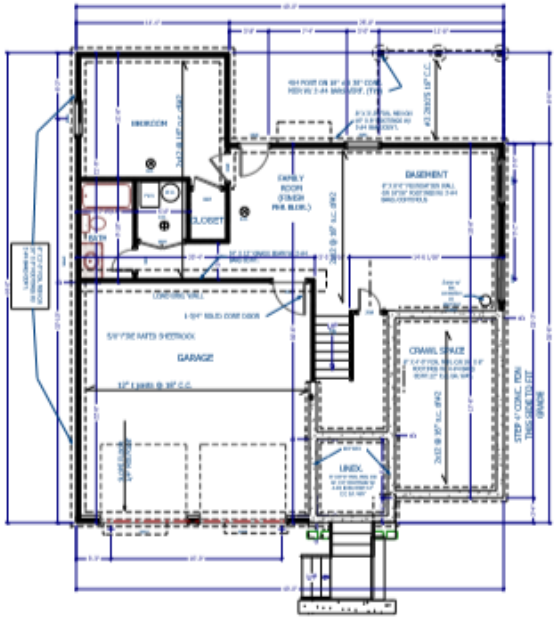
SIGNED OPTION AGREEMENTS
MOSAIC CONSTRUCTION COMPANY

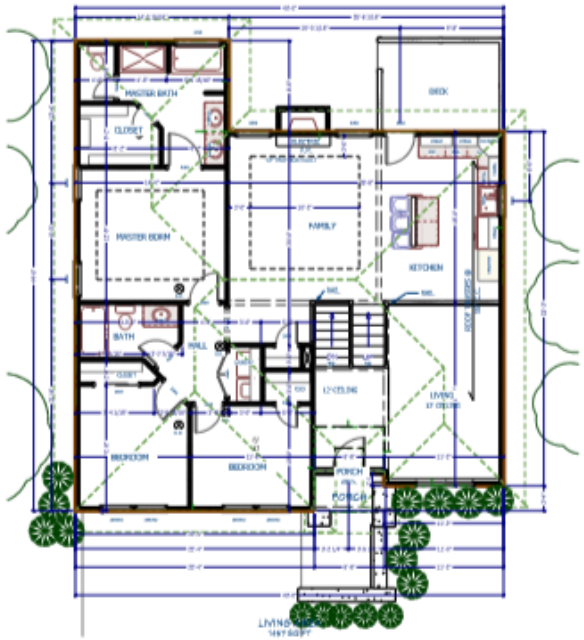
New Construction – Single Family Home
10841 Country Side Dr
Parcel - 182702



