

**JANUARY 28, 2021 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

You are invited to a Zoom webinar.

When: Jan 28, 2021 07:00 PM Central Time (US and Canada)

Topic: Full Commission Meeting - P/Z

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83700679052?pwd=dG0ya1UJUH5dDZaVnVieEkrU1pFZz09>

Passcode: 597497

Or iPhone one-tap :

US: +13462487799,,83700679052# or +16699009128,,83700679052#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

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

Webinar ID: 837 0067 9052

International numbers available: <https://us02web.zoom.us/j/83700679052?pwd=dG0ya1UJUH5dDZaVnVieEkrU1pFZz09>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY COMMISSIONER HAROLD JOHNSON, FAITH DELIVERANCE CHURCH OF GOD IN CHRIST**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JANUARY 28, 2021 AGENDA**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Planning & Zoning Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Planning & Zoning Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Planning & Zoning Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

PLANNING AND ZONING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ-0002 - LONNIE AND LESLIE CANNON**

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for an existing duplex at 3410 Metropolitan Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21643

2. **COZ-0003 - ANDREA WEISHAUBT WITH ATLAS SURVEYORS**

Synopsis: Change of Zone from AG (WYCO) Agriculture District to A-G (City) Agriculture District to create a code-compliant agricultural parcel at 12525 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21644

3. **COZ-0004 - BOB BECKER WITH LEGENDS 267, LLC**

Synopsis: Change of Zone from CP-2 Planned General Business District to RP-6 Planned High Rise Apartment District for 267 apartment units at 1879 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21645

4. **COZ-0005 - JOSE LOPEZ ZAVALA**

Synopsis: Change of Zone from R-1(B) Single Family District to A-G Agriculture District to keep horses, sheep, cows and chickens at 3834 Bell Crossing Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21646

5. **COZ-0010 - NP TURNER INDUSTRIAL, INC.**

Synopsis: Change of Zone from "No Zoning - Right-of-Way" to MP-2 Planned General Industrial District for continuation of Turner Logistics Center for warehousing, distribution and light manufacturing businesses at 615 North 69th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21647

B. SPECIAL USE PERMIT APPLICATIONS

1. **SU20-00092 - ESTER REED**

Synopsis: Renewal of a Special Use Permit (#SP-2018-93 - expired 1/10/2021) for the Temporary Use of Land to park a dump truck at 1610 North 51st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL FOR 1 YEAR)

Tracking #: 21642

2. **SU20-00095 - BETH LEON**

Synopsis: Special Use Permit to keep three (3) goats at 7640 Tauromee Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 21649

3. **SU20-00096 - BLAIR THEDINGER**

Synopsis: Special Use Permit to keep two (2) goats at 411 and 415 Stine Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL FOR 2 YEARS)

Tracking #: 21650

4. **SP-2020-98 - DARREN ALLEN WITH LOUNGE 42 LLC**

Synopsis: Renewal of a Special Use Permit (#SP-2018-68 - expired 9/27/2020) for a drinking establishment with live entertainment at 4220 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL FOR 5 YEARS)

Tracking #: 21654

C. MASTER PLAN AMENDMENTS APPLICATIONS

1. **MPL2020-014 - BOB BECKER WITH LEGENDS 267, LLC**

Synopsis: Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to High Density Residential (City-Wide Master Plan) at 1879 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21651

2. **#MPL2020-015 - NP TURNER INDUSTRIAL, LLC**

Synopsis: Master Plan Amendment from Public/Semi Public to Business Park at 615 North 69th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21648

D. PLAN REVIEW APPLICATIONS

1. **PR2020-33 - BOB BECKER WITH LEGENDS 267, LLC**

Synopsis: Preliminary and Final Plan Review for 267 apartment units at 1879 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21653

2. **#PR2020-34 - SHAUN COFER WITH SCANNELL PROPERTIES #459, LLC**

Synopsis: Preliminary Plan Review for a business park and neighborhood retail center at 9700 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21655

E. MISCELLANEOUS - ORDINANCES (The following ordinances formalize previous Commission approval.)

1. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-59) for continuation of an auto salvage yard at 1124 Pawnee Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21658

2. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-95) for receiving of inventory at the dock, storage within the building interior and shipping at 1223 Meadowlark Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21657

3. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-96) for continuation of tractor trailer truck parking at the American Motel at 7949 Splitlog Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21656

4. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-72) to operate a microbrewery at 13400 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21659

5. AN ORDINANCE authorizing a Special Use Permit (#SP-2020-73) for an event space with live entertainment at 13400 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21660

6. AN ORDINANCE rezoning property at 6600 Thorn Drive (#3242) from R-1 Single Family District to MP-3 Planned Heavy Industrial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. #3243 - WILLIAM BUCK WITH BHC RHODES

Synopsis: Change of Zone from R-1 Single Family, C-1 Limited Business and CP-1 Planned Limited Business Districts to R-4 Garden Apartment District for a multi-family development (Tower View Apartments) at 5115 and 5125 Gibbs Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL TO RP-4 PLANNED GARDEN APARTMENT DISTRICT - 5/4 VOTE)

Tracking #: 20647

B. MASTER PLAN AMENDMENT

1. #MP-2020-8 - WILLIAM BUCK WITH BHC RHODES

Synopsis: Master Plan Amendment from Community Commercial and Low Density Residential to Medium Density Residential at 5115 and 5125 Gibbs Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL - 5/4 VOTE)

Tracking #: 20648

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR JANUARY 28, 2021

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

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

REGULAR AGENDA

IX. MAYOR'S AGENDA

X. CONSENT AGENDA

1. RESOLUTION: SECOND AMENDMENT TO MULTI-SPORT STADIUM SPECIFIC VENTURE AGREEMENT

Synopsis: A resolution adopting the Second Amendment to Multi-Sport Stadium Specific Venture Agreement to increase the ticket tax by \$1.25 to cover debt service for the parking improvements and the ground lease costs associated with said parking improvements, submitted by Deborah Jonscher, Deputy Chief Financial Officer. The second amendment will increase the ticket tax on Sporting KC tickets from \$2.25 to \$3.50 per ticket.

