

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

**PLANNING & ZONING AND  
REGULAR SESSION  
OCTOBER 29, 2020**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, October 29, 2020, with ten 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; 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; 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, some commissioners, staff, and public are attending remotely via Zoom. 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, 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 the meeting.

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

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

**Mayor Alvey** said the invocation is being 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, Unified Government Clerk**, said there are no revisions.

**Mayor Alvey** said we have two parts to our meeting. The Planning and Zoning portion 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 agenda. **Mayor Alvey** asked, Commissioners, are there any disclosures tonight? (There were none.)

**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, is there anyone from the public who is asking to remove an item? **Ms. Cobbins** said no items were requested to be removed.

**Doug Bach, County Administrator**, said, Mayor, I do see a hand up by Greg Scovitch with Hillwood. He's on the attendee's list from the public. **Mayor Alvey** asked, is that Mr. Scovitch? **Ms. Mayes** said, Mr. Scovitch, you're on. **Greg Scovitch** asked, can the members of the Commission hear me? **Mayor Alvey** said yes, we can. **Mr. Scovitch** said I was hoping to request

that we pull Item 3 from the Change of Zone Application, as well as Item 1 from the Master Plan Amendment Consent Agenda for further discussion. **Mayor Alvey** asked, Bridgette, what are those items? How are they listed? **Ms. Cobbins** said the first item is A3, under the Change of Zone Application #3236 is requested to be pulled, followed by the item under the Master Plan Amendment Application, Item 1-#MP-2020-7.

**Mayor Alvey** asked, did we also need to pull Item #3234? **Ms. Cobbins** said #3236. **Mayor Alvey** said I know, but I have a note here if #3236 is pulled, #MP-2020-7—**Ms. Cobbins** said correct—**Mayor Alvey** said also #3234 and #SP, oh, I see. #3236 and #2020 is that pair; not #3234 and #2020-82. #3236 and #MP-2020-7. Are there any other items to be put on the set-aside? (There were no additional set-asides.)

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

## **CHANGE OF ZONE APPLICATIONS**

### **ITEM NO. 1 – 20469...CHANGE OF ZONE APPLICATION #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 Hand, Director of Planning and Urban Design. The applicant has submitted a final plat for two residential lots created from the current Parcel #963104. The applicant has also requested a change of zone for one 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). 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.

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Petition Application #3232, subject to the stipulations. Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

**ITEM NO. 2 – 20470...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  
and

**ITEM NO. 1 – 20472...SPECIAL USE PERMIT APPLICATION #SP-2020-82 – MARIA MAGANA**

**Synopsis:** Special use permit for limited auto repairs at 4811 Parallel Parkway, submitted by Gunnar Hand, Director of Planning and Urban Design. There have been multiple notices of violation issued on this property in the last four years for things such as weeds, trash, vehicles in violation, and excessive stored items. 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:
  - a. Architectural screened fence posts should match stone of existing building;
  - b. Apply wainscoting around lower third of building on all four sides, except the existing stone on the office shall remain;

- c. Exterior walls, excluding the office area, must be covered in stucco, colored to compliment the wainscoting;
- d. Must provide a landscape buffer between building and the sidewalk along Parallel Parkway and bus stop;
- e. 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 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 Johnson, to approve Special Use Permit Application #SP-2020-82 for two years and Change of Zone Petition Application #3234, subject to the

**stipulations.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

**ITEM NO. 3 – 20471...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 and

**ITEM NO. 1 – 20476...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, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant applied for a change of zone, preliminary plat one industrial lot, and amend the Prairie Delaware Piper Master Plan to build one industrial building for warehousing and distribution totaling 1,583,813 square foot on 90.20 acres with a future building expansion to the west and parking to the south. 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-foot sidewalk shall be constructed along State Avenue and Speedway Boulevard. A five-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 tree is required for every thirty linear feet of frontage along a major street. This requirement extends to State Avenue, Speedway Boulevard and Talladega Drive.

Twenty consecutive parking spaces (or groups of forty 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 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-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;
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.  
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;
18. BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback feet from the pad and ten 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 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.

**Gunnar Hand, Director of Planning and Urban Design**, said both of these entitlements are related to the URBN Outfitters Distribution Center out near the Speedway that's been proposed and has also been in the news as of late. Specifically, this is a change of zone from A-G to MP-2 as well as a master plan amendment from Entertainment to Business Park. We've applied multiple conditions of approval as it does reflect a significant change in the originally envisioned uses around this area, mostly around fencing, buffering. We did have some comments about this at the Planning Commission hearing earlier this month. The applicant had requested multiple changes to the multiple conditions of approval, and we basically shut that down to one potential change that I believe the applicant would like to put before the Board of Commissioners tonight. If we do decide to change a condition of approval, it will acquire eight votes because it would be a change from the Planning Commission for approval.

**Greg Scovitch, 6447 Thunderbird Drive, Indian Head Park, IL 60525**, said I will keep this brief because I see that you guys have a full agenda this evening. But, Gunnar, thank you very much for the introduction.

## Case

COZ 3228 and MP-2020-7

## Petitioner

Greg Scovitch

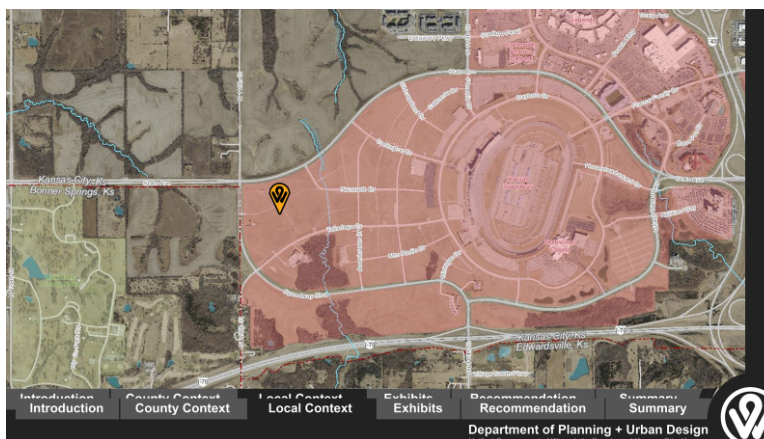
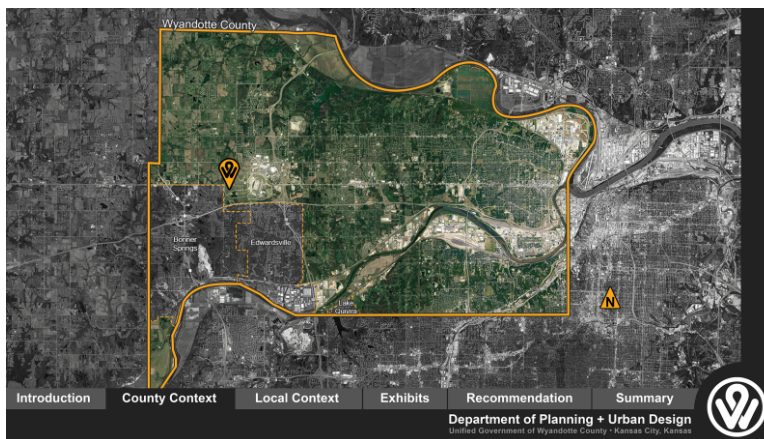
## Address

10901 State Avenue

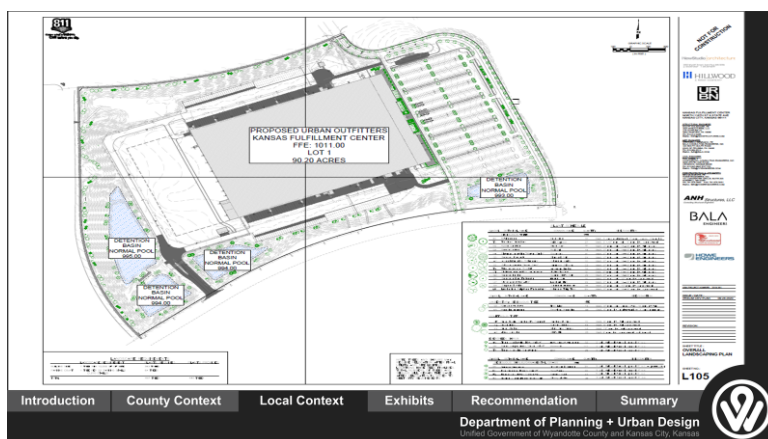
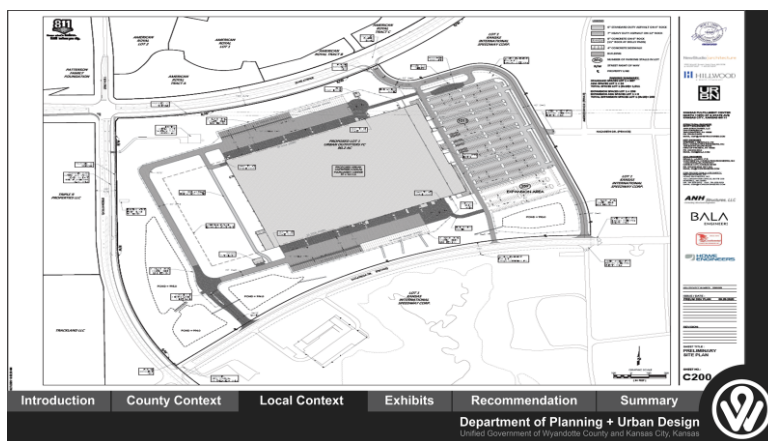
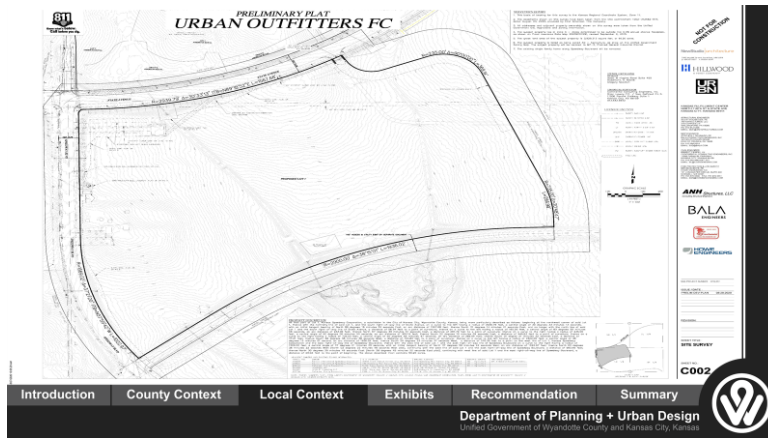
## Synopsis

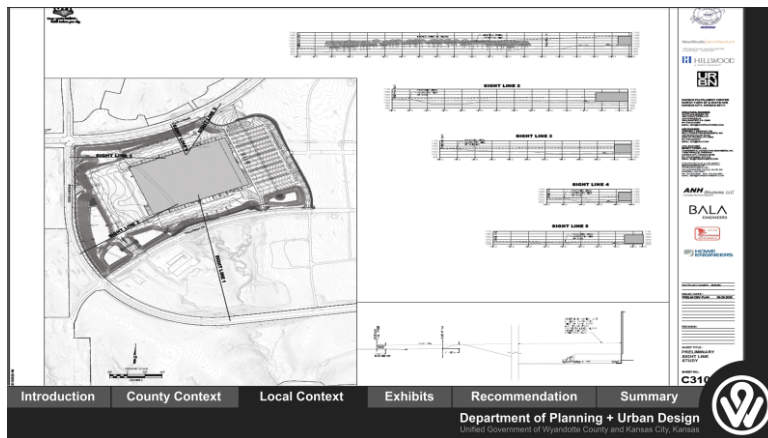
To rezone and plat one (1) industrial lot from A-G Agriculture District to MP-2 Planned General Industrial District and amend the Prairie Delaware Piper Master Plan from Entertainment to Business Park to build one (1) industrial building for warehousing and distribution totaling 1,583,813 square feet on 90.20 acres.