SIGNED OPTION AGREEMENTS
MOSAIC CONSTRUCTION COMPANY

4 Beds
3 Baths
1,461 Sqft

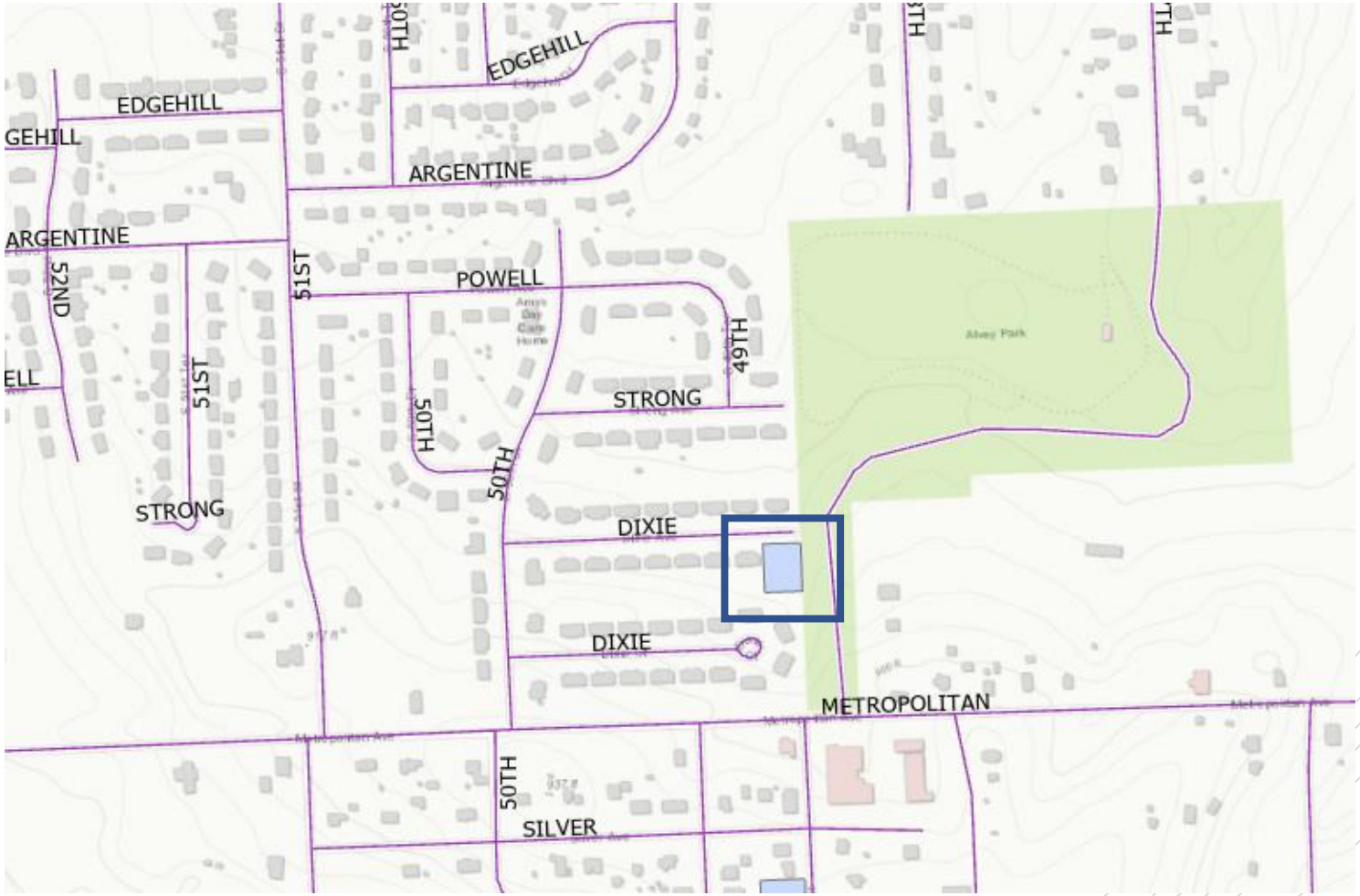




OPTION AGREEMENTS
ROGELIO AVALOS

New Construction

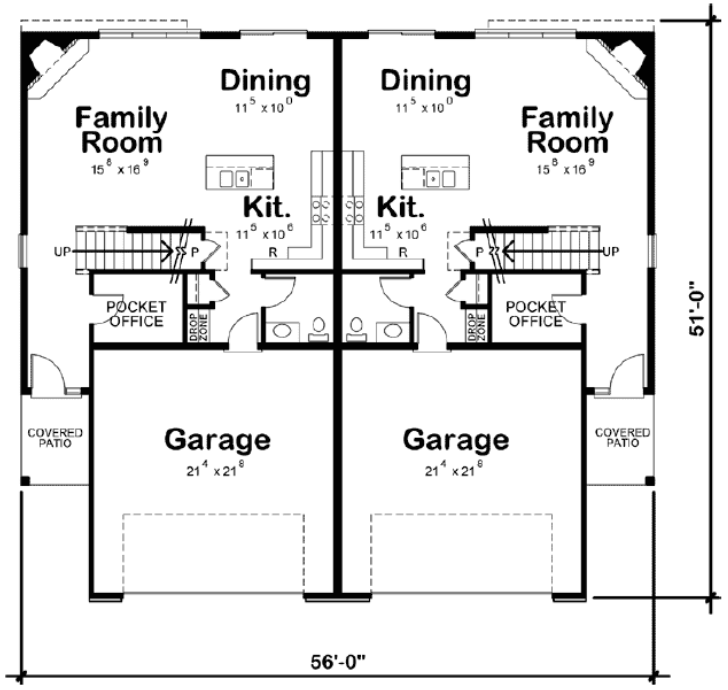
- Duplex
  - 4903 Dixie Ave
  - Parcel 217327

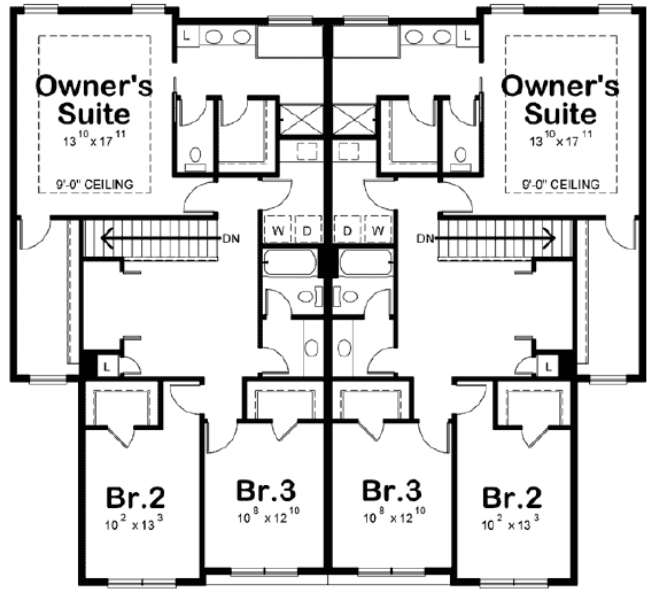


OPTION AGREEMENTS
ROGELIO AVALOS

3 Bedrooms
2 Full Baths
1 Half Bath
Sq. Ft. 2,064

Project Start – July 2021
Project Completion – December 2021





SIGNED OPTION AGREEMENTS
MARQUIS CUSTOM LLC

New Construction – Chapel and Parking lot

- 1840 Minnesota Ave – Currently owns
- 1845 State Ave – Currently owns
  - Will demo current home
- 1841 State Ave – Requesting Land Bank Lot
  - Parcel - 054096