*On January 4, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 20634

2. RESOLUTION: BROWNFIELDS COALITION GRANT

Synopsis: A resolution for the UG to enter into the Kansas City Regional Brownfields Assessment Coalition with the Mid-America Regional Coalition, Kansas City, MO and Jackson County, MO, to accept and implement a Brownfields Assessment Coalition Grant funded by a Cooperative Agreement with the EPA, submitted by Stephanie Moore, Economic Development. The total grant is for \$600,000 to be divided by the Coalition members.

*On January 4, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 20636

3. RESOLUTION: KCKCC STUDENT HOUSING PROJECT IRBs

Synopsis: A resolution of intent to issue industrial revenue bonds in the amount not to exceed \$20,000,000 to finance the costs of acquiring, constructing, improving and equipping a student housing facility for the benefit of the Kansas City Kansas Community College Foundation, submitted by Katherine Carttar, Director of Economic Development. (sales tax exemption only)

*On January 4, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 20637

4. RESOLUTION: CASH AND INVESTMENT POLICY

Synopsis: A resolution adopting the Unified Government's Cash and Investment Policy, submitted by Rick Mikesic, Director of Revenue/County Treasurer; and Andrea Parra, Deputy Treasurer.

*On January 4, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 20510

5. **MINUTES**

Synopsis: Minutes from Regular Session of December 17, 2020.

Tracking #: MINUTES

6. **WEEKLY BUSINESS**

Synopsis: Weekly business dated December 31, 2020, January 7 and 14, 2021.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. **LAND BANK OPTION APPLICATIONS**

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

New Construction – RST - Single Family Homes

- 5 Single Family Homes
- 1231 Armstrong Ave. 080915
- 1235 Armstrong Ave. 080916
- 1237 Armstrong Ave. 080917
- 1243 Armstrong Ave. 080918
- Combine lots for 1 home
- 1246 Armstrong Ave. 080886
- 1244 Armstrong Ave. 080887

New Construction – J Horton Holdings - Residential

- Phase 1 (3 single family homes)
 - Combine parcels for 1 home
 - 521 Oakland Ave. 081788
 - 517 Oakland Ave. 081787
 - 2 single family homes
 - 516 Oakland Ave. 081780
- Phase 2 (4 townhome units, 1 duplex)

- Combine parcels for duplex
 - 509 Oakland Ave. 082009
 - 1420 N. 5th St. 082007
 - 1416 N. 5th St. 082008
 - 4 townhome units
 - 1400 N. 5th St. 082010
 - Phase 3 (4 single family homes)
 - 2 single family homes
 - 520 Everett Ave. 081806
 - 1 single family home
 - 514 Everett Ave. 081807
 - 1 single family home
 - 504 Everett Ave. 081808
- New Construction - Amy Strother – Agricultural
- To develop an inner-city equestrian park
 - 3319 N. 44th Ter. 914008 (Trails & Lean to's)
 - 3334 N. 44th Ter. 914007 (Trails & Lean to's)
 - 4551 Sloan Ave. 172300 (Trails & Lean to's)
 - 4600 Parkview Ave. 172401 (Home & Horse Stalls)

*On January 4, 2021, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 20639

2. **LAND BANK PROPERTY TRANSFERS**

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

1 yard extension request

- Current home – 805 N. 11th St. 080454
- Requesting neighboring Land Bank lot
- 809 N. 11th St. 080453

*On January 4, 2021, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 20640

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: Change of Zone Petition **COZ-0002**

GENERAL INFORMATION

Applicant:

Lonnie and Leslie Cannon

Status of Applicant:

Property Owners
3410 Metropolitan Avenue
Kansas City, Kansas 66106

Requested Actions:

The approval of a Change of Zone.

Date of Application:

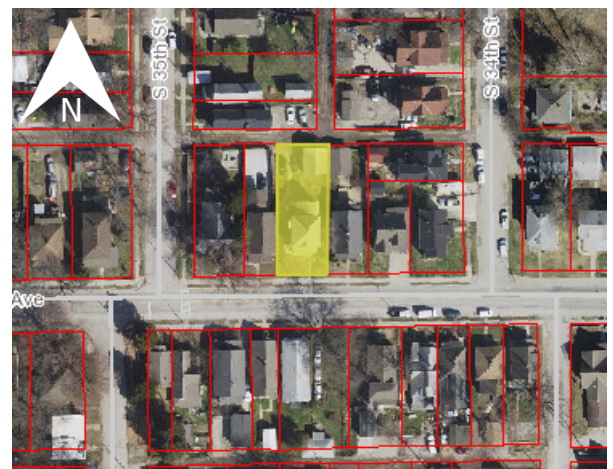
November 30, 2020

Purpose:

To Change the Zoning of the Property
from R-1(B) Single-Family District to
R-2(B) Two-Family District.

Property Location:

3410 Metropolitan Avenue
Kansas City, Kansas 66106



Commission Districts:	Commissioner At Large: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single Family Home South: Single Family Home East: Single Family Home West: Single Family Home
Total Tract Size:	0.13 Acre
Master Plan Area:	This property is outside of the boundaries of an Area Plan.
Master Plan Designation:	The City-Wide Master Plan designates this area as Low-Density Residential. This allows for single-family detached residential development.
Major Street Plan:	Metropolitan Avenue is classified as a Class C Thoroughfare.
Parking Requirement:	Section 27-455 states that in R-1(B) Single-Family Districts, two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Section 27-457 states that in R-2(B) Two-Family Districts, one (1) parking space for each dwelling unit shall be provided on the premises.
Advertisement:	<u>The Wyandotte Echo</u> – December 17, 2020 Letters to Property Owners – December 18, 2020 and January 20, 2021
Public Hearings:	January 11, 2021 and January 28, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Lonnie and Leslie Cannon, are seeking the approval of a Change of Zone from R-1(B) to R-2(B) for an existing duplex on their property at 3410 Metropolitan Avenue. The home was built in 1910 as a single-family home and was converted to a duplex without proper building permits prior to the current property ownership. The applicants purchased the home in May of 2019. The home has two (2) addresses, 3410 and 3412, and separate gas utility units. The second gas unit was installed in December of 2006. The property has two (2) parking spaces available in the driveway and a garage that fits two (2) cars. The property meets the required parking.