Introduction County Context Local Context Exhibits Recommendation Summary  
 Department of Planning + Urban Design  
 Unified Government of Wyandotte County • Kansas City, Kansas



October 29, 2020

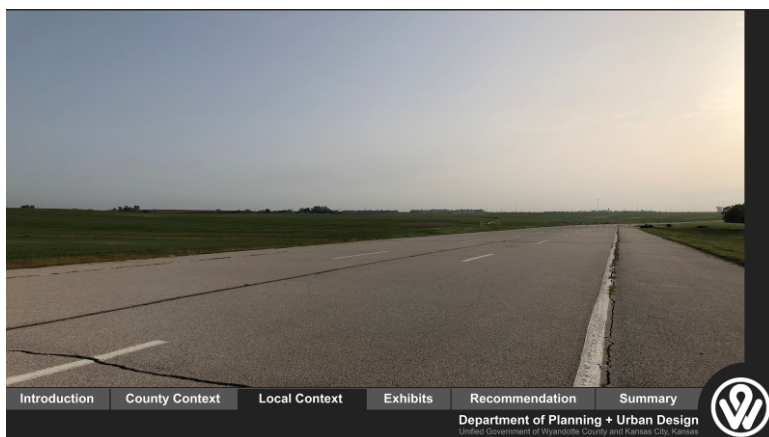
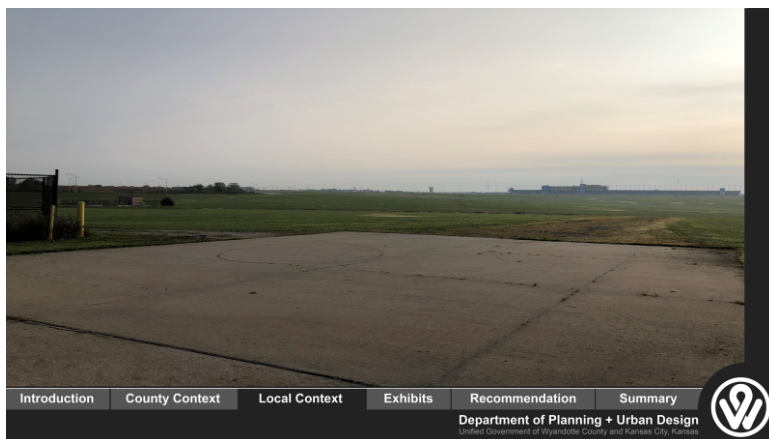




I think this is in the spirit of trying to clarify the intent behind the comments. We've been working very closely with staff throughout this entire process and have had a great dialogue and interaction. Had great success at the Planning Commission. But as it relates to why I'm pulling off of the Consent Agenda this evening and taking up some of your time tonight is more of a clarification as it relates to the staff report, specifically, landscaping and screening section of the staff report.



October 29, 2020



| Public Opposition | Public Support |
|-------------------|----------------|
| None to date.     | None to date.  |

**Staff Recommendation**

**Approval**

| Introduction                                                                                                 | County Context | Local Context | Exhibits | Recommendation | Summary |
|--------------------------------------------------------------------------------------------------------------|----------------|---------------|----------|----------------|---------|
| <b>Department of Planning + Urban Design</b><br>Unified Government of Wyandotte County • Kansas City, Kansas |                |               |          |                |         |



**Conditions of Approval**

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;
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| <b>Department of Planning + Urban Design</b><br>Unified Government of Wyandotte County • Kansas City, Kansas |                |               |          |                |         |



**Conditions of Approval**

10. The applicant will raise the berm to screen views and this will be confirmed at DRC before the 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;

| Introduction                                                                                                 | County Context | Local Context | Exhibits | Recommendation | Summary |
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Item No. 2, there's reference to fencing around the perimeter. As a function of the business, there's an office component related to this facility as well as a distribution component. The distribution component has an active truck yard, and for security and safety reasons, that truck yard is secured with fencing.

In the staff comments, they reference and acknowledge that we will be providing screening around the perimeter of the sight to conceal as much of the active truck court as we can. They acknowledged that we originally proposed vinyl coated chain link fencing. In their response, they acknowledge chain link fencing; however, in conclusion, they say staff recommends that wrought iron fencing be constructed. We would like for the Commission to consider, and we have had dialogue with staff replacing that closing remarks: staff recommends that wrought iron fencing is constructed with—staff recommends that wrought iron fencing, as well as vinyl coated chain link and architectural screen wall be considered for security as approved by staff through the final development plan process.

| Conditions of Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |               |          |                |                                                                                     |
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| <p>16. All landscaping shall be irrigated;</p> <p>17. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> |                |               |          |                |                                                                                     |
| Introduction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | County Context | Local Context | Exhibits | Recommendation | Summary                                                                             |
| <b>Department of Planning + Urban Design</b><br><small>United Government of Wyandotte County - Kansas City, Kansas</small>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |               |          |                |  |

| Conditions of Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                |               |          |                |                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------|----------|----------------|-------------------------------------------------------------------------------------|
| <p>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;</p> <p>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;</p> <p>23. Shall comply with the sign ordinance; and,</p> <p>24. Shall comply with Planning Engineering comments.</p> <p><small>*See Staff report for a full list of conditions of approval.</small></p> |                |               |          |                |                                                                                     |
| Introduction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | County Context | Local Context | Exhibits | Recommendation | Summary                                                                             |
| <b>Department of Planning + Urban Design</b><br><small>United Government of Wyandotte County - Kansas City, Kansas</small>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                |               |          |                |  |

**Mayor Alvey** said, Gunnar, help us understand here. It would be a combination of the vinyl chain link, an architectural screen wall, and wrought iron. Have you seen the plan for what that would look like? Obviously, we're trying to avoid the chain link fencing in this area. Would this be visible from outside the site?

**Mr. Hand** said the intent, from the applicant's standpoint, is they want the chain link fence because it's easier to replace, quicker to replace, if it were ever to be damaged by the operations of the distribution center. Whereas, having our preference, being the wrought iron fence, which is similar to the fencing at the Speedway. So, that's kind of where we were going with the same theme, if you will, would be certainly more decorative.

We've been in conversations with them over the last couple of days to develop a plan. Again, I think, the final design, if you will, will be flushed out in their final development plan, but they wanted to change this so that they would be allowed to have a combination of predominately wrought iron fences for publicly viewed locations, and then everything that's sort of hidden down below the berm and around some of the more highly traffic areas would be chain linked.

There's also a section of the wall that would be a complete (inaudible) of architectural screening fence. Instead of developing a plan and getting it ready and incorporating it into this preliminary plan as part of this change of zone, we decided we could sort of put off the design in plan form. It doesn't change the location of any of the fencing, for instance, it's just the materials of that fencing. So, we'll work on that. The plan is we would work on that with them at the final development plan stage but make this adjustment to the condition of approval from the Planning Commission. We support this change.

**Mayor Alvey** said to be clear, you are supporting this request from the applicant. **Mr. Hand** said yeah, we think we can be flexible and do a combination of the three and make it work both to our original intent and to their desire to be a more easily maintained property.

**Mayor Alvey** said I'll now open the public hearing. Is there anyone who would like to speak in favor of this request? **Ms. Mayes** said we have Greg Kindle.

**Greg Kindle, President of the Wyandotte Economic Development Council, and a resident of Kansas City, KS,** said we just wanted to go on record of being in support of the request.

**Mayor Alvey** asked, Rocki, is there anybody else? **Ms. Mayes** said there are no more hands up, Mayor. **Mayor Alvey** asked, have we received any notification from anybody, Bridgette? **Ms. Cobbins** said no one submitted a request.

**Mayor Alvey** asked, is there anyone present who would like to speak in opposition? Seeing none, Bridgette, any notification of opposition from the public? **Ms. Cobbins** said no request for opposition.

**Mayor Alvey** closed the public hearing.

**Mayor Alvey** asked, Mr. Scovitch, do you have any closing comments? **Mr. Scovitch** said no, sir. My remarks are allying with Gunnar's and appreciate the guidance that staff has already provided us to date. We're thrilled and anxious to push a shovel in the ground and hopefully deliver on this facility sooner than later.

**Mayor Alvey** asked, do any members of the Commission have any questions or comments? (There were none.)

**Mayor Alvey** asked, what would be the form of the motion here? **Mr. Hand** said you would want to make a motion to amend the conditions of approval, specifically No. 9, to allow staff's recommendation for a combination of wrought iron fencing, vinyl chain link, and architectural screen wall is constructed.

**Action:** **Commissioner Ramirez made a motion, seconded by Commissioner Philbrook, to approve Change of Zone Petition #3236 and Master Plan Amendment #MP-2020-7, subject to the stipulations and to amend the conditions of approval, specifically No. 9, to allow staff's recommendation for a combination of wrought iron fencing, vinyl chain link, and architectural screen wall to be constructed.** Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

## **SPECIAL USE PERMIT APPLICATIONS**

### **ITEM NO. 1 – 20472...SPECIAL USE PERMIT APPLICATION #SP-2020-82 - MARIA MAGANA**

**Synopsis:** Special use permit for limited auto repairs at 4811 Parallel Parkway, submitted by Gunnar Hand, Director of Planning and Urban Design.

**Action:** This item was previously heard with Change of Zone Application #3234.

### **ITEM NO. 2 – 20466...SPECIAL USE PERMIT APPLICATION #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 Hand, Director of Planning and Urban Design. The applicants 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 acres of vineyards. There are no outstanding notices of violations associated with the property. 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 a 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 been 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.
7. The applicants will need to apply for and receive a sign permit for 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 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.

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit #SP-2020-83 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

**ITEM NO. 3 – 20467...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, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant is seeking the renewal of #SP-2019-101, which expires on 10/31/2020. 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 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;
2. All parking must be off-street, maximum number of vehicles is three;
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](http://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 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 Johnson, to approve Special Use Permit #SP-2020-84 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

#### **ITEM NO. 4 – 20473...SPECIAL USE PERMIT APPLICATION #SP-2020-85 - JASON T. HUSSEY**

**Synopsis:** Special use permit for an earthen fill at 732 North 57th Street, submitted by Gunnar Hand, Director of Planning and Urban Design. This will 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 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 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 Johnson, to approve Special Use Permit #SP-2020-85 for one year, subject to the stipulations. Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

**ITEM NO. 5 – 20474...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, submitted by Gunnar Hand, Director of Planning and Urban Design. 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, KS. 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 notice of violation was issued on this property for graffiti in 2007. The original modular classroom did not have a special use permit. 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-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 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 Johnson, to approve Special Use Permit #SP-2020-87 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

## **MASTER PLAN AMENDMENT APPLICATION**

### **ITEM NO. 1 – 20476...MASTER PLAN AMENDMENT #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 Hand, Director of Planning and Urban Design.

**Action:** This item was previously heard with Change of Zone Petition #3236.

## **PLAN REVIEW APPLICATION**

### **ITEM NO. 1 – 20468...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, submitted by Gunnar Hand, Director of Planning and Urban Design. There have been two notices of violation issued on the property, one for tree trimming in August of 2020 and one for weeds in 2017. 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 feet from the street line and not less than three feet in height;
2. Trees provided at not less than one per 10,000 square feet of the site area;
3. Six-foot-high architectural screening is to be provided along the perimeter of the storage parking lot;
4. Six-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 row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight 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-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 inches of asphalt over six inches of compacted gravel; and,
9. All signage must be properly permitted.

**Action:** Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2020-26, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

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

### **ITEM NO. 1 – 20480...ORDINANCE**

**Synopsis:** An ordinance authorizing a special use permit (#SP-2020-61) for a used auto dealership at 2930 South 44th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

**Action:** **ORDINANCE NO. O-88-20**, “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 located at 2930 S. 44th Street to operate a used auto dealership.” **Commissioner McKiernan 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.

#### **ITEM NO. 2 – 20479...ORDINANCE**

**Synopsis:** An ordinance rezoning property at 3100 South 74th Street (#3228) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar Hand, Director of Planning and Urban Design.

**Action:** **ORDINANCE NO. O-89-20**, “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.” **Commissioner McKiernan 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.

#### **ITEM NO. 3 – 20483...ORDINANCE**

**Synopsis:** 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 Hand, Director of Planning and Urban Design.

**Action:** **ORDINANCE NO. O-90-20**, “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 located at 2947 North 83rd Street for a home occupation single customer salon.”