SIGNED OPTION AGREEMENTS
MARQUIS CUSTOM LLC

New Commercial Construction

- Coffee, Donut, and Pizza Shops

Going to buy

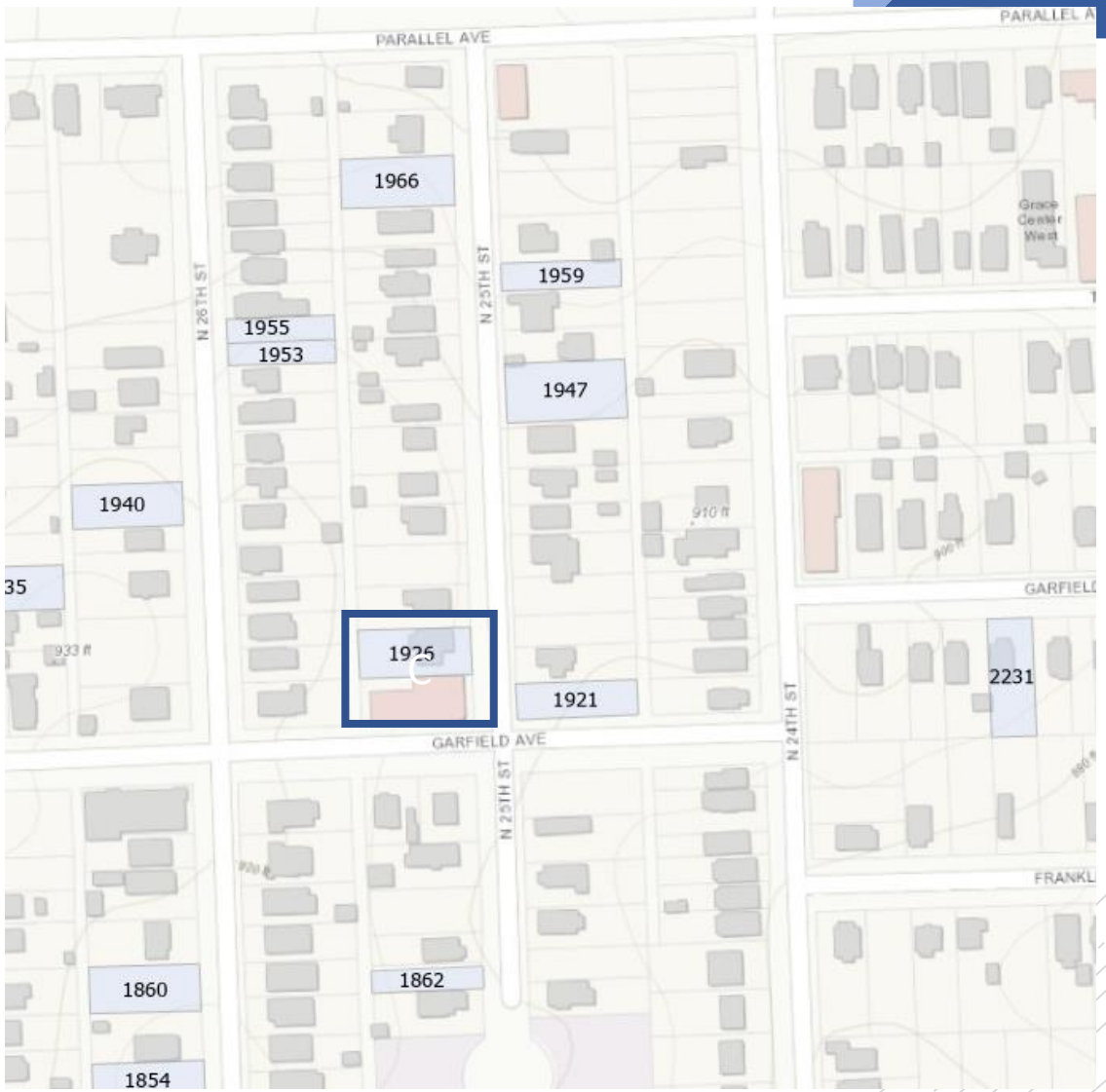
- 1855 Minnesota Ave

Requesting Land Bank Lots

- 1857 Minnesota Ave – Parcel 054050
- 1873 Minnesota Ave – Parcel 054051

OPTION AGREEMENTS
PAUL TYES

New Construction – Garage