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

Code Enforcement History: There have been two (2) Notices of Violation on this property. One (1) in 2006 for graffiti and one (1) in 2015 for trash and debris.

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The neighborhood is residential and commercial in nature, with single family homes along a Class C Thoroughfare. While there are single family homes on the block, there are neighboring commercial businesses to the North on Strong Avenue and duplexes to the South on Silver Avenue.

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

The zoning and uses of nearby properties are set out above. The proposed use is expected to be compatible with them because the building has the appearance of a single-family home.

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

The property is suitable for use as a duplex. Removal of the restrictions will not affect nearby property because the proposed use will remain as residential. It is a single-family home that has been converted into two (2) units.

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

The property is not vacant. It is currently being used as a duplex.

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

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

The proposed use is reasonably necessary for the public as it provides housing. The proposed use will not injure the appropriate use, visual quality or marketability of nearby property because the use will remain the same. It has been used as a duplex and will continue to be.

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

The current, R-1(B) Single-Family Zoning, requires that two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The proposed, R-2(B) Two-Family (2) Zoning, requires that one (1) parking space for each dwelling unit shall be provided on the premises. Therefore, the total number of required parking spaces will not change. The property is able to meet these requirements. There are two (2) parking spaces available in the driveway and a two (2) car garage.

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

The City-Wide Master Plan designates this property as Low-Density Residential. This allows for single-family detached residential development. The proposed use does not conform to the Master Plan because it is for a Two-Family (2) District.

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

The proposed use will not cause environmental harm because it is an existing structure in a built-out neighborhood. The building must pass all requirements of the Building Inspection Department. No additional development is being proposed.

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

a. Water service

Municipal water service is available.

b. Sanitary sewer service

Sanitary sewer service is available.

c. Storm water control

Municipal storm water control is available.

d. Police

Police service is provided by South Patrol, District #331.

e. Fire

Fire service is provided by Station #7.

f. Transit

KCATA provides transportation to this location on the 104 Argentine line. The nearest stop is one (1) block to the North at S 35th Street and Strong Avenue.

g. Schools

Public Education is Provided by Kansas City, Kansas USD 500.

h. Streets

See item #6 above.

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

The economic impact of the proposed use on the community will be minimal. There is no change in the proposed use. The building will continue to be used as a duplex.

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

The proposed use is capable of meeting the ordinance requirements.

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

The gain to the public health, safety, and welfare is minimal as it allows the continued use of a duplex. If approved, the property owners may continue to use the property as a duplex as it has been since 2006. If denied, the home may not be used as a duplex but may be used as a single-family home.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 28, 2020. No one was in attendance. Documentation is attached below.

KEY ISSUES

Inconsistent with Master Plan Designation
Parking/Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application COZ-0002, subject to:

1. **A building permit is required. Please contact the Building Inspection Department to begin that process; and,**
2. **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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **#COZ-0002** subject to all comments and suggestions outlined in the staff reports, and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Photographs Taken by Staff, Dated December 16, 2020
Photographs, Provided by Applicant
Floor Plan
Aerial View Indicating Parking
Photograph from Sanborn Maps
Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

Action
Public Hearing
Rezoning

Planning Commission
January 11, 2021
Approval

Board of Commissioners
January 28, 2021

STAFF CONTACT: Shana Shanteau
 sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#COZ-0002** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#COZ-0002**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

Hearing starts at 2:04:12:

CHANGE OF ZONE APPLICATION COZ-0002 – LONNIE AND LESLIE CANNON – SYNOPSIS: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for an existing duplex at 3410 Metropolitan Avenue. **Detailed Outline of Requested Action:** The applicants, Lonnie and Leslie Cannon, are seeking the approval of a Change of Zone from R-1(B) to R-2(B) for an existing duplex on their property at 3410 Metropolitan Avenue. The home was built in 1910 as a single-family home and was converted to a duplex without proper building permits prior to the current property ownership. The applicants purchased the home in May of 2019. The home has two (2) addresses, 3410 and 3412, and separate gas utility units. The second gas unit was installed in December of 2006. The property has two (2) parking spaces available in the driveway and a garage that fits two (2) cars. The property meets the required parking. **Code Enforcement History:** There have been two (2) Notices of Violation on this property. One (1) in 2006 for graffiti and one (1) in 2015 for trash and debris.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

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

Present in Support:

- Lonnie Cannon, applicant, 3410 Metropolitan Avenue, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:09:45: Planning Director Hand stated that this is for an existing (unpermitted) duplex. Staff in its research did not find any building permits for the conversion to a duplex. The applicant stated that there are two (2) gas meters, staff could only find one (1) water meter and one (1) electric meter were installed. Staff searched the 2006 records and could not find permits for any conversion when the two (2) gas meters. Director Hand stated that there are R-2(B) zoned properties in the general vicinity of this property. R-2(B) Two Family zoning requires two (2) parking spaces, which the applicant has on the property. The garage faces inward away from the alley and the applicant plans to eventually rebuild the garage to provide covered parking for their tenants. There have been two (2) Notices of Violation on this property. Staff has not received any support or opposition for this application. Staff recommends approval subject to the conditions in the staff report, which includes the applicant acquiring retroactive building permits.