**Commissioner McKiernan 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.

#### **ITEM NO. 4 – 20484...ORDINANCE**

**Synopsis:** An ordinance authorizing a special use permit (#SP-2020-80) for a short-term rental/Airbnb at 3716 Springfield Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

**Action:** **ORDINANCE NO. O-91-20**, “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 located at 3716 Springfield Street for a short-term rental/Airbnb.” **Commissioner McKiernan 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.

#### **ITEM NO. 5 – 20485...ORDINANCE**

**Synopsis:** An ordinance authorizing a special use permit (#SP-2020-71) for a microbrewery and drinking establishment at 601 Central Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

**Action:** **ORDINANCE NO. O-91-20**, “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 located at 601 Central Avenue for a microbrewery and drinking establishment.” **Commissioner McKiernan 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.

## PLANNING AND ZONING NON-CONSENT AGENDA

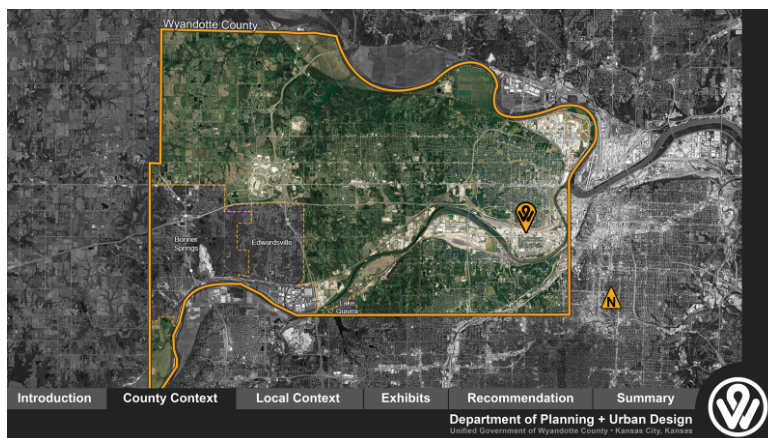
### VACATION APPLICATION

#### ITEM NO. 1 – 20475...ALLEY VACATION APPLICATION #A-2020-11 - SCOTT AND REBECCA JOHNSON WITH SCOJO'S PROPERTY MANAGEMENT, LLC

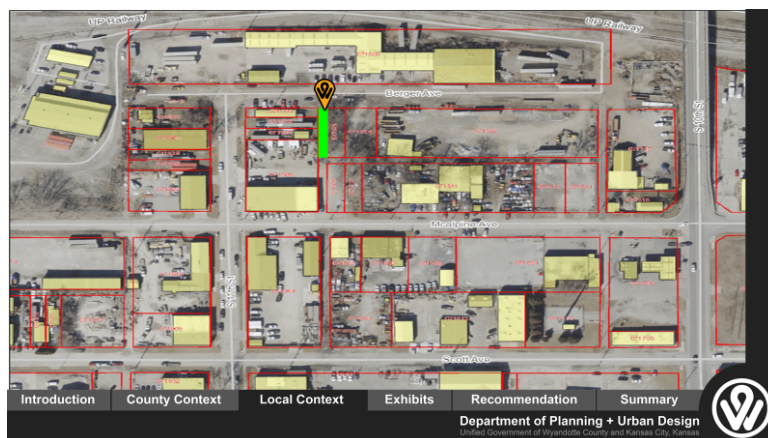
**Synopsis:** Vacation of an alley at 1041 Berger Avenue, 1044 McAlpine Avenue and 522, 523 and 525 South 11th Street, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicants operate a salvage operation with a special use permit at 521, 523, and 525 South 11th Street where vehicles 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 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.

|                                                                                                                                                                                                                                                                                                                                                                                                |                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Case</b>                                                                                                                                                                                                                                                                                                                                                                                    |                    |
| A-2020-11                                                                                                                                                                                                                                                                                                                                                                                      |                    |
| <b>Petitioner</b>                                                                                                                                                                                                                                                                                                                                                                              | <b>Address</b>     |
| Scott and Rebecca Johnson                                                                                                                                                                                                                                                                                                                                                                      | 1041 Berger Avenue |
| <b>Synopsis</b>                                                                                                                                                                                                                                                                                                                                                                                |                    |
| To vacate a portion of the alley because the applicants own the parcel on the east side of the alley (1041 Berger Avenue) and they want to consolidate the parcels together.                                                                                                                                                                                                                   |                    |
| <div> <a href="#">Introduction</a> <a href="#">County Context</a> <a href="#">Local Context</a> <a href="#">Exhibits</a> <a href="#">Recommendation</a> <a href="#">Summary</a> </div> <div> Department of Planning + Urban Design<br/> United Government of Wyandotte County • Kansas City, Kansas </div>  |                    |

**Gunnar Hand, Director of Planning and Urban Design,** said this project is related to adjacent businesses owned and operated by Scott and Rebecca Johnson on Berger Avenue. This is an older industrial block, north of Kansas Avenue in the Armourdale neighborhood.



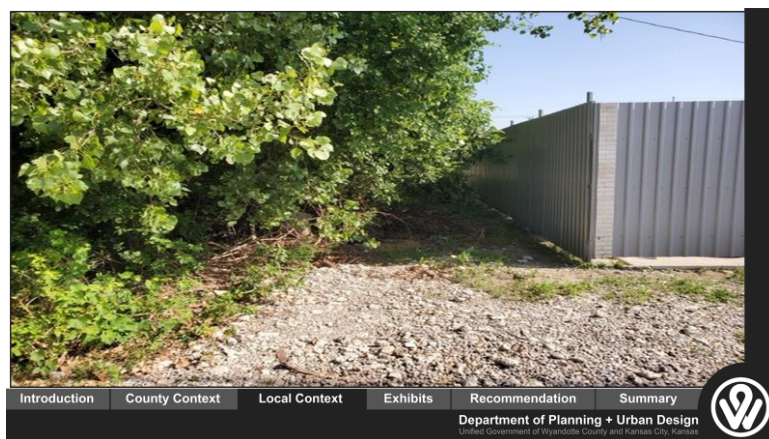
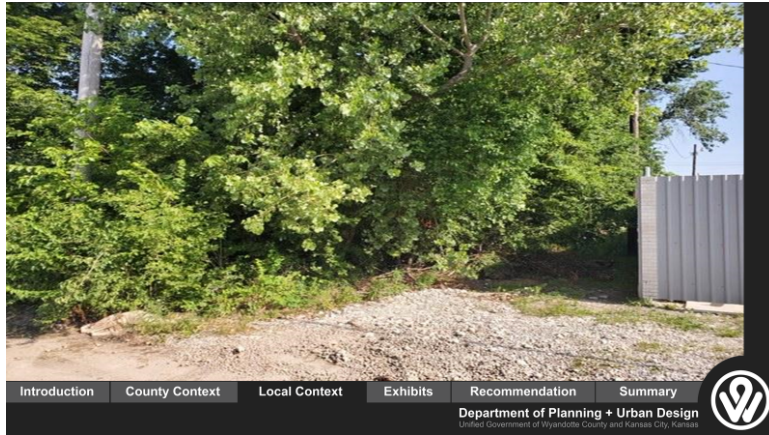
They are requesting an alley vacation. It's a portion of an alley.



Essentially, there's a full, what we would call, sometimes you'll see there's a T. This one's a full H alley. They're requesting just this portion be vacated. Their businesses are located directly to the west and a little bit north of this alleyway.

It is an unimproved alley. As an unimproved alley, i.e. it's there basically in map form only, essentially overgrown trees, overgrown lot, and some dirt patches; but the entire H configuration includes an active sewer line, and as such, the Department of Public Works/Water Pollution Control, has on a standard basis but on this case in particular, asked us to recommend denial because of that active utility underneath it.

There have been some conversation during the Planning Commission hearing about other alternatives to clean this up, but because it is an unimproved alley, the policy of the Unified Government is to not do that, i.e., improve it or go in there and take down the trees or anything like that. So, we're sort of stuck a little bit on a potential solution to this. Again, because of the active sewer line, we would still recommend denial of this vacation request.



| Public Opposition | Public Support                                                                                       |
|-------------------|------------------------------------------------------------------------------------------------------|
| None to date.     | Mr. Rodriguez owns property south of the proposed alley vacation and supports the Johnson's request. |

**Staff Recommendation**

**Denial**

| Introduction                                                                                                                                                                                                           | County Context | Local Context | Exhibits | Recommendation | Summary |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------|----------|----------------|---------|
| <p><b>Department of Planning + Urban Design</b><br/> <small>Unified Government of Wyandotte County • Kansas City, Kansas</small></p>  |                |               |          |                |         |

**Summary of Denial**

Public Works Water Pollution Control does not support this vacation due to the existing sanitary line in the alley.

| Introduction                                                                                                                                                                                                             | County Context | Local Context | Exhibits | Recommendation | Summary |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------|----------|----------------|---------|
| <p><b>Department of Planning + Urban Design</b><br/> <small>Unified Government of Wyandotte County • Kansas City, Kansas</small></p>  |                |               |          |                |         |

**Mayor Alvey** said I'd ask the applicant to present his application.

**Scott Johnson, Scojo's Property Management, 20103 Nall Avenue, Stillwell, KS 66085**, said we have submitted an application to vacate the alley between our two properties at 1041 Berger and 521 S. 11<sup>th</sup> St. During the last Zoom meeting, Sarah White, with Public Works Department, said they would check out the alley within 48 hours of the last meeting and contact us regarding that. We still have not heard back from them.

After a week, we started emailing everybody to try to get ahold of Sarah White with Public Works because a tree limb from that alley fell on and broke one of the two power lines going into our building. It knocked out half of the power to a building and burned up electronics to our \$3,000 air compressor causing half a day of lost wages and repair expenses. BPU came out to fix it and could not even get down the said alley so they had to bring their boom truck on our property to access the power line.

**October 29, 2020**

We finally got ahold of Sarah and she said she would follow-up on Monday and call us on Tuesday. It is now Thursday, and we still have had no response. This is the reason we wanted to vacate this alley to clean it up ourselves. We would pay to get it cleaned, fenced, and have a gate for the city to access.

It was brought up that maybe we should get a refund of the application fee if the Planning Department had no intentions of approving our request. We've not heard anything back on that. We went back and checked and found nothing to indicate that it would be in denial if we submitted an application. We were also told by Tony Sabijak(sp), at the time we submitted our application, that a survey of the alley was required before the 10/12/2020 meeting. We did have the survey completed and incurred the expense of \$2,000 as well. If they knew we were going to get denied, why would they have done that or had us do the survey also.

Mr. Hand said during the last meeting that we, as owners, didn't even care about our 1041 Berger Avenue property because it was overgrown as well. We just bought the property and we want to clean it up, but we are waiting for the alley because the alley has half the trees in it. We want to see after the meeting where we're going to put our fence and how many trees we have to remove.

This is our problem. All of the power lines, everything is covered by trees. The light that's for security purposes over our property is covered in trees. People are dumping trash, they're dumping yard waste, they're dumping limbs, they're dumping all kinds of stuff in this alley. All we want to do is clean it up, connect it to our other property, and fence it so it's nice and neat and that way the city has access with a gate.

**Mayor Alvey** asked is there anyone present who would like to speak in favor of this application? **Ms. Mayes** said I do not see any hands, Mayor. **Mayor Alvey** asked, did we have anything submitted in writing? **Ms. Cobbins** said nothing submitted to the Clerk's Office.

**Mayor Alvey** asked is there anyone present who would like to speak in opposition? **Ms. Mayes** said there are no hands raised, Mayor. **Mayor Alvey** asked, have we received anything in writing? **Ms. Cobbins** said nothing from the Clerk's Office.

**Mayor Alvey** closed the public hearing.

**Mayor Alvey** asked, does the applicant have any additional comments? **Mr. Johnson** said basically they said they would, since this is an alley and it has a sewer line, that they were responsible of cleaning the trees, the rubbish, and all the stuff off this alley. Now, Mr. Hand is saying that they have no intention of doing so. They can't even access this alley to work on it. They can't access it to work on the power lines that's covering the light pole. It's covering all of the stuff that they want to access. I'm trying to get that cleaned up. They said they would clean it up. We have not heard anything from Sarah White after many emails and text messages. We can't get ahold of anybody to get this done. This is now damaging our other property with no response. What do we do?

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

**Commissioner Kane** said, I do, Mayor. They had to pay \$2,000 to do the survey, so they're thinking the city is going to go ahead and give them the properties and then we tell them no. Is that what you told them, Gunnar? Did you tell them no?