1926 N 25th St
Parcel – 208314
Zoning – R-1B



OPTION AGREEMENTS
IRVIN JACKSON

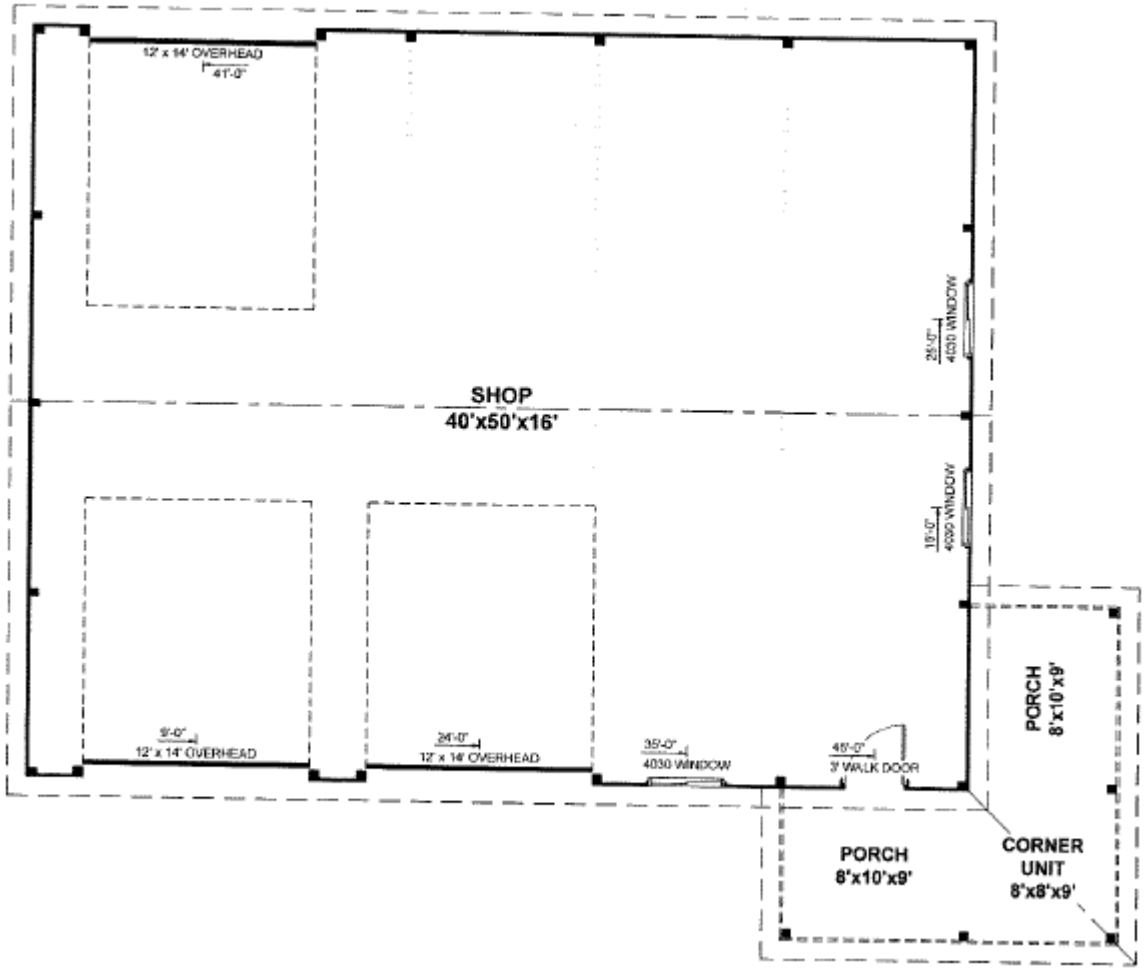
Build a garage to store dump trucks

Currently owns
- 3232 Sewell Ave 163825

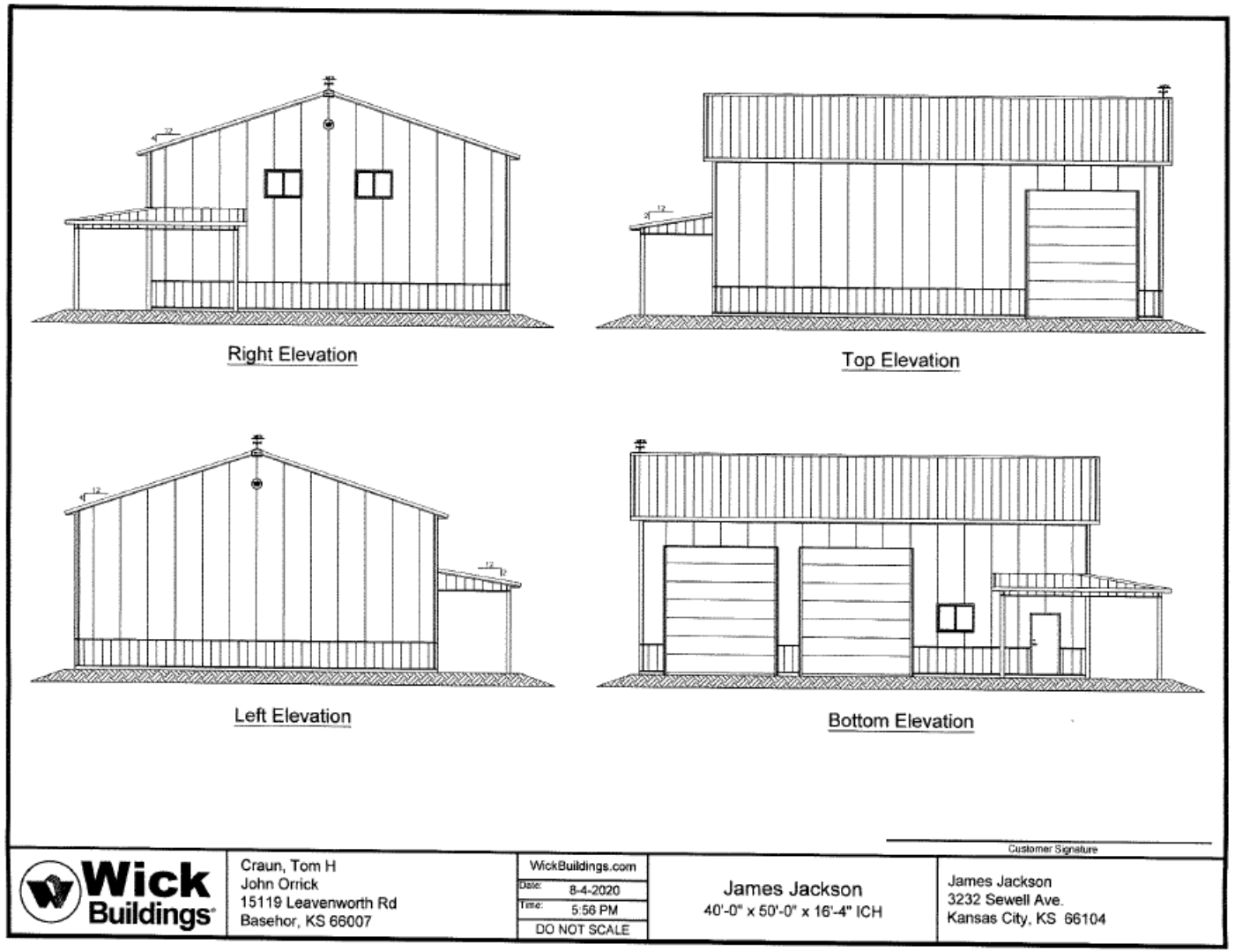
Requesting Land Bank Lots
- 3422 N 32nd Ter 163808
- 3430 N 32nd Ter 163809
- Zoning – R-1B