Motion and Vote starts at 2:11:15:

On motion by Ms. Armstrong, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ-0002:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present

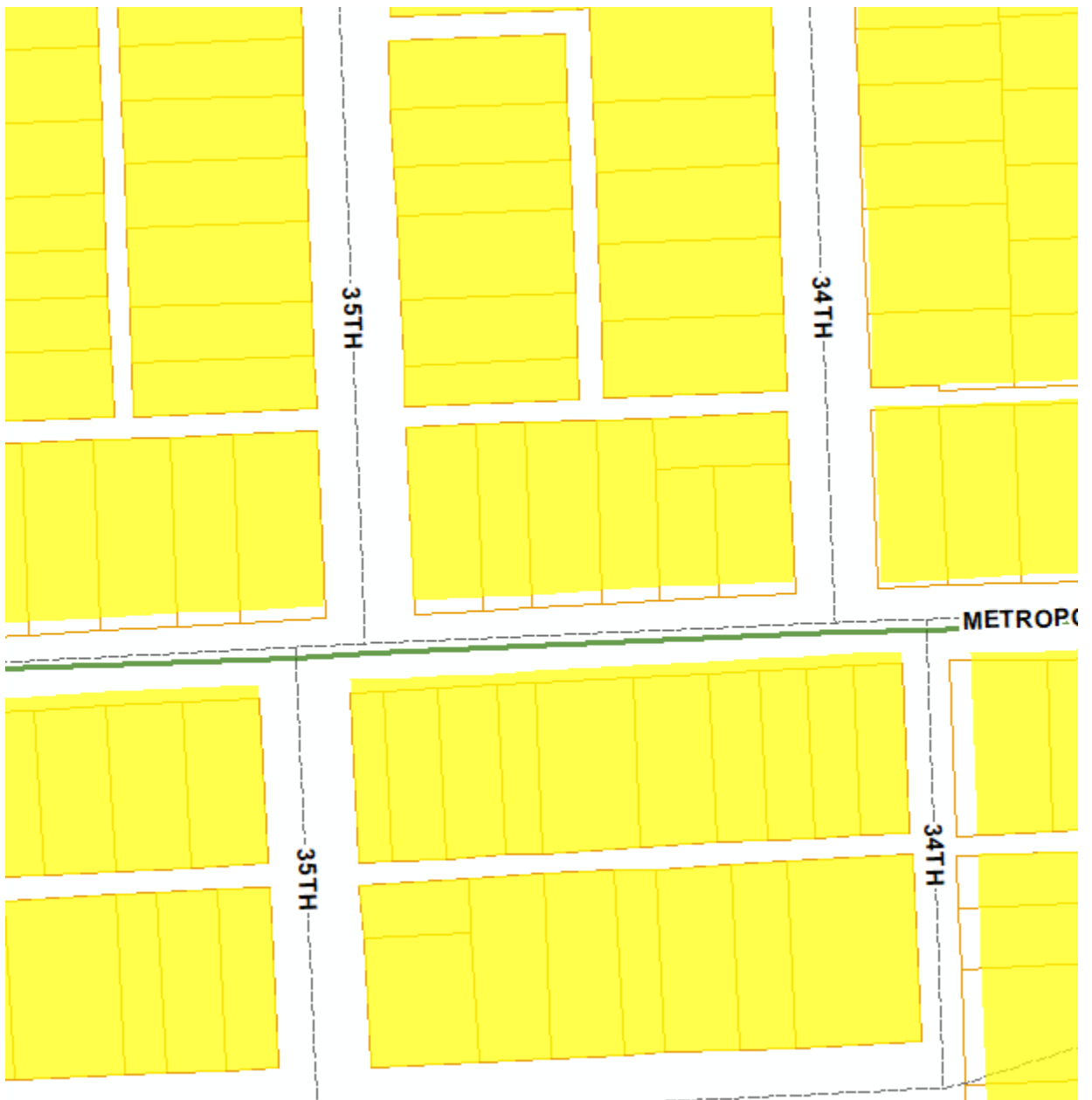
Mohler **Aye**
Pauley **Aye**
Reasons **Not Present**
Motion to RECOMMEND APPROVAL Passed: 7 to 0
Subject to:

- 1. A building permit is required. Please contact the Building Inspection Department to begin that process; and,**
- 2. 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.**

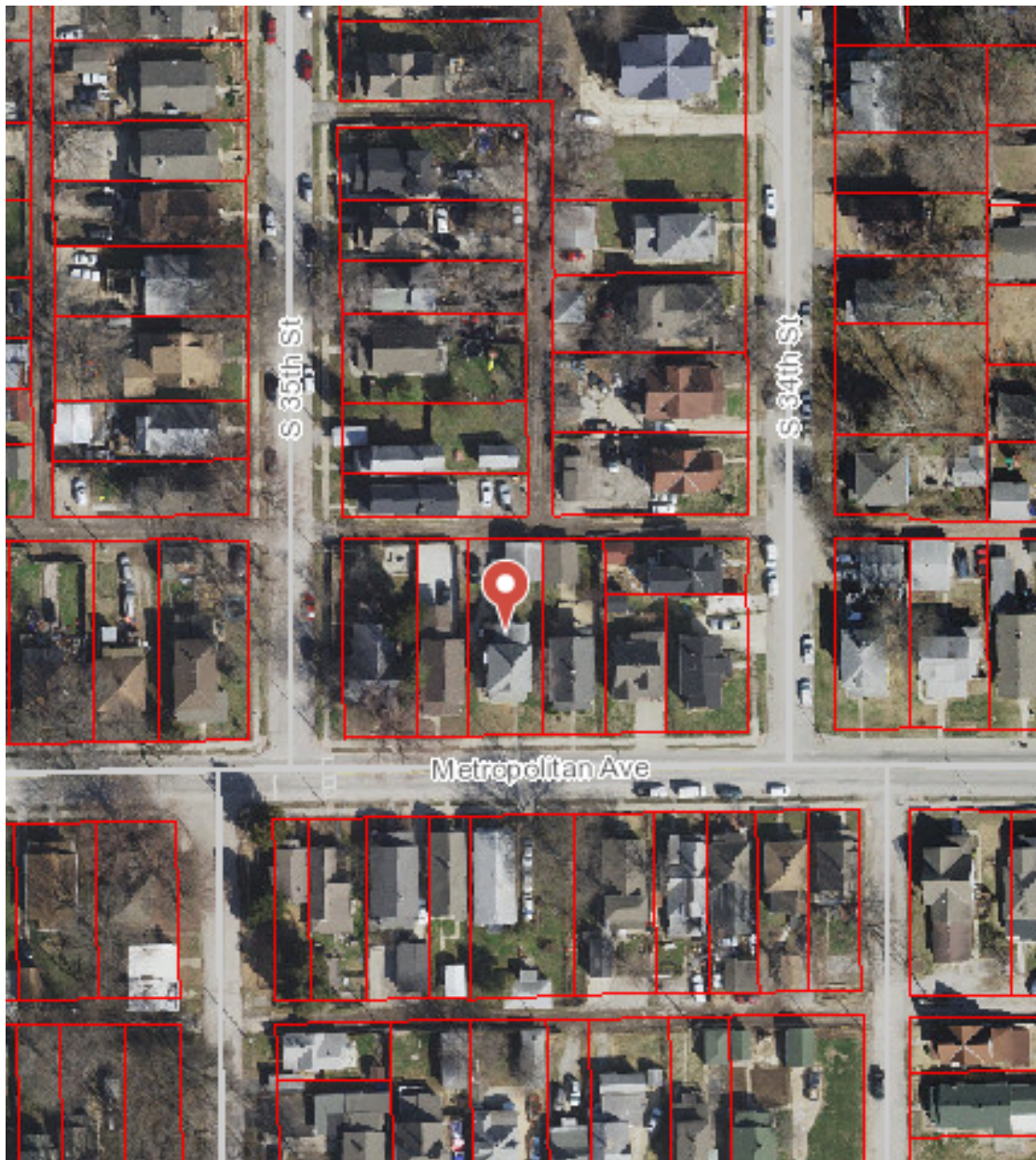
Zoning Map:



Land Use Map:



Aerial Map:



Photographs Taken by Staff, Dated December 16, 2020:





Photographs of the Property, Provided by the Applicant:



3410/3412 Metropolitan Ave.
Looking south at the back of
the duplex. This shows 3
parking spaces outside of the
garage.
North side of back of duplex.



NW Corner of Back of Duplex



NE Corner of back of duplex

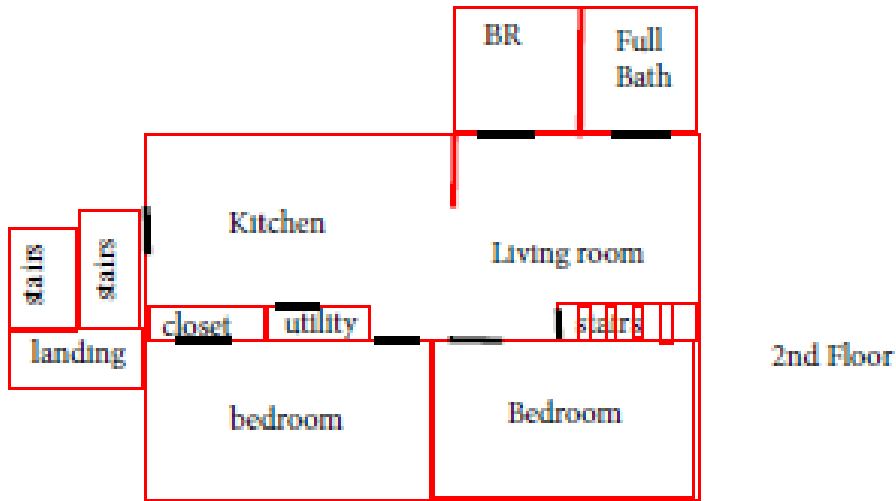
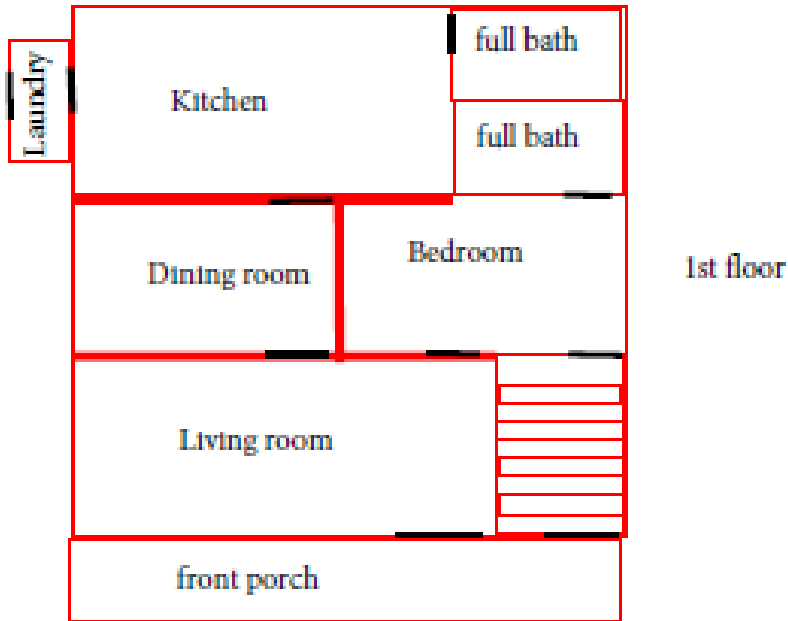
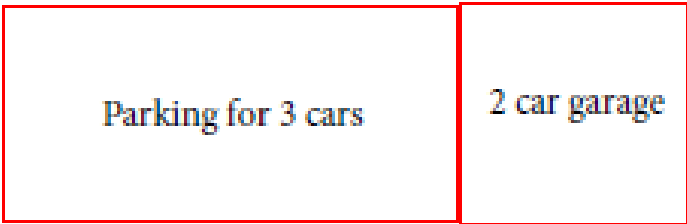


SE side of front of duplex. Facing Metropolitan Ave.



SW side of duplex.