**Mr. Hand** said we recommended denial of the vacation based on comments from Public Works that their position is that as long as there's an active utility in the right-of-way, they don't want to vacate it.

**Commissioner Kane** asked, have you physically been down into the area? **Mr. Hand** said, yes. It's rough, you can kind of see it here. They basically cross-essentially, the alley functions across two private parcels. You can see kind of a cleaning right here. **Commissioner Kane** said they're willing to clean it up after they've already paid the \$2,000 and the other expense is what's going to take to clean the rest of it up, and then we're saying no. **Mr. Hand** said to the vacation. In conversations with Public Works, since the Planning Commission hearing, we've found out a couple of things which I stated earlier. One, because it's an unimproved alley, again, it's an alley on paper really only. We don't maintain it.

The concern, I believe, from Public Works is that if in the process of clearing that alley, they damage the sewer, then they have to pay to fix the sewer. A couple of folks from Public Works went down there and looked at it as well in the last week or so and there's some hesitation about clearing out the trees to any level. The sewer, as I understand it, is about 8 ft. deep which is relatively shallow, so if it got into the pulling and ripping of any of the root balls of those trees,

you could potentially damage the sewer line and then whoever did that work would be liable. I think that Public Works is willing to allow them to clear the trees, but it comes with that risk which I don't really think is right, fair. It's tough.

**Commissioner Kane** asked, if they agree to pay if they damage the sewer, can we give it to them? **Mr. Hand** said I think—the alleyway, like vacate the alleyway? **Commissioner Kane** said if they clean it up and they make a mistake and they agree, it just seems silly. I think 8 ft. is pretty deep. They've already went to a lot of expense. I'm sure they'd be extremely careful, and if they agree to fix what they damage, how can we say no? **Mr. Hand** said I think that someone in Public Works could better explain it, but I think that the route that Public Works would prefer would be to figure out some way to clear it and maybe even potentially gate the property.

If we vacate it, half of it, as you know, half of it goes to the property to the east and then we'd have to split up the rest of the properties to the west. Then there would lie an easement—**Mr. Johnson** said east and west. **Mr. Hand** said it extends, as I understand, to a property that is not owned. **Mr. Johnson** said Rodriguez is on board with vacating that alley. It extends into his two properties and he's on board with it. **Rebecca Johnson** said he's the one that asked us to start the process when we first purchased the property.

**Mr. Hand** said, again, Public Works doesn't want to vacate the alley at all. I think they'd be willing to support the clean-up of that section and potentially have it gated, but I don't think that accomplishes necessarily what the applicants are looking for because they own the property on either side of it.

**Commissioner Kane** asked, Scott and Rebecca, if you go in there and you clean it up and you damage something, are you willing to pay for the damages? **Mr. Johnson** said absolutely. You can't even get to the—the power lines are all covered with trees right now. I'm just surprised it hasn't been cleaned up already.

**Mayor Alvey** said, Gunnar, I want to be clear that this is not a decision that Planning and Zoning makes. This is the Commission that has the opportunity to approve or not. This is not—**Commissioner Kane** said I make a motion for approval. **Commissioner McKiernan** said second. **Commissioner Kane**, what we need to do here is we need to make a motion to overturn the denial

of the Planning Commission. If that's your motion, I have a second. **Commissioner Kane** said that's the motion.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to overturn the denial of the Planning Commission.**

**Mayor Alvey** said we have other commissioners who have their hands raised.

**Commissioner Ramirez** asked, Gunnar, why is it the policy of the UG that we don't maintain certain alleys when they are our property and we're very adamant about making sure our property owners in the county maintain their property? Why shouldn't we as well? **Mr. Hand** said UG policy is to prioritize improved alleys as well as alleys adjacent to UG properties based on what the private property owner does, but this is an unimproved alley. If you look at it from behind Mr. Rodriguez's facility, for instance, he's basically just using it as his parking lot. It looks like a dirt path or a dirt plot of land.

This has always been platted. It's never been improved and because of that, we prioritize our resources elsewhere. With this vacation, again, the sewer line will still be there so we would need—if it were to move forward for approval, as is on the table right now, we would want to request an easement for that property for that utility so nothing could be built on top of it.

**Commissioner Ramirez** said I agree with the motion. I'm going to support the motion of Commissioner Kane. I just want to make sure, you know Planning, with the Planning Commission, we're very adamant on applicants not creating hardships on themselves. I just want to make sure the UG also follows that and we don't create hardships for ourselves in situations like this. That's just my final comment and thank you for everything that you do.

**Commissioner Bynum** said I need, just for purposes of the public...**Commissioner McKiernan** said I did have some other comments, Mr. Mayor. **Commissioner Bynum** said I was just going to ask a question, Commissioner McKiernan, for clarification and that's all. I need Legal to tell the public and us what vacation of an alley does for all intense and purposes. Does it place the

ownership into the hands of the private owners? What specifically does vacating the alley do for these owners?

**Patrick Waters, Senior Counsel**, said upon the vacation, the land would be split 50/50 to the property owners on each adjoining side. They would have ownership of it. I would ask if we do vacate it that a stipulation be added to the motion requiring an easement to be granted to the Unified Government so that we have access at any point should we need to service the sewer line.

**Commissioner Bynum** said thank you, Mr. Waters. That's part of the reason I'm asking the question because if the sewer on my own personal/private property fails, it is entirely on me to fix it and pay for it. Would that not be true in this case? **Mr. Waters** said yes, though I could still see cases where even though it would be on their property, we may need to access to it if there are issues that need to be addressed quickly.

**Mr. Hand** said just to add on to that, Commissioner Bynum, typically sewer lines on your property, they are laterals not main. This is a main so we wouldn't want them in there anyway. **Commissioner Bynum** said thanks. **Mr. Hand** said I think part of the easement and part of the issue is even if they were to improve it with an asphalt driveway or whatever and we had to go in there and rip it up, we would be responsible to pay to replace it in-kind back to that asphalt driveway. The easement won't allow a building to be built on top of it because that would be a serious cost and potentially a serious issue, but even any improvement would fall back on the UG to pay for it. It's not a consideration; just another point.

**Commissioner McKiernan** said, Mr. Mayor, I apologize for jumping in there, but I wanted to make sure you knew I had some other questions and comments in addition to seconding Commissioner Kane's motion.

Mr. and Mrs. Johnson, this is my district. I'm very familiar with this corner. I must say I did not know that this was considered an unimproved alley. One of the challenges we have with the Unified Government is we have the right-of-way in all of our alleys, but we really depend on the adjoining property owners to help us maintain, to keep the alleys clear, to keep them clear of grass, trash, and weeds on either side. This is a curve ball with an unimproved alley that we effectively have said, no, we're not even going to take care of the right-of-way itself.

I have to say, coming into the meeting tonight, I was not in favor of this vacation, but that alone is enough to make me pivot my consideration of this because if our stated intent is just to

leave it alone and you want to improve it, I'm going to let you improve it as long as, and you've already said this, if you damage something, you'll be responsible for the repairs and you will allow us access to do what we need to do to that sewer main.

I'm not telling you guys anything you don't already know. Water runoff is already a problem in all of Armourdale, including the block that you're on. Certainly, we want to do everything we can to maintain the flow in that main so that any chance water has to get out of there, it can get out of there.

One of the things I'm a little concerned about is, Mr. Hand, correct me if I'm wrong, but I do believe that we recently approved a transfer facility for the property that's immediately north of Berger. **Mr. Hand** said that's correct. This is the same case. It's the same block of a case earlier this summer.

**Commissioner McKiernan** said, Mr. and Mrs. Johnson, one of the things that I'm worried about is that if there are changes on that property that increase runoff from that property, then your businesses would be first in line to get the extra water off of that which I think increases the importance of us having access to that main to make sure that it's kept as clear as we can. One of the things we know in Armourdale is there's a lot of gravel and there's a lot of just dust and dirt and a lot of that gets down in the mains. I've talked with our Public Works folks and they say that they do have to go down there and clean those out quite a bit.

Mr. and Mrs. Johnson, do you also own the corner parcel at 11<sup>th</sup> & Berger? It's 71505 on our plat map. **Mr. Johnson** said we own the three properties at 521, 523 and 525 I believe. **Commissioner McKiernan** said okay, so you have the three on the west side as well as the one property that goes from the street all the way back to the east/west alley on the east side. **Mr. Johnson** said yes. **Commissioner McKiernan** said what would happen is, you would vacate and you would then have that and there would be a small piece, it looks like about 20 ft. that Mr. Rodriguez has there, and we'd have to just adjust the property line with his property there at the back end of that.

I did talk with Mr. Rodriguez this afternoon and he relayed with me that he was not in opposition to this. He just wants to make sure that we maintain as best we can drainage and flow so that none of your properties end up getting inundated with water.

As I said initially, I was not in favor of this vacation, but with new facts that I've learned here tonight, with your assurance that you would be responsible for any damages if they happened

to occur during the clearing of that alley, given the fact that it is an alley in plat only and that it's unimproved, I see no reason—and given the fact that you have agreed that we would have access to it if we needed to do any cleaning or repairs or maintenance of that main, I don't see any reason why we shouldn't go ahead with the vacation.

**Mayor Alvey** said we're going to need Commissioner Kane to alter his original motion, correct?

**Commissioner Kane** said I think we did already, didn't we? **Mayor Alvey** asked did we alter the motion to include the easement? **Ms. Cobbins** said we did not.

**Action:** **Commissioner McKiernan** said we're going to overturn the denial of the Planning and Zoning Commission, but we're going to add a stipulation that we retain an easement even after the vacation is completed. **Commissioner Kane** said that's what I meant to say. **Commissioner McKiernan** said and that the applicant will provide us with access as needed to the vacated sewer. **Commissioner Kane** said that's my motion. **Mayor Alvey** said that's Kane's motion and the one who provided the second, agree to those terms. **Commissioner McKiernan** said agree.

**Commissioner Burroughs** said first and foremost, Mr. and Mrs. Johnson, I think you're owed an apology by the lack of due diligence on our part in getting back with you and getting that information. Thank you for wanting to invest in our community. Thanks for being here. These types of issues sometimes are those issues that are affected by a pandemic. I'm not making excuses. I just want to say I am so sorry that you had to come to the full Commission with this issue and it couldn't have been handled internally. Hopefully, this will allow us to rethink how we deal with those individuals that chose to invest in our community and address some of the concerns that you've brought forward and address those that may come forward in the near future in reference to vacated property. Thank you for your patience with us, and I do hope this remedies your situation.

**Commissioner Philbrook** said I was just wondering, do we have to include the comment about responsibility of repair to any property damage done to that main, the sewer main. Does that need to be in our motion? **Mr. Waters** said I think generally, the legal principles would require them

that they be responsible, but, I think, I mean it wouldn't hurt to add it as a stipulation?

**Commissioner Philbrook** said to be very clear and succinct.

**Commissioner Kane** said they'd pay for any damages.

**Commissioner McKiernan** said so I guess, Commissioner Kane, the question for the two of us is, do we want to just add that as a third condition of the motion and the second that we made? I'm comfortable with that. **Commissioner Kane** said that's fine; I'm okay with it. **Commissioner Philbrook** said thanks, guys.

**Mayor Alvey** said we have a motion and a second. Roll call, please.

Roll call was taken to overturn the denial, as recommended by the Planning Commission, and to approve Alley Vacation Application #A-2020-11 to include the following stipulations: that we retain an easement even after the vacation is completed, that the applicant will provide us with access as needed to the vacated sewer, and that the applicants would be responsible for any damages they cause; and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

## **MASTER PLAN**

### **ITEM NO. 1 – 20477...CONSIDERATION OF CENTRAL AREA MASTER PLAN**

**Synopsis:** Consideration of the Central Area Master Plan, submitted by Gunnar Hand, Director of Planning and Urban Design. The Planning Commission voted 8 to 0 to recommend approval.