We would need to cancel a lease

OPTION AGREEMENTS
IRVIN JACKSON



OPTION AGREEMENTS
IRVIN JACKSON



SIGNED OPTION AGREEMENTS
ANGELA KNIGHT

New Construction

- 2 car garage

Currently owns

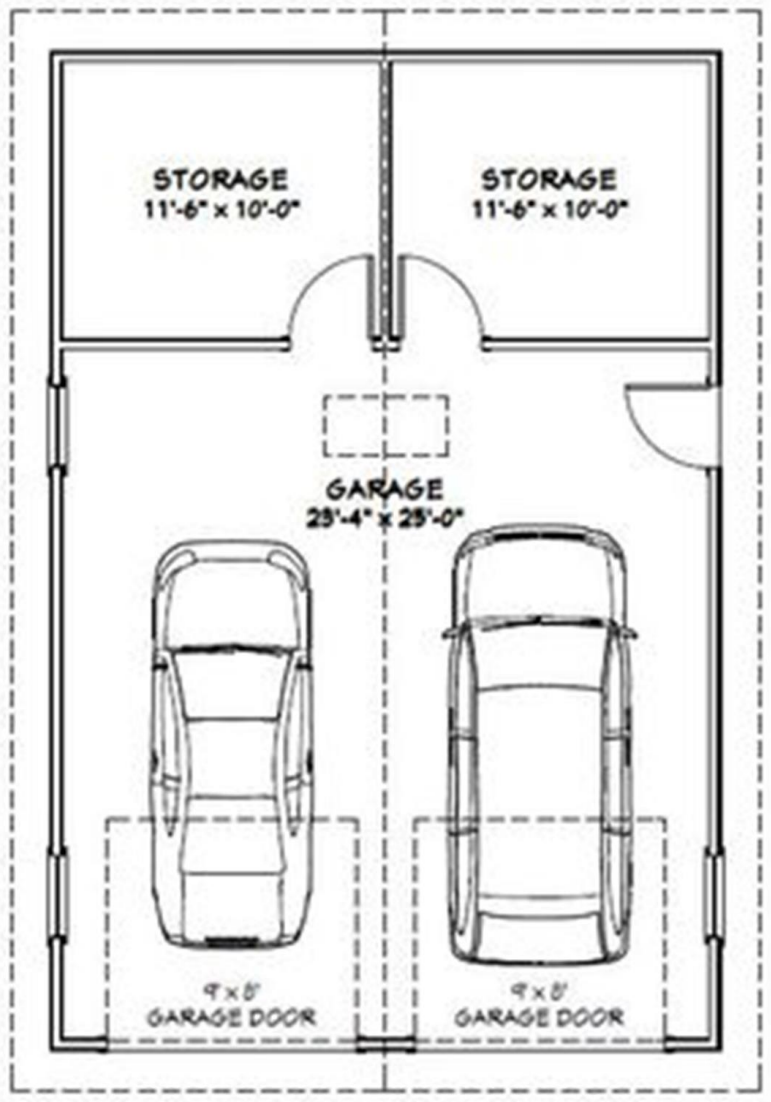
- 2025 N 4th St – Parcel 109716

Requesting Land Bank Lot

- 2027 N 4th St – Parcel 109717

SIGNED OPTION AGREEMENTS
ANGELA KNIGHT

Start date – May 2021
Completion – end of summer