Floor Plan:



Aerial View Indicating Parking:



3410/3412 Metropolitan

not to scale

Neighborhood Meeting Documentation:

Date: 12/18/2020

CANNON, LONNIE & LESLIE
11407 ACUFF LN
LENEXA, KS 66215

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use # COZ-0002 - 3410 Metropolitan Ave. The purpose of this:

is for a Change of Zone at the following address: 3410/3412 Metropolitan Ave.

I am having a neighborhood meeting on December 28, 2020 at 4:00p.m. at the following address 3410 Metropolitan Ave.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. Change of Zone from R-1(B) Single Family to R-2(B) Two Family for an existing duplex at 3410 Metropolitan Avenue. This has been a duplex for several years, zoned single family, when it should be zoned two family. This change of zone corrects this.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the email address/phone number listed below with any questions or comments.

Sincerely,

Lonnie Cannon
Lonniecan@live.com / 913-327-0873

MINUTES:

Application Number COZ-0002 – 3410 Metropolitan, Ave.
Date and Location: December 28, 2020, 3410 Metropolitan Ave.

Meeting called to order at: 4:00 pm

Lonnie and Leslie Cannon hosted the meetings and were on site. There were no neighbors in attendance.

There were no introductions because there were no neighbors in attendance.

I was on site at 3:45. The weather was 40 degrees with clear skies. My wife and I were on the front porch ready to receive any attendees 4:00. We had no neighbors attend our meeting, so we left at 4:30 as scheduled.

Questions and answers (include the following):

- No attendees, zero questions zero comments
- No attendees, zero questions zero comments
- No attendees, I was prepared to answer questions
- No attendees, I was prepared to answer questions

Meeting adjourned at: 4:30 pm

We have not received any phone calls or emails from neighbors in response to our letter that was mailed on 12/18/2020.

Minutes taken by: Leslie Cannon

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE

Comes now Lonnie Cannon, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ-00002-341 Metropolitan Ave.
2. That I conducted a neighborhood meeting on December 28, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.

My commission expires _____ of _____, 200_.

Notary Public



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: **COZ-0003 & PLAT2020-001**

GENERAL INFORMATION

Applicant:

Andrea Weishaubt

Status of Applicant:

Representative
Atlas Surveyors
2300 Hutton Road, Suite 108
Kansas City, Kansas 66109

Requested Actions:

Approval of a Change of Zone.

Date of Application:

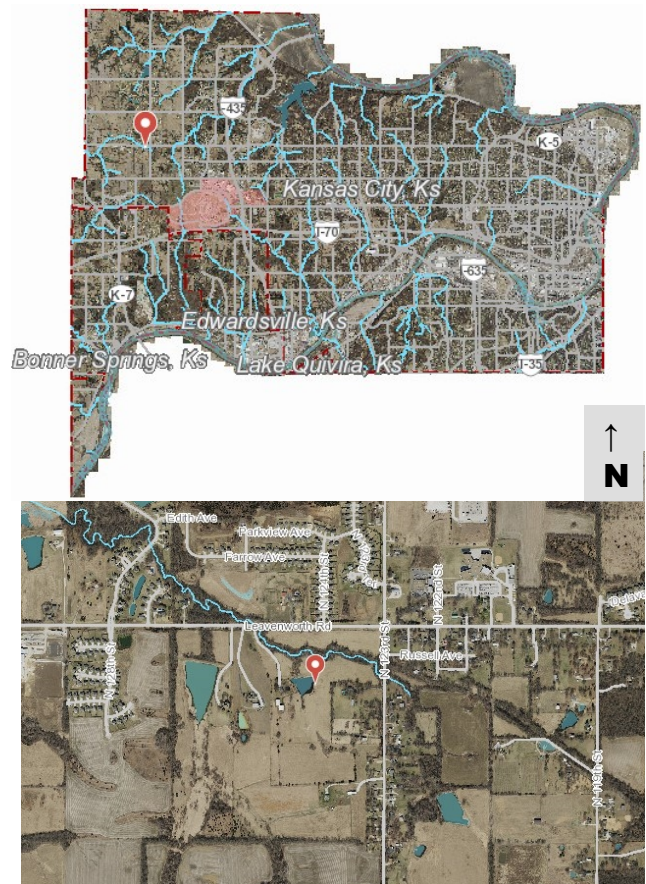
November 25, 2020

Purpose:

To change the zoning district from AG (WyCo) Agriculture District to AG Agriculture District.

Property Location:

12525 Leavenworth Road
Kansas City, Kansas 66109



Commission Districts:	Commissioner At Large: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	AG (WyCo) Agriculture District
Adjacent Zoning:	North: AG (WyCo) Agriculture District; R-1 Single-Family District South: AG (WyCo) Agriculture District; R (WyCo) Rural Residential District East: R (WyCo) Rural Residential District; R-1(WyCo) Large Lot Single-Family District; R-1(B) (WyCo) Standard Single-Family District; C-1 (WyCo) Local Business District West: AG (WyCo) Agriculture District;
Adjacent Uses:	North: Undeveloped land; Single-family residences South: Agricultural property East: Single-family residences; Vacant commercial lot; Undeveloped property West: Single-family homestead
Total Tract Size:	35.1 Acres
Master Plan Area:	The subject property is within the Piper-Delaware-Piper Master Plan Area.
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates this property as Suburban Residential. Suburban Residential allows for typical single-family detached residential units on quarter (1/4)-acre lots.
Major Street Plan:	The Citywide Master Plan designates Leavenworth Road as a Class B Thoroughfare.
Required Parking:	Article V, Section 4.5.B of the 1992 Piper Area Annex Zoning Code requires two (2) spaces per dwelling unit, plus two (2) spaces for any accessory house occupation or principal agricultural use. Section 27-452(e) of the Code of Ordinances requires two (2) off-street parking spaces on the premises for each single-family dwelling in the AG Agriculture District. Lot 1 currently provides paved space for at least two (2) parking spaces; Lot 2 does not have a single-family dwelling on the premises.