Plan may be viewed at:

[https://xfer.wycokck.org/public/file/HjHPdwbrGkupL1rZko2YJg/10.23.20Central%20Area%20Master%20Plan\\_DRAFT%20REPORT\\_100720.pdf](https://xfer.wycokck.org/public/file/HjHPdwbrGkupL1rZko2YJg/10.23.20Central%20Area%20Master%20Plan_DRAFT%20REPORT_100720.pdf)



**Gunnar Hand, Director of Planning and Urban Design**, said in your previous meeting, you saw a presentation from our consultant Interface Studio. Mr. Jamie Granger went through sort of our more focused presentation on the implementation strategy for the Central Area Master Plan. Some of the low hanging fruit, if you will, that we've identified; things that have already been sort of in the works or starting to (inaudible) we wanted to codify in this plan and put that directly into that implementation strategy. Obviously, it includes strategies beyond that, but as of right of now, we have a few people, I believe, from the public who had asked to speak prior to the meeting with regards to the process and their input, but we recommend approval of the Master Plan.

**Mayor Alvey** asked, is there any one present who would like to speak in favor of this proposal?

**Ms. Mayes** said there's no one with their hand up. **Mayor Alvey** asked, did we have any comments submitted in advance? **Ms. Cobbins** said no comments from the Clerk's Office.

**Mayor Alvey** asked, is there anyone in opposition who would like to speak on this item? **Ms.**

**Mayes** said there are no hands raised. **Mayor Alvey** asked, did we have any comments provided in writing? **Ms. Cobbins** said nothing from the Clerk's Office.

**Mayor Alvey** closed the public hearing.

**Mayor Alvey** asked, do any members of the Commission have any questions or comments? (There were none.)

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

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**

No items

### **REGULAR CONSENT AGENDA**

Mayor Alvey said we have the Regular Consent Agenda. 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 Ramirez made a motion, seconded by Commissioner Johnson, to approve as submitted. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

## **ITEM NO. 1 – 20457...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.

**Action:** **ORDINANCE NO. O-93-20**, “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.” **Commissioner Ramirez 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.

## **ITEM NO. 2 – 20393...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.

**Action:** **ORDINANCE NO. O-94-20**, “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.” **Commissioner Ramirez 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.

## **ITEM NO. 3 – 20478...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

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

**ITEM NO. 4 – 20486...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.

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

**ITEM NO. 5 – 20487...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.

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

**ITEM NO. 6 – 20488...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.

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

#### **ITEM NO. 7 - 20489...PLAT: LOWELL BRUNE ELEMENTARY**

**Synopsis:** Plat of Lowell Brune 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, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

#### **ITEM NO. 8 - MINUTES**

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

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

#### **ITEM NO. 9 – WEEKLY BUSINESS MATERIAL**

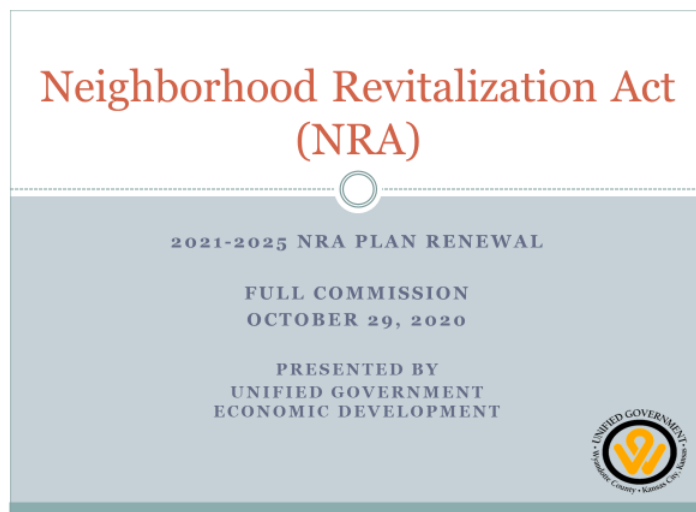
**Synopsis:** Weekly business material dated October 1, 8, 15, and 22, 2020.

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

## **PUBLIC HEARING AGENDA**

### **ITEM NO. 1 – 20481...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.



**Katherine Carttar, Director of Economic Development,** said we've got a lot; three public hearings today so a lot still to go. We're really excited about where we're at. We've got one, which is this first one, which is an NRA Plan that we're kind of getting things teed up for the future of five more years of this type of tool being utilized throughout the city and then two really exciting projects. We'll go through and do, and with Stephanie Moore in the Economic Development Department, who runs this program because she is here with me and we'll do a brief presentation and then open it up for the public hearing.

**October 29, 2020**

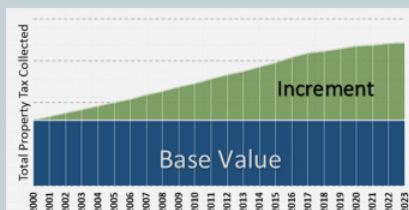
## NRA Tax Rebate Program

- The Unified Government started the NRA program in 1999
- NRA is used to promote revitalization through rehabilitation and new construction projects
- Approval from all taxing jurisdictions allows the program to be administered by the UG

The NRA really was—it's been about 20 years and the real goal has been to promote revitalization through rehab. It's trying to encourage folks to put that extra money and getting that benefit of a property tax rebate for what had been the amount of increments that has happened with their—due to the investment that they put it. Really, this is for smaller projects. A lot of the tools that we talk about and you hear me talking about are for much larger projects. The great thing about this program really is that it is for those smaller projects, a single house, a three-plex, or six-plex, kind of smaller, multi-family, smaller commercial. It really provides a nice spectrum in terms of what we're able to do for some of our small businesses and residents.

## NRA Tax Rebate Program

- Designed for both residential and commercial properties
- The program refunds the property taxes on the increase due to the improvements



Just briefly, kind of how this works. We have what's called the base value. For example, for a home, whatever the property tax is today, that does not change. We will never give away property

tax. We'll never get less than we did on day one. We encourage folks to invest money into the property and if they're able to increase the assessed value by 15%, then depending on the location in the city, they receive a rebate in the property for their property tax. Whatever that increase is, in conjunction with that investment, they get a portion of that rebated for a certain number of years.

Again, we're never reducing the taxes, but kind of holding them firm and stable so that people can put money in and not feel like they're going to then get dinged with higher property taxes.



**Stephanie Moore, Program Manager**, said here's just some examples of one of our residential rehabs before and after pictures, kind of shows how important it is.



Here's a new construction with some infill. One's in Rosedale; looks like one's in the Northeast. Before and after.

### Commercial Rehabilitation



We also do commercial rehab, like Katherine said.

### Commercial New



7030 Kaw Drive



I think the next one is new construction so filling in those lots. So, those are just some of the before and after examples.

## Program Highlights

### Active NRA's 2010– 2019

#### 312 Total Projects

- Residential 260
- Commercial 52
- Pre-Construction Appraised Value **\$42,136,790**
- Post-Construction Total Appraised Value **\$125,502,110**

Here's a snapshot of the last active 10-year ones; 312 total and then the breakdown. If you look at those bottom numbers that are bold, it kind of gives the great picture of the pre versus the post construction and those appraised values and how much impact the program is really given to our community.

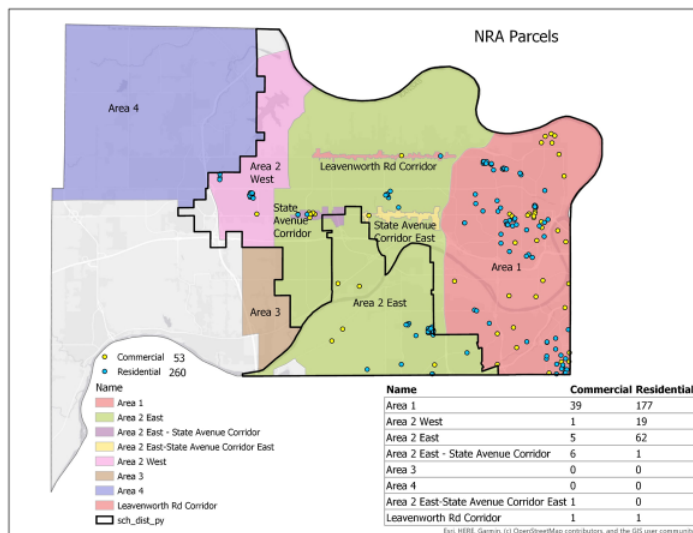
## Program Highlights

### Active NRA's 2010– 2019

|              | Number     | Pre-Construction Appraised Value | Post-Construction Appraised Value | Pre-Construction Property Taxes | Post-Construction Property Taxes |
|--------------|------------|----------------------------------|-----------------------------------|---------------------------------|----------------------------------|
| Commercial   | 52         | \$28,476,600                     | \$70,729,550                      | \$1,281,447                     | \$3,182,829                      |
| Residential  | 260        | \$13,613,390                     | \$54,772,560                      | \$273,203                       | \$1,095,451                      |
| <b>Total</b> | <b>312</b> | <b>\$42,136,790</b>              | <b>\$125,502,110</b>              | <b>\$1,554,650</b>              | <b>\$4,278,280</b>               |

**Ms. Carttar** said to really put a finer point on what Stephanie just said, this chart really shows what the—really what providing this benefit does and what we—the goal, again, is to really encourage people to continue to invest in their homes and their businesses. You can see here just in terms of the commercial, in particular, that's assessed at a higher rate. With 52 commercial properties that were part of the NRA Program over the last 10 years, we've seen just really huge increases in terms of the amount of property tax. In 2010, what we received on these 52 properties

in aggregate was just about \$1.2M. Today, that's over \$3M, so a pretty great return on our investment.



**Ms. Moore** said this is a map of the areas. The color coated ones are the areas and then we have the school districts overlaid on that. I can't remember. We made this presentation quite some time ago. Each dot represents several, I don't know if it's one each. Katherine, do you remember? **Ms. Carttar** said I think it's one each. **Ms. Moore** said we started this presentation in June, so it's been a while. **Ms. Carttar** said this really just shows what the current plan looked like. We really do cover the entirety of the city for the most part. It gets a little confusing. We've got Area 2 East, Area 2 West, as well as some special corridors.

You'll see some of the changes that we're recommending is to really make this more focused, not only kind of easier to understand and implement, but also really focus on the areas that we are focusing the revitalization. You can see our largest area of benefits have been Area 1 which is in accordance with kind of the points of this project and program.

## NRA – Plan Approval Process

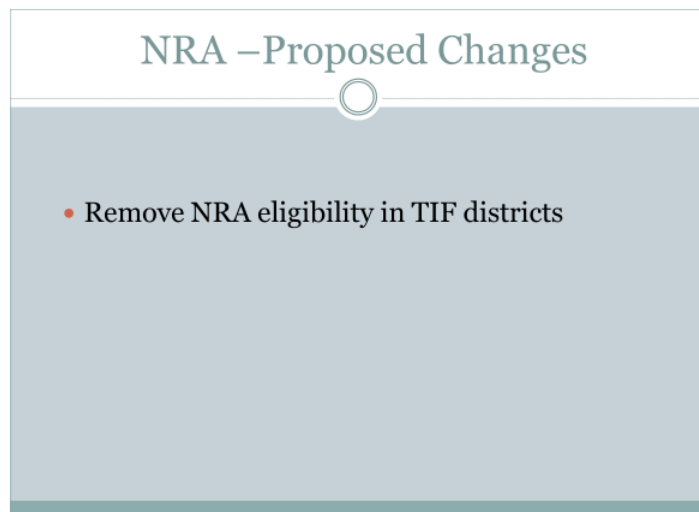
- Recommended changes reviewed by ED&F Standing Committee on June 1, 2020
- Affected Taxing Jurisdiction & Interlocal Agreement Approvals during summer 2020
  - USD 500
  - USD 204
  - USD 202
  - KCKCC

**Ms. Carttar** said some of the things that—just kind of a quick review of where we’ve been thus far. The ED&F Standing Committee heard about these changes back on June 1st and since then, Stephanie and I and Wendy Green, from the Attorney’s Office, have gone a bit of a road show. I’ve done this presentation with USD 500, 204, 202, and the community college. All of them really were very positive about the changes that are being proposed and think that they’ll kind of move things forward in a really positive way. All signed their interlocal agreements, so they’re ready to go.

## NRA – Proposed Changes

- Increase NRA Plan Year renewal term from 3 years to 5 years

**Ms. Moore** said here’s one of the changes is switching it from a 3-year renewal to 5 so we’re not spending a lot of staff time because really it takes about a year to get us renewed, so it will give us some extra time.