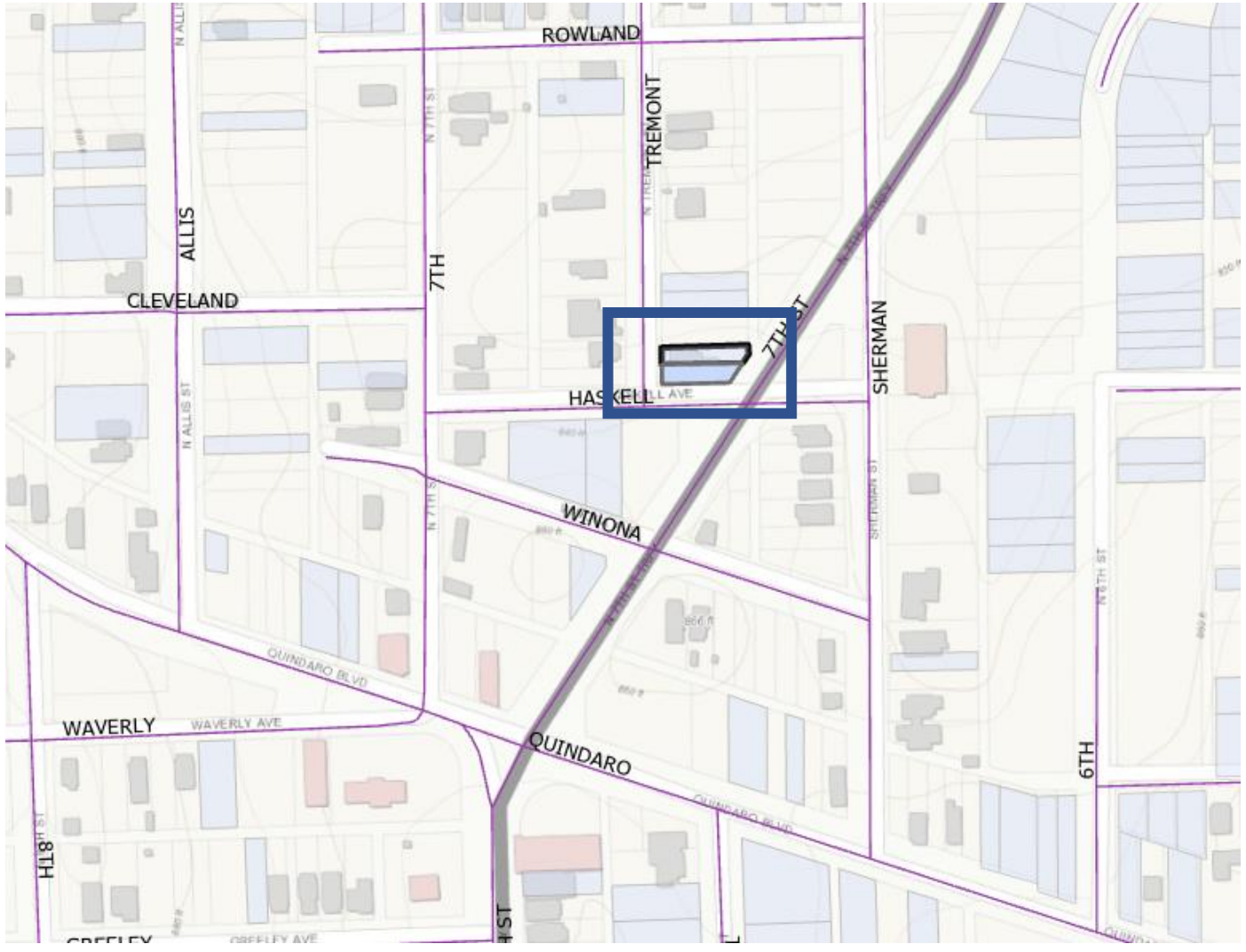
Other Land Bank Requests

REHAB HOME – NEW CONSTRUCTION
OSCAR GUZMAN

A contractor is requesting the neighboring lot to a current land bank rehab.

- Plans to build a deck and driveway

2403 N Tremont St - 111814
Currently being rehabbed
2401 N Tremont St - 111813
Contactor requesting lot



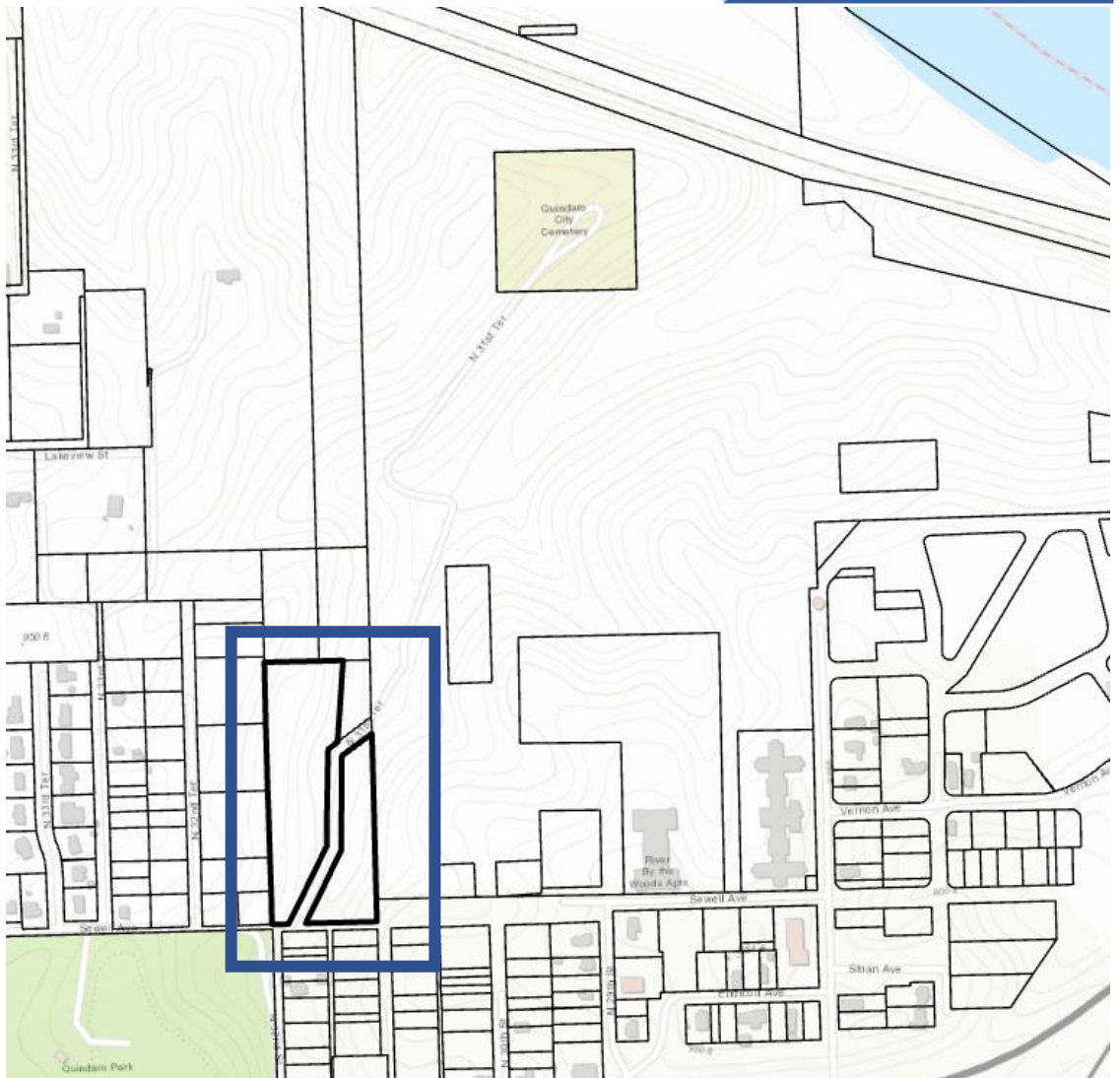
REHAB HOME – NEW CONSTRUCTION
OSCAR GUZMAN