Advertisement:	The Wyandotte Echo – December 17, 2020 Letters to Property Owners – December 18, 2020 and January 20, 2021
Public Hearings:	January 11, 2021 and January 28, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt with Atlas Surveyors, has submitted a preliminary plat for two (2) agriculture lots created from the current Parcel #955102 (approved); the applicant has also requested a Change of Zone for Parcel #955102, from AG (WyCo) Agriculture District to AG Agriculture District in order to comply with zoning regulations stemming from the replat.

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

Code Enforcement Issues: There are no outstanding Notices of Violation associated with the property.

FACTORS TO BE CONSIDERED

1. Character of the Neighborhood.

The neighborhood is predominately rural, as demonstrated by the large lots that are either used for agricultural purposes or host single-family residences, as well as the “WyCo” zoning designations.

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

The existing property is being replatted into two (2) separate parcels. There is no indication that there will be a change in use because the zoning district effectively remains the same.

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

The only significant restriction being removed is the minimum allowed area of the parcels. The AG (WyCo) District requires a minimum of 20 acres and the AG District both requires a minimum of 20 acres. Both zoning districts have allowed uses that are effectively indiscernibly in practice. Therefore, the property is suitable for its current and future allowed uses.

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

The subject property is not vacant. There is a single-family residence and two (2) accessory structures on the property.

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

The proposed Change of Zone is necessary in order to allow the replat of the subject property. While a replat itself may not be reasonably necessary for the convenience and welfare of the public, 1) the replat is not considered in a Change of Zone factor, and 2) a Change of Zone from AG (WyCo) to AG creates very few changes in uses allowed by right that there is often no noticeable difference in the property. Therefore, the Change of Zone will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

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

Rezoning the subject property is a necessary step to allow for a replat of the property. One (1) new parcel will be created, and thus it is possible that another residence could be built by right on that newly created parcel. The new parcel, Lot 2, is over five (5) acres, and so even if an entire homestead was constructed that slight increase in density would not have a significant effect on traffic.

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

The recommended density in the Suburban Residential land use designation is three (3) to four (4) units per acre. The Prairie-Delaware-Piper Master Plan recommends that suburban density development should be primarily located between Leavenworth Road to the north and Parallel Parkway to the south. The subject property will have one (1) parcel of five (5) acres that is undeveloped and one (1) parcel of 30 acres that has a homestead on it; both parcels will be well under the density recommendation for the Suburban Residential land use designation.

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

Neither the applicant nor the property owners have indicated any future development in the initial application. The replat does not show any new development, and the change of zone is from AG (Wyco) to AG, which is not indicative of speculative rezoning but rather a requirement of replatting a property that has legal non-conformance zoning district status as a county-zoned property.

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

a. *Water service*

Water service is available to Lot 1 and Lot 2.

b. *Sanitary sewer service*

A sanitary sewer fitting or control valve is available on Leavenworth Road, adjacent to the proposed Lot 1. Lots 1 and 2, however, will be on septic.

c. *Storm water control*

A storm water discharge points are present on North 123rd Street and Leavenworth Road, adjacent to each of the proposed parcels.

d. *Police*

Police service is provided by West District, #224.

e. *Fire*

Fire service is provided by Fire Station #8.

f. *Transit*

No public transit serves this property. The farthest west that any public transit route goes in Kansas City is 110th Street between State Avenue and Parallel Parkway, in the Legends/Speedway Area.

g. *Schools*

Piper East Elementary School, Piper Middle School, and Piper High School are provided by Piper USD #203.

h. *Streets*

Lot 1 is accessible by Leavenworth Road, and Lot 2 is accessible by North 123rd Street.

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

Replatting the property into two (2) separate parcels does allow for the future sale and/or development of the parcels, especially Lot 2, which is currently undeveloped. The applicant has stated that the current property owner will be eventually selling the newly created parcel (Lot 2). Construction of a single-family

residence on the property will have a positive economic impact on the community.

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

The Change of Zone is occurring simultaneously with a Preliminary and Final Plat in order to comply with all ordinance requirements.

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

A Change of Zone from AG (WyCo) to AG is primarily administrative. Even the smaller of the lots, Lot 2, will still be over five (5) acres and thus in compliance with the size requirements of the AG Agriculture District as well as in line with the size and aesthetic of the neighborhood. There will not be a significant change to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

PREVIOUS ACTIONS

BZA-2351 (Variance request from lot width-to-depth ratio for a portion of the parcel to be split, passed November 12, 2019; *the portion rezoned is now Parcel #955107, 2836 North 123rd Street and is not part of the subject property in this report*).

COZ-3208 (Change of Zone from AG Agriculture District & R-1A (WyCo) Suburban Residential District to AG Agriculture District for a portion of the parcel to be split, passed on December 5, 2019; *the portion rezoned is now Parcel #955107, 2836 North 123rd Street and is not part of the subject property in this report*).

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 28, 2020 at 2300 Hutton Road, Suite 108. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the “Attachments” section of this report).

KEY ISSUES

Access
Landscaping
Sanitary Sewer Service
Water Service
Waterway (Stream) on the Property

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application COZ-0003, subject to:

- 1) **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.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **COZ-0003**, subject to all comments and suggestions outlined in the staff reports, and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photos of Property Provided by Staff, Dated December 20, 2020
Preliminary Plat Submitted by the Applicant
Final Plat Submitted by the Applicant
Neighborhood Meeting Materials, December 28, 2020

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Change of Zone	January 11, 2021 Approval	January 28, 2021

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ-0003** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ-0003**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

JANUARY 11, 2021 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 2:12:21

CHANGE OF ZONE APPLICATION COZ-0003 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS – SYNOPSIS: Change of Zone from AG (WYCO) Agriculture District to A-G (City) Agriculture District to create a code-compliant agricultural parcel at 12525 Leavenworth Road.