**Ms. Carttar** said another item is for the last couple of periods that we've had the NRA Plan, we've done it in 3-year increments. There has been an NRA eligibility in TIF districts in that Area 1, so that kind of eastern, most area of the city. One of the things that we recognized; the idea was to kind of stimulate additional growth after the 2008 downturn. When it comes down to it, both the NRA and a TIF both kind of take advantage of the same increment. You're both looking at what is that increment in the property tax value. Because of that, it was decided that the NRA, which would be the smaller piece that would actually come out of the General Fund, and as Stephanie and I looked at this, we just did not see that there was enough benefit to having NRA eligibility in a TIF district. We kind of felt like if you are in a TIF district, that is your benefit and we can certainly help you through the process and some other things, but providing NRA on top of that really wasn't making enough of a benefit to make sense of giving that money away through the General Fund.

## NRA –Proposed Changes

- NRA rebates to be calculated on a fixed percent based on improvements made
  - Not adjusted to market fluctuations

Another change is we kind of had a more floating, kind of way the calculations were made previously. It was kind of that first year, it was really clearly based on that improvement, but then kind of over 5 or 10 years, depending on the location of the project, that really fluctuated with the market. So, as your home appreciated, or in some cases probably depreciated, your rebate would change every year. This was a challenge for the Treasurer's Office who works with us to actually get these rebate checks out. Really, when we looked back at the state statute, felt like actually having this calculated on a fixed percentage. So, what would happen is, you apply before you start the improvements to your home. That base rate is fixed. Once you are completed, the Appraiser's Office goes back, sees what the kind of change in your assessed value on a percentage basis due to those improvements was, and then that is what you will get for the next 5 or 10 years, depending.

## NRA –Proposed Changes

- Geographic Edits
  1. Consistency Across Area 2 – Merge East and West
    - 5 years; 95% rebate
  2. Recommend Area 2 East - Turner USD 202 have the same eligibility requirements as the rest of Area 2
    - Allow single-family and multi-family rehabilitation
    - Remove investment threshold (currently \$175,000)
  3. Remove Area 4 per Attorney General Request
    - Piper School District
    - There are no active NRA's in Area 4

**Ms. Moore** said then here's where we're talking about that Area 2 and how kind of confusing it really is and all those different districts so, we just kind of want to merge all that together. Per the Attorney General, they said our stuff was very confusing when compared, so we want to make it easier for us and for the applicants. Then removing Area 4 because we also found out we're not supposed to have the entire city eligible for this, so removing Area 4 helps us achieve that.

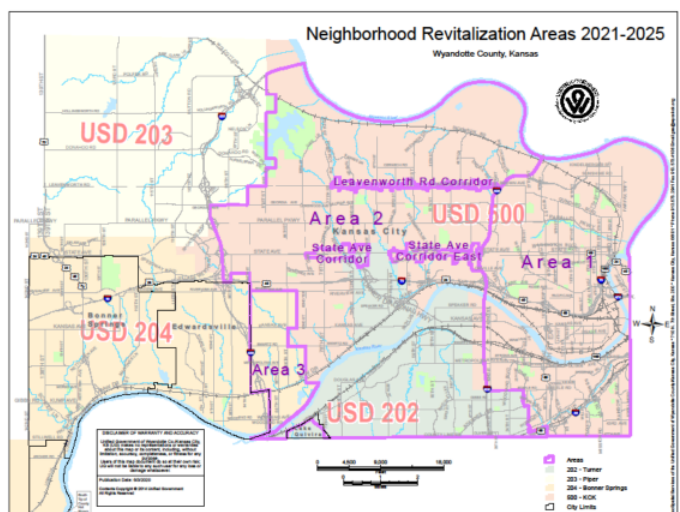
**Ms. Carttar** said just to kind of make another quick comment on that. The Attorney General, as well as the Auditor, kind of went through our process and we had a lot of different things kind of going on and so time to make this much more clearer for folks. Then the Attorney General made a very clear point that this is a revitalization area, and this really should be only portions of your city, not the entirety of your city. By removing Project Area 4, which had been in for three years and we've seen no application, we felt like that was the obvious one for this next round. Then, of course, we can revisit that and there might be a way to kind of split the difference in the future.

NRA – Proposed Changes

○

- Allow new construction multi-family projects
  - Maintaining the current Commission approval requirements
  - \$3 million project cap continues to exist, with Special Project Area exception
  - All single family continues to require property to be owner-occupied
  - Add an application fee for multi-family projects of \$500

Another item that is a decent change is adding multi-family projects. This is something that is allowed in the current plan when it comes to kind of historic properties, but if you are just building new, that was not something that was covered or eligible. When we're looking at our narrow lot line guidelines where we're trying to encourage townhomes, duplexes, potentially; your four-plex or six-plexus in some locations and in some corridors. These are not giant projects. These are still projects with that \$3M cap. As we're trying to encourage different areas to increase density, we felt like it made sense to add multi-family, the kind of smaller multi-family into the program.



With that, this is the new map that we are proposing. As you can see, it's a bit more straight forward so just a clear Area 1, Area 2, Area 3. We still do have some special districts that we have not changed so you can get a little extra if you're kind of working within these corridors.



With that, we'll move it—are there any questions or to move directly to the public hearing.

**Commissioner Burroughs** said, Katherine, I have one question and I may have missed it earlier in the presentation. The \$3M cap, how long has that cap been in effect? **Ms. Carttar** said that is a great question. As far as I know, it has been at least a decade, if not more. I could go back and look and see some of the previous ones, but certainly all of the active ones that we have going now have that \$3M cap.

I will say there's a caveat. We are continuing to have kind of these special projects. There's only been two ever in the, I'm sorry, 3, I missed one; 3 in the 20 years that this program has been in existence. If you are doing a historic renovation, environmental, remediation or a project that includes retail, you are able to extend that up to \$20M and up to 20 years as well. Again, that's not a very—it's pretty narrow and it's different geographic locations you can do that are very specific, but that is a possibility, again, it's been used 3 times in 20 years, but for the most part, \$3M.

**Commissioner Burroughs** said thank you. I would hope that maybe moving forward, we look at how that cap may have been—if it's been a hinderance somewhere, the cost of property is more expensive, the cost of materials is more expensive, developing and development is becoming much more expensive. I just don't want to limit our opportunities to enhance our community if we've got, well, I don't want to call it a false cap, but a cap that maybe outdated. So, I would ask that maybe we give some research into a proposal to look at how we can use that cap.

**Doug Bach, County Administrator**, said, Commissioner, I may offer just a little bit of a historical on that. **Commissioner Burroughs** said thank you. **Mr. Bach** said she was right, it was about 10 or 12 years ago, somewhere in there we put it in. We built it in because it was in correlation to when an IRB came in. \$3M doesn't apply to residential from the standpoint that we don't have that residential development coming in at that magnitude. This is more commercial properties.

What a commercial property gets, when you're applying for an IRB, once you hit the level of about \$2.8M, it becomes financially feasible to do it that way. So, the target of the NRA was really for smaller business, I would say that they're coming in and doing a development of less than that size or that Area 4 magnitude. If they were going to go for a greater amount, that's where we threw the \$3M in and also, we didn't—the NRA is really set up to be based on geographic area.

If it's an industrial user coming into a certain area, we didn't necessarily want them to get the 95% tax abatement. Really that falls over into our IRB policy so we wanted them to use that, then we can regulate that and make it somewhere at 50%, 65% but we only take those up to about 75% when we're doing our biggest one, so that prevented somebody from coming in and doing a \$20M development with an automatic 95% tax abatement, so that's why that \$3M cap is in there.

**Commissioner Burroughs**, said, Doug, I sincerely appreciate that. I was just—having not been through this NRA once before, anytime a cap is on there, sometimes they can be a great

benefit and other times I have found them to be somewhat of a hindrance if they haven't been revisited. I think a decade has been quite a while. The explanation you gave is a fine example of why the cap is there. I sincerely appreciate the history. Thank you. **Mr. Bach** said certainly.

**Mayor Alvey** said, Commissioner Philbrook, before I open the public hearing you have a question.

**Commissioner Philbrook** said well, actually kind of more like a statement. I appreciate us revisiting the NRA and ramping into that small multi-family projects because we need a lot of them. I think District 8 is right for those and I'd like to encourage people listening, please develop in District 8. That would be wonderful. I have plenty of ground. Thanks, guys, for revisiting this. I really do appreciate it. I have had a short bit of experience with the IRBs for the little bit of larger projects. I can understand fully what Doug is saying and I appreciate that concept.

**Mayor Alvey** opened the public hearing. Is there anyone who would like to speak in favor? (There were none.) Do we have any comments submitted in writing? **Ms. Mayes** said we have Greg Kendall with WYDEC.

**Greg Kindle, Wyandotte Economic Development Council, and a resident of Kansas City, KS,** said I just wanted to make a couple of comments. We're in support of the proposal that Katherine and Stephanie put forth regarding the NRA Program. This is one of the key incentives that we use on a regular basis. I'm probably not exaggerating when I say that we write one or two NRA proposals a week that's been reviewed by the UG team and used specifically for those mid and small businesses throughout the community. As you all saw, there are 52 of them. I just did a quick average. Those 52 essentially had increases in tax value of \$36,000 each for those projects over what they were paying. It's a substantial program.

It's easy for folks to understand that here's the increment and if you put investment, if you meet that 15% increase in the appraised value, then you're in the program that is run by staff. You don't have to go hire an attorney, which says a lot to that small and mid-sized company.

I'm probably the only person in the crew, Katherine already knows what I'm going to say, that is not in favor of the fact that we're changing the way in which we allow the valuation of the project because it does essentially reduce the value on the commercial side, in particular, over the

course of the incentive. However, I understand why it's of value to personnel who actually have to implement the project because the way we do it now has to be done almost by hand, so I get that. At least I'm on record saying there was a difference of opinion on that one key issue.

I do appreciate cleaning up the maps. I appreciate including the multi-family piece. We have had a lot of those kinds of projects come forward and we've often wondered if we could use the NRA for that particular purpose. (Ms. Cobbins said you have one minute, sir.)

Doug already addressed the \$3M cap. That's when we begin to see the breakeven to using industrial revenue bonds and moving it more into the property tax abatement side.

Again, I appreciate all the work that the team put into making these edits. It's a great program. I don't know that it's as used as widely in any other community as much as we use it here, but it is a phenomenally great program so thank you.

**Mayor Alvey** asked, do we have any submitted comments in favor? **Ms. Cobbins** said yes, we do from CHWC and they'd like for me to read their letter of support.

CHWC has used the NRA Program for nearly every single home we've built over the past 3 years. Homeowners who buy CHWC houses have enjoyed the benefits of the program and the rebate offers some relief to already tight family budgets.

We are very much appreciative that the UG Economic Development staff invited us to submit suggestions on how to improve the NRA Program. Several of our comments are reflected in the NRA draft before you. These key changes include:

1. Opening the NRA to multi-family housing. As CHWC continues development efforts for mixed-income family housing, we found that if the NRA Program could be applied to these projects, the proformas begin to work. Our discussions with private developers prove that the NRA would be a considerable incentive to develop in KCK. Even though CHWC works primarily in single family development, we have found that multi-family housing plays a key role in the health of a community's housing mix and have expanded our efforts in order to meet this need.
2. The NRA should only be used as an incentive where it is actually needed. We support Area 4 being removed from the NRA as the private housing market is healthy in that area and does not require tax rebates as an incentive for people to move or to build in that area.
3. Many people do not know about the NRA until it is too late or until they need help making a project's budget work. This is why we support the changes to the NRA application deadline to being one month per permit.

We ask our Commission to adopt these changes to the NRA Program.

Thank you for your time, Megan Painter.

**Mayor Alvey** asked, is there anyone present who would like to speak in opposition? **Ms. Mayes** said there are no hands raised. **Mayor Alvey** asked, are there any comments submitted in writing? **Ms. Cobbins** said no letters of opposition.