LAND BANK LAND SWAP
FRED DEL TORO

Fred Del Toro

- Wanted to a special use permit to put livestock on the parcels that have the driveway to the Quindaro Cemetery
  - 3447 N 31st Ter – Parcel 163904
  - 3456 N 31st Ter – Parcel 163902

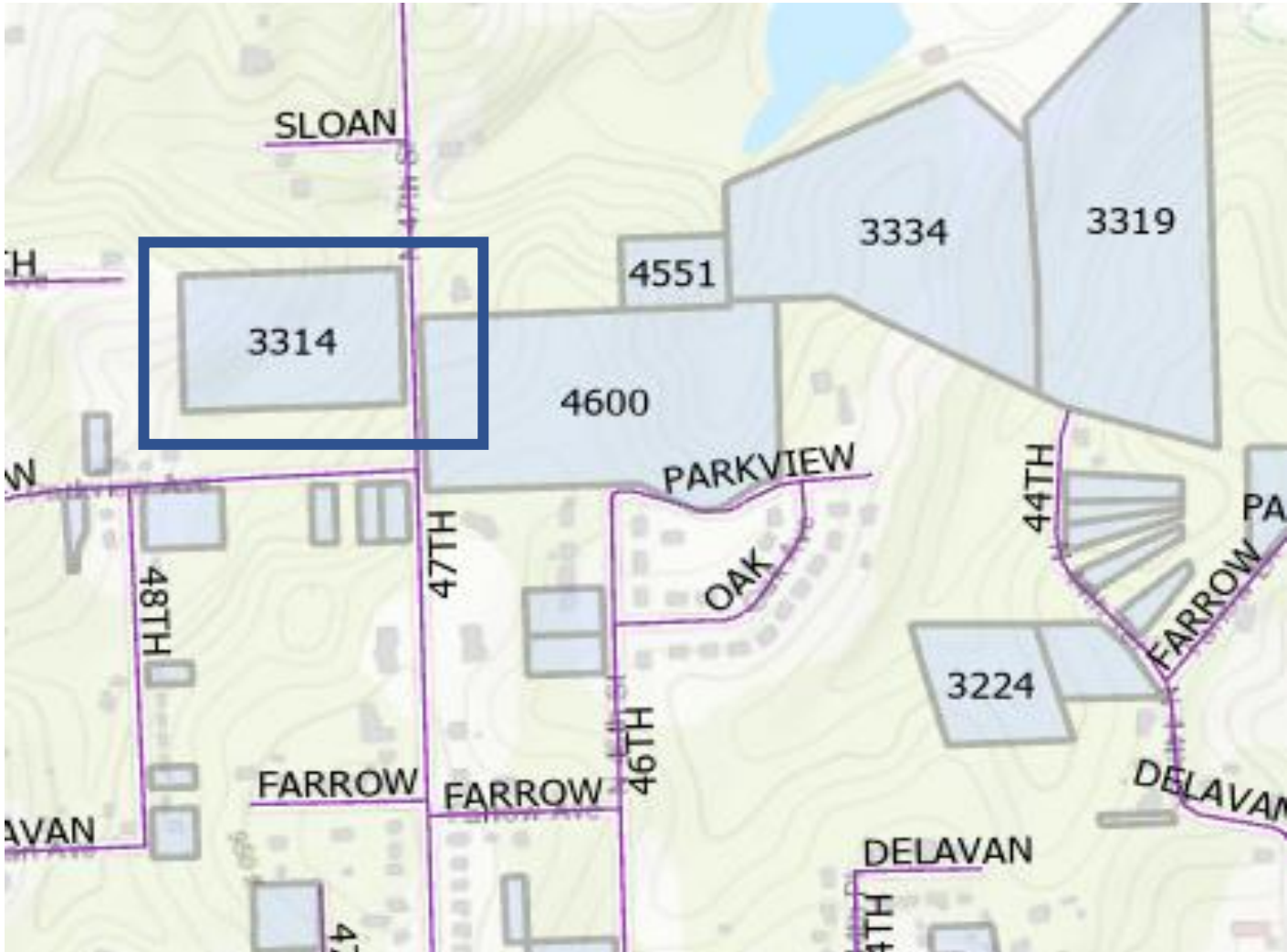
- The Land Bank was asked if we could find a property that would meet Fred Del Toro's needs