PLAT2020-001 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS – SYNOPSIS: Rakoski Addition Preliminary and Final Plat for two (2) agricultural lots at 12525 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Andrea Weishaubt with Atlas Surveyors, has submitted a preliminary plat for two (2) agriculture lots created from the current Parcel #955102; the applicant has also requested a Change of Zone for Parcel #955102, from AG (WyCo) Agriculture District to AG Agriculture District in order to comply with zoning regulations stemming from the replat. **Code Enforcement Issues:** There are no outstanding Notices of Violation associated with the property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

6. The Notice in the Wyandotte Echo for the Change of Zone Application; and,
7. The Notices to property owners.

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

Present in Support:

- Andrea Weishaubt, Atlas Surveyors, applicant, 2300 Hutton Road, Suite 108, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:14:51: Planning Director Hand stated that the Change of Zone is needed as AG (WYCO) requires a minimum of 20 acre parcels. The City's A-G Agriculture District requires a minimum of five (5) acres. He further stated that there have been no Notices of Violation and staff has not received any letters of support or opposition to this application. Staff recommends approval subject to the conditions in the staff report, which includes a driveway permit from Public Works and a building permit from Building Inspection if and when a house is to be built on the newly created parcel.

Motion and Vote starts at 2:16:35:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application **COZ-0003:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

- 1) **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.**

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2020-001**:

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

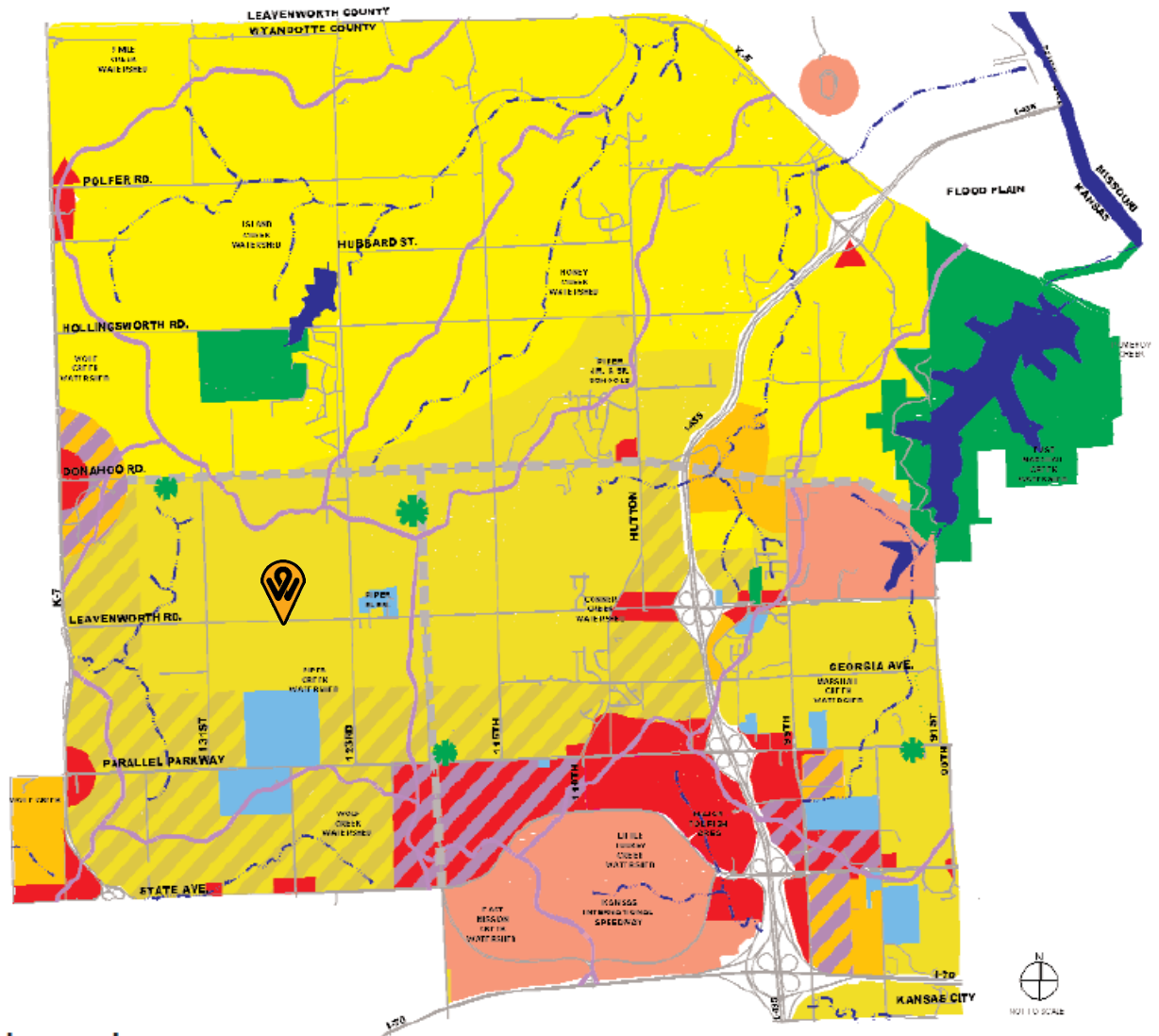
Subject to:

- 1) Per the Prairie-Delaware-Piper Area Master Plan, all residential lots shall have two (2) trees per 5,000 square feet per lot, up to five (5) trees per lot. One (1) tree shall be in the front or corner side of the lot;**
- 2) Per the Prairie-Delaware-Piper Area Master Plan, landscaping and buffering between residential units, non-residential buildings and/or adjacent developments that exceed minimum requirements are required for planned development and encouraged for all other developments;**
- 3) A building permit is required. Please contact the Building Inspection Department to begin that process;**
- 4) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;**
- 5) Future entrances/exits to/from Lot 2 accessing North 123rd Street do not violate minimum distances between access points of a major road or maximum number or average of access points along a major road;**
- 6) A driveway constructed on Lot 2 will require a driveway permit from the Public Works Department; and,**
- 7) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Section 8-610 through Section 8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 N.7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a**

**grading permit is required and issued by the Building Inspections
Department, Neighborhood Resource Center, 4953 State Avenue, Kansas
City, KS 66102, (913) 573-8620.**

LAND USE MAP