**Mayor Alvey** closed the public hearing.

**Mayor Alvey** asked, do any members of the Commission have any questions or comments? (There were none.)

**Action:** **ORDINANCE NO. O-95-20/RESOLUTION NO. R-76-20**, “A joint ordinance and resolution approving the designation of neighborhood revitalization areas and adopting the 2021-2025 Neighborhood Revitalization Plan.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance and adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

## **ITEM NO. 2 – 20492...PUBLIC HEARING/ORDINANCE: RIVERFRONT TIF PROJECT AREA 1 FOR YARDS II APARTMENT PROJECT**

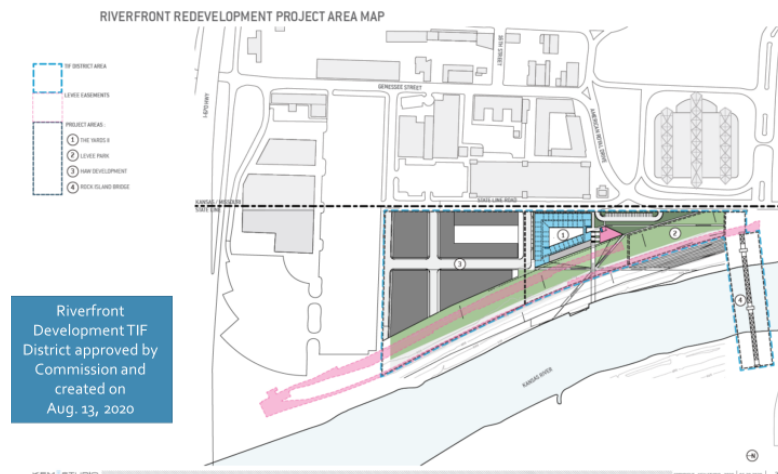
**Synopsis:** Conduct a public hearing to consider a redevelopment project plan for Project Area 1 within the Riverfront Development District (Yards II Apartment Project), submitted by Katherine Carttar, Director of Economic Development. On August 27, 2020, the Commission unanimously adopted Resolution R-64-20 setting the public hearing date of October 29, 2020.

Public Hearing /  
Ordinance

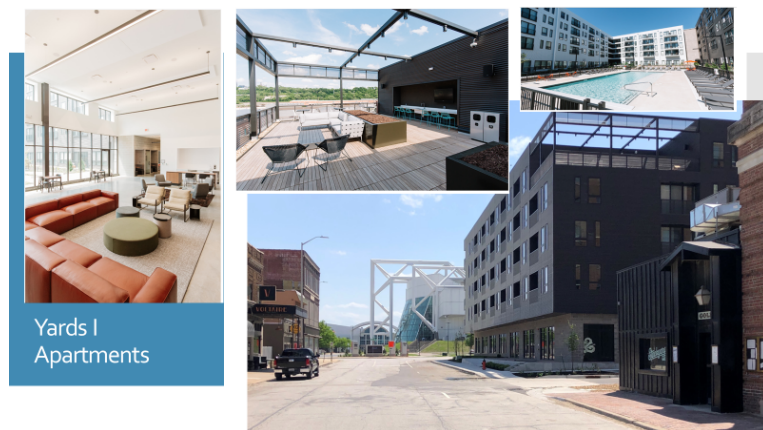
An ordinance approving the redevelopment project plan for Project Area I within the Riverfront Development District (Yards II Apartments Project).

**October 29, 2020**

**Katherine Carttar, Director of Economic Development**, said we've got two development projects that are in front of you tonight for the approval of their project plan. The first is Project Area 1 which is within the Riverfront Development District. This is really specifically the Yards II Apartment Project.

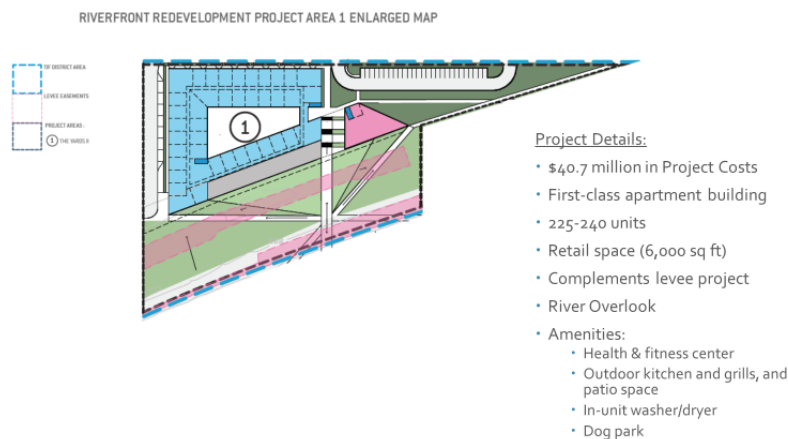


It was not that long ago, just about two months ago, that this body approved and created the Riverfront Development TIF, which you can see here on your screen. It's this entire area—back in August. What we are talking about tonight is specifically Project Area 1, which is this area right there.



The Yards, this is Flaherty & Collins are the developers. They have just recently completed the Yards I Apartments. They are basically across the street from the Yards II Apartments, but they are in Missouri so you can kind of get your bearings here. We're right next to the Hy-Vee Arena. This is really a nice product. This is a product that we don't have on the east side of Kansas City,

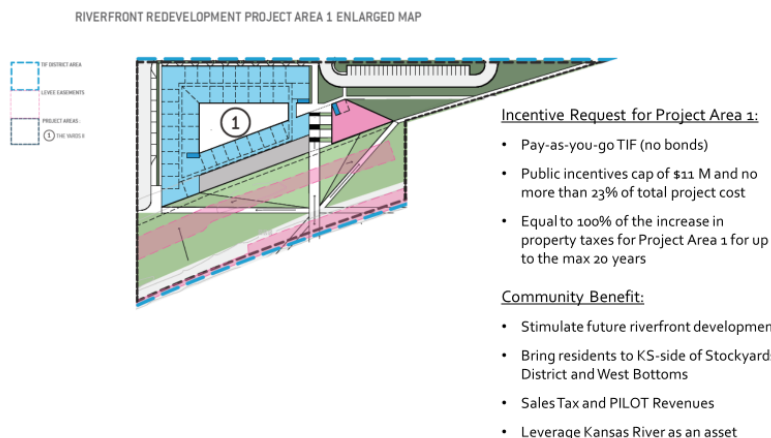
KS, or really the county for that matter. This is of a quality and market rate that we think will really be popular and kind of bring a bunch of new residents that may not have considered Kansas City, KS, before but with the desire to stay in Kansas while still having a nice product. I think we'll be able to get quite a number of residents, which we're really excited about.



As you can see, this is the Project Area 1, which is the project plan you'll be voting on tonight refers to. The apartment project is about \$41M. Really first-class apartment building looking at about 125-140 units as well as some retail space. This is really kind of exciting of how this kind of synergy typically works. We've got the Levy Improvement Project, which is really a massive project that includes some really exciting amenities such as trails on the levy and some other things in this area.

One of the things that Flaherty & Collins has done, as they were thinking about this location, is really taking advantage of being right there and connected to the levy. You can kind of see to this blue here is the apartment building and then this is actually an overlook that would be open to the public. You can kind of walk right from the street right over and be able to look out over the Kansas River and Armourdale, as well as be connected to kind of a nice little park here that would also be open to the public and connected to the levy trail. We think this really fits in well with some of the other projects we're doing as the Unified Government.

Additionally, great amenities, health and fitness center, outdoor space that has all sorts of amenities, a dog park and an in-unit washer and dryer.



What the request is, is a pay-as-you go TIF, so that is no bonds. We will not be fronting any funds. Really looking, we made sure kind of looking at what the project is to make sure that the amount really made sense and put an incentive cap of \$11M onto the project and also that there can be no more than 23% of public money in the total project cost. This really equates to about 100% for the increase in property taxes for the 20 years. We're hoping that with some of the retail and some other things that might be a little different and maybe pay off a little sooner, but we really see this as a catalytic project that will get some additional retail as well as other development in the area and around the river really moving.

As I was saying in terms of community benefits, really stimulating future riverfront development as well as bringing residents to the Kansas side of the Stockyards District in the West Bottoms. We don't currently have any residential in this location and it has proved to be kind of a hot area. I think that we are right on the river. We kind of have this premier location, I think. I think we'll be able to leverage that and leverage the river really as a pretty strong asset.

Additionally, sales tax revenue and the PILOT through the BPU will also be coming to the city.



Public Hearing /  
Ordinance

An ordinance approving the redevelopment project plan for Project Area I within the Riverfront Development District (Yards II Apartments Project).

Again, what we're talking about today, a public hearing and then approval hopefully of the ordinance which would be approving the redevelopment project plan for Project Area 1.

**Mayor Alvey** opened the public hearing. Is there anyone present who would like to speak in favor? **Ms. Mayes** said we have Aaron March. **Ms. Carttar** said Aaron March and Ryan Cronk are actually with the project team. Sorry, I should have mentioned that. If they have a moment and can make a few comments, that would be appreciated.

**Aaron March, attorney with Rouse, Frets, White, Goss Law Firm**, said I'm here today on behalf of the applicant and the developer. Rather than me talk about the great job that staff has done in guiding us through this process, which we greatly appreciate, I'll turn it over to my client, Mr. Cronk, and let him tell you a little bit more about the project. Again, we really appreciate all the work that your staff has done helping us get to this point and the courtesies you all have extended to us, and we look forward to starting construction late spring.

**Ryan Cronk, Flaherty & Collins**, said thank you, Aaron. Katherine, thank you for the great description of the property. I will add a few things. Yards Phase I is currently over 50% leased. Our goal all along is to, as we're leasing out Phase I, is to get through the approval process with Kansas City, KS, with the ultimate goal of being able to start construction hopefully in the Third Quarter of 2021. COVID has been challenging across the board on a lot of properties, but the Yards has been unique in that we're giving concessions, which is pretty common in the marketplace right now, but our velocity and lease up is ahead of schedule. We're excited about where we're at in the time standpoint and really hope we can break ground soon in Kansas City, KS.

We are—the pictures Katherine showed are what Phase I looks like. Phase II is going to be a completely different look. We hope it's a lot better than Phase I. We're always trying to do better the next project. The architect is the same architect, Kim Studio. He's got some great ideas and unique things that we're going to try to integrate into Phase II.

Additionally, we got some interest, nothing signed yet, we've got to get everything done here, but we've got some really good interest from some local restaurant groups that want to do something on the rooftop of this project that overlooks the river so that would be super exciting. We had a meeting a few weeks ago that if we can make that happen, I think it would be a really big deal for the area. Other than that, we're excited to be working with the city on this project, and I'll take any questions at this time.

**Mayor Alvey** said we're going to go ahead and continue with the public hearing. Anyone else who would like to speak in favor? Seeing none, is there anyone present who would like to speak in opposition? **Ms. Mayes** said there are no hands. **Mayor Alvey** asked, did we have anything submitted in writing? **Ms. Cobbins** said nothing in writing in support or opposition.

**Mayor Alvey** closed the public hearing.

**Mayor Alvey** asked, do any members of the Commission have any questions or comments? I guess I would, just to begin, I want to say first of all, thank you for bringing this project forward. I think it is significant that it's going to take advantage of the riverfront. As a catalytic development, I think, again, we see it this way as a catalytic development, a catalytic investment, it will generate others and sometimes the incentives have to match that to make sure that happens. I think the future is very bright for the riverfront. It's a natural feature that cannot be replicated. You cannot reproduce topography or geography. We're looking forward to this. Just make sure you include the Mayor's hot tub somewhere in that building. **Mr. Cronk** said we'll make sure we put that on the roof.

**Action:** **ORDINANCE NO. O-96-20**, "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.” **Commissioner McKiernan 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.

**ITEM NO. 3 – 20493...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.



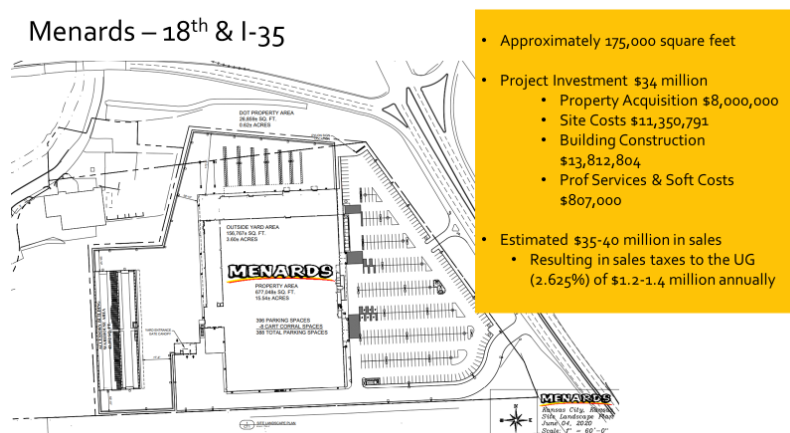
Public Hearing/  
Ordinance

An ordinance approving  
redevelopment project plan and  
development agreement for the  
Menards project at 18th and I-35

**Katherine Carttar, Director of Economic Development,** said the last project tonight is an ordinance approving the redevelopment project plan and development agreement for the Menards Project at 18<sup>th</sup> & I-35.