LAND BANK LAND SWAP
FRED DEL TORO

Fred Del Toro has agreed to swap for

- 3314 N 47th ST
- Parcel – 916907
  - Acres – 3.81



Wyandotte County Land Bank

Economic Development Department

Jud Knapp, Interim Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee

FROM: Jud Knapp, Interim Land Bank Manager

DATE: October 26, 2020

SUBJECT: Applications for consideration

The following **option application(s)** are being presented at the 9/28/2020 meeting:

New Construction – Single Family Homes

- 517 Elizabeth Ave - Parcel 118134 – Blake Lostal
- 624 Orville Ave – Parcel 118453 – Blake Lostal
- 10841 Country Side Dr – Parcel 182702 – Mosaic Construction Company
- 737 Tauromee Ave – Parcel 081463 – S&M Management LLC
- 455 N Bluegrass Dr, Parcel 228408 – Darlene Dunn
- 5249 N 109th St – Parcel 182736 – Sean McLucas
- 14141 Minnesota Ave – Parcel 179500 – Sean McLucas
- 3341 N 87th St – Parcel 932020 – Lucio Vazquez
- 1236 Armstrong Ave – Parcel 080889 – Omar Khalil
- 1238 Armstrong Ave – Parcel 080883 – Omar Khalil
- 1240 Armstrong Ave – Parcel 080888 – Omar Khalil
- 926 S Coy St – Parcel – 074612 – Oscar Guzman
- 3819 Lloyd St. - Parcel – 132721 – Rogelio Avalos
- 1302 S 38th St – Parcel 170703 – Mitch Graham

.

New Construction - Duplex

- 1132 & 1134 Armstrong Ave -Parcels 080798, 080797 – Omar Khalil
- 1136 & 1138 Armstrong Ave -Parcels 080796, 080795 – Omar Khalil
- 4903 Dixie Ave - Parcel – 217327 – Rogelio Avalos

New Construction - Commercial

- 1841 State Ave – Parcel 054096 – Marquis Custom LLC
    - Build chapel and parking lot for funeral home
- 1857 Minnesota Ave – Parcel 054050 - Marquis Custom LLC
- 1873 Minnesota Ave – Parcel 054051 - Marquis Custom LLC
    - Coffee shop, Donut, and Pizza Shop

New Construction – Garage

- 2027 N 4th St – Parcel 109717 - Angela Knight
- 1926 N 25th St – Parcel 208314 – Paul Tyes
- 3422 & 3430 N 32nd Ter – Parcels 163808, 163809 – Irvin Jackson
    - Would need to cancel a lease
- Enclosed are maps identifying the properties

The applicants do not have violations for their property taxes or code violations.

This memo will be sent to the Land Bank Advisory Board, and the Staff Advisory Team. Staff will report any comments at the meeting.

Staff Request for Commission Action

Tracking No. 20403

Full Commission Meeting Date: 10/29/20
Committee: Neighborhood & Community Development

Date of Standing Committee Action: 9/28/20
(If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
10/21/2020	Jud Knapp	x5472	jknapp@wycokck.org	Economic Development

Item Description:
The Land Bank Manager respectfully request that the Neighborhood and Community Development Committee review the proposed items and forward to the Land Bank Board of Trustees for final consideration.

1 Rehab program side lot to build a deck and driveway
1 Property swap

*On September 28, 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 Requested:
Approve and forward to Land Bank Board of Trustees

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
RFA 09.28.2020 Applications

Wyandotte County Land Bank

Economic Development Department

Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee

FROM: Jud Knapp, Land Bank Manager

DATE: September 17, 2020

SUBJECT: Applications for consideration

The following **application(s)** are being presented at the 9/28/2020 meeting:

Rehab - New Construction side lot

- 2401 N Tremont St Parcel 111813
    - This lot in neighboring a home that is currently being rehabbed the Land Bank. The contractor is requesting the neighboring lot to build a deck and driveway.

Land Bank land swap

- Fred Del Toro applied for a special use permit to put livestock on his property, but it was at the entrance to the Quindaro Cemetery. The Land Bank was asked if we would have property that we could swap that would meet his needs.
    - Fred Del Toro Current property
        - 3447 N 31st Ter Parcel 163904
        - 3456 N 31st Ter Parcel 163902
    - Land Bank lot
        - 3314 N 47th St Parcel 916907

The applicants do not have violations for their property taxes or code violations.

This memo will be sent to the Land Bank Advisory Board, and the Staff Advisory Team. Staff will report any comments at the meeting.