To put this into perspective so we can all know exactly where we're talking about, here is I-35 here and this is 18<sup>th</sup> St. It is this area right here. It is an incredibly challenging site. It is basically a limestone bluff, a cliff, some might say in some cases. This is one of those areas that seems like it's a, well it is, an excellent location for some kind of development. You can see that this has been—the development has been thought of for this area for a very long time, but due to really the extraordinary site costs, it has taken, until today, that we actually found the right project that will be able to tackle those site costs with the assistance of the TIF and get something going that will be a real benefit to the city and our residents.



As you can see here, we are talking about a Menards. We're really quite excited that Menards had a great experience with us getting their first store going that was opened just back in February. At this point, they're ready to go for number two. This is, again, a location they call this kind of a billboard site. You'll be able to see it from the highway. The building is really its own billboard, which is really kind of exciting.

They are looking to do approximately 175,000 sq. ft. The layout and the building kind of how everything is the size and façade and everything will be very similar, if not exactly the same, as the one out west.

The difference, as you can see as we look into the project investment, this project is just about \$34M. You've got property acquisition, but then you've got the big one, as I mentioned earlier, that site cost which is over \$11M. A lot of that is taking that rock down, making this a smooth site that can hold a building like this. That's really this kind of extraordinary costs we're talking about as well as building construction and then professional services and soft costs.

The estimated sales for this property are \$35 - \$40M. We think that's possibly really on the low end. We want to be very clear that there is no abatement in the sales tax. They'll be paying full sales tax to the Unified Government as well as the state and others. We're, again, conservatively estimating that at about \$1.2 - \$1.4M annually.

Incentive Request

- Existing Epic TIF District (created in 2009)
  - No project plan was adopted
- Proposed Project Plan
  - Property Tax TIF (pay-as-you-go)
  - Set a cap at a total of \$11.7 million in abatement due to extreme site work
    - 100% for approximately 18 years but the duration will depend on appraised value
- 100% of Sales Tax is retained
- No completion date (but UG can terminate in 8 years if no work has begun)
- Agreed to L/M/WBE participation goals



Epic Development TIF District was approved by Commission and created in 2009.

The incentive request that is in front of you tonight is, again, there is an existing TIF district. As I mentioned earlier, retail has been presumed for this—would happen in this location for a very long time. The Epic TIF District was actually created back in 2009, but due to the aforementioned challenges, no project plan was ever adopted. It's just been kind of sitting there waiting for a project plan that is in front of you tonight.

What we're looking at, again, similar to the project we just heard, we're looking at a property tax only TIF that would be pay-as-you-go, no bonds, and setting a cap at about \$11.7M. This really goes to that extreme site work. What we're looking at, that is about 100% of the property tax increment for about 18 years is what we're estimating at this point but, again, that duration will depend on the appraised value. Once again, 100% of sales tax will be retained.

One thing that is a little different in this, and usually we have a completion date that has to be done at the start and end by a certain time. Due to COVID, and kind of some of the uncertainties, they requested that there not be a completion date set in stone. However, we did work in there that if no work has begun within 8 years, that the UG can terminate. We don't anticipate this to be an issue as they are already well on their way through the planning process and so kind of working that and anticipate this to move fairly quickly.

Additionally, they agreed to the L/M/W participation goals. With that, I believe Tyler Edwards from Menards is on the call here and might have some comments from the company.

**Tyler Edwards, Menards**, said we are very excited to be working on our second store location. We've long known that the more dense I-35 corridor is somewhere we need to be, however, I'm sure you know there's nowhere go. So, after a little bit of struggle and debate and an effort, we found a site that worked except it was only about half of a site, so we come up with a way to essentially manufacture enough land to build our store. In some spaces, we're moving 40 ft. of rock in the upwards elevation, blasting it out, and moving it 40 ft. down a hill to create enough space for our yard and warehouse area. It's not an easy project, but we're certainly willing to do it.

The location and access and visibility and population density and everything works great for us. We're really excited to get a second store set up here. That's the quick summary. If you have any questions for me or beyond what I've said or what Katherine said, just let me know. Thank you.

**Mayor Alvey** opened the public hearing. Is there anyone who would like to speak in favor? **Ms. Mayes** said I have Greg Kindle from WYEDC.

**Greg Kindle, Wyandotte Economic Development, and a resident of Kansas City, KS**, said I'm here in support of the proposed TIF resolution for a variety of reasons. I've been with WYEDC for nearly nine years. Over that time, we've engaged several different potential users for this site and all failed for a variety of reasons, but one challenge consistently resonated, the site's a big rock. The views are tremendous and the connectivity to 18<sup>th</sup> St. and the Interstate 35 are great, but at the end of the day, whatever development that selects this site would have to overcome the

enormous costs to develop it. We've worked the numbers for numerous types of projects, and this is the only one that has potential for both the community and the client.

We were fortunate that Menards sees the retail sales value the location holds, and as one of the few bricks and mortar retailers continuing to see solid revenues and increase in market share. This development's significant investment to the community and one that will generate long-term sales taxes worth far more than the property taxes being used to offset the cost of infrastructure to serve the site.

We appreciate the work put into this project by the Unified Government. In particular, I want to thank Katherine Carttar for her work. I also want to thank Joann Hanson with the Sandifer family, who owns the site, for being willing to find win/win solutions throughout the duration of this project. Like all projects, there must be a willing seller and a willing buyer to ever have a project. It goes without saying that while the seller makes a profit on the sale on the land, but for Joann Hanson's role, this project would not have come to fruition. Economic development is about relationships and this project is a result of all those relationships coming together.

That said, we believe the requested TIF will result in significant sales from day one to the community and a high return on the investment. We ask that you approve the request and we appreciate your time. Thank you.

**Mayor Alvey** asked, is there anyone else present who would like to speak in favor? **Ms. Mayes** said we have Joann.

**Joann Hanson** said thank you, Greg. That was very sweet of you. We are the owners of the property. My father is who got the original TIF and has been trying to develop this for a long time. Thanks to Katherine and Greg and Wyandotte County and Menards. I mean, Tyler, you guys have worked with us very well. We think that this is going to be a win/win for everybody and also for Wyandotte County. We'd love to see a Menards up on that hill. I think it's going to revitalize that whole area. We're all in favor of it.

**Mayor Alvey** asked, is there anybody else who'd like to speak in favor? **Ms. Mayes** said there are no other hands raised. **Mayor Alvey** asked, did we have any submissions? **Ms. Cobbins** said no submissions for support.

**Mayor Alvey** asked, is there anyone who would like to speak in opposition? **Ms. Mayes** said there are no hands raised, Mayor. **Mayor Alvey** asked, did we have any comments submitted in writing? **Ms. Cobbins** said none in opposition.

**Mayor Alvey** closed the public hearing.

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

**Commissioner Ramirez** said thank you, Mayor, but I believe Commissioner Burroughs was before me.

**Commissioner Burroughs** said I just wanted to say very few times do we have a development that comes in with a challenging property. To have all the stars point to a development like this, I truly believe this is a very strong development and I'm excited to have it. I believe it will be a beacon on the hill, so to speak, for additional development.

Tyler, thank you for, again, investing in Wyandotte County/Kansas City, KS. I'm an avid Menards purchaser and a customer so I just want to say welcome to Wyandotte County again. I look forward to the opportunity to see this beautiful new development on the hill.

**Commissioner Ramirez** said I just want to echo all the words that Commissioner Burroughs said. I am very excited because this project will be in my district and it's going to be a big boost to that area and so I'm very excited for it.

I just have one question, Katherine, or anyone who can answer because I know it's literally on the border between Roeland Park and KCK. Have we had any conversations with the city of Roeland Park about this is—when this is done, it's going to increase traffic so that they're aware and prepared for that as well? **Ms. Carttar** said we are working with KDOT and they're kind of ensuring that the new intersection there makes sense for all the surrounding areas as they look at Kansas as a whole, not just at each jurisdiction. So, in terms of traffic and all that, KDOT is kind of organizing that. **Commissioner Ramirez** said, okay, great. That was the only thing I had in my mind was okay, well, there's going to be increased traffic with the store there, how is that going to work out, so thank you for that.

I just have one last ending comment and that's to thank you, Katherine, to you and your department. It seems that we're seeing a very long tunnel, but a light at the end of the tunnel. We've gone through this virus and this pandemic, but it seems that we keep having development after development after development, and that just means that people want to come here and be here in Wyandotte County. Thank you for championing that, being our champion out in the world and bringing businesses here. I really want to thank you and your department for all that you have done and continue to do. **Ms. Carttar** said thank you. It's my honor.

**Mayor Alvey** said I'll entertain a motion for approval. **Ms. Carttar** said actually, if I can jump in really quick, Mayor. There will actually be two different votes: one for the resolution approving the project plan and then one approving the development agreement, if you would.

**Action:** **Commissioner Burroughs** made a motion to approve.

**Mayor Alvey** asked, for which one? **Commissioner Burroughs** said both. **Mayor Alvey** asked, do we need two separate motions? **Patrick Waters, Assistant Counsel**, said yes. **Ms. Carttar** said I believe so. **Mayor Alvey** said we need two separate motions. **Commissioner Burroughs** said thank you, Mayor, for that clarification.

**Action:** **Commissioner Burroughs** made a motion, seconded by **Commissioner Ramirez**, to approve the project, the first motion.

**Mayor Alvey** asked, is that clear enough, Patrick? **Mr. Waters** said, yes.

**Action:** **ORDINANCE NO. O-97-20**, "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." **Commissioner Burroughs** made a motion, seconded by **Commissioner Ramirez**, to approve the ordinance. Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

**Action:** **Commissioner Burroughs** said, Mayor, if I may, I'd like to, again, make the motion to accept the second part of that original motion that I propose both of them be united. **Ms. Carttar** said the development agreement. **Mayor Alvey** said I thought the first one was the development agreement. The second one is—**Ms. Carttar** said the first was the project plan. This is the development agreement. **Commissioner Ramirez** seconded the motion. Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

### **STANDING COMMITTEES' AGENDA**

No items

### **ADMINISTRATOR'S AGENDA**

#### **ITEM NO. 1 – 20451...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.

**Doug Bach, County Administrator,** said tonight we have before you an agreement with FOP 40, our Sheriff's union. The agreement presented to you is in accordance with the direction the Commission has provided. In particular, I'll note this is a two-year agreement for the years 2020 and 2021. Also, I will also make note as directed, the first year increase to this for 2020 does not take in place until the Sheriff's union has approved this agreement, which they did so the first part of October. With the approval of this agreement, we will move forward and enact all the provisions set forth in this agreement. I recommend this be approved.

**Action:** **RESOLUTION R-77-20,** "A resolution 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 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.” **Commissioner Kane made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

### **COMMISSIONERS’ AGENDA**

No items

**Mayor Alvey** said that concludes the portion of our regular meeting. We are now adjourned in that capacity. We’re now called 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 any item on the Land Bank Consent Agenda? If an item is not aside, all items on the Consent Agenda will be voted on by one vote.

### **ITEM NO. 1 – 20397...LAND BANK OPTION APPLICATIONS**

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

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)

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

**ITEM NO. 2 – 20403...LAND BANK PROPERTY TRANSFERS**

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

Rehab - new construction side lot

2401 N. Tremont St. (Parcel 111813)

(This lot is 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)

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

### **PUBLIC ANNOUNCEMENTS**

No items

**MAYOR ALVEY**

**ADJOURNED THE MEETING AT 8:49 P.M.**

**October 29, 2020**

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Bridgette D. Cobbins  
Unified Government Clerk

tk

**October 29, 2020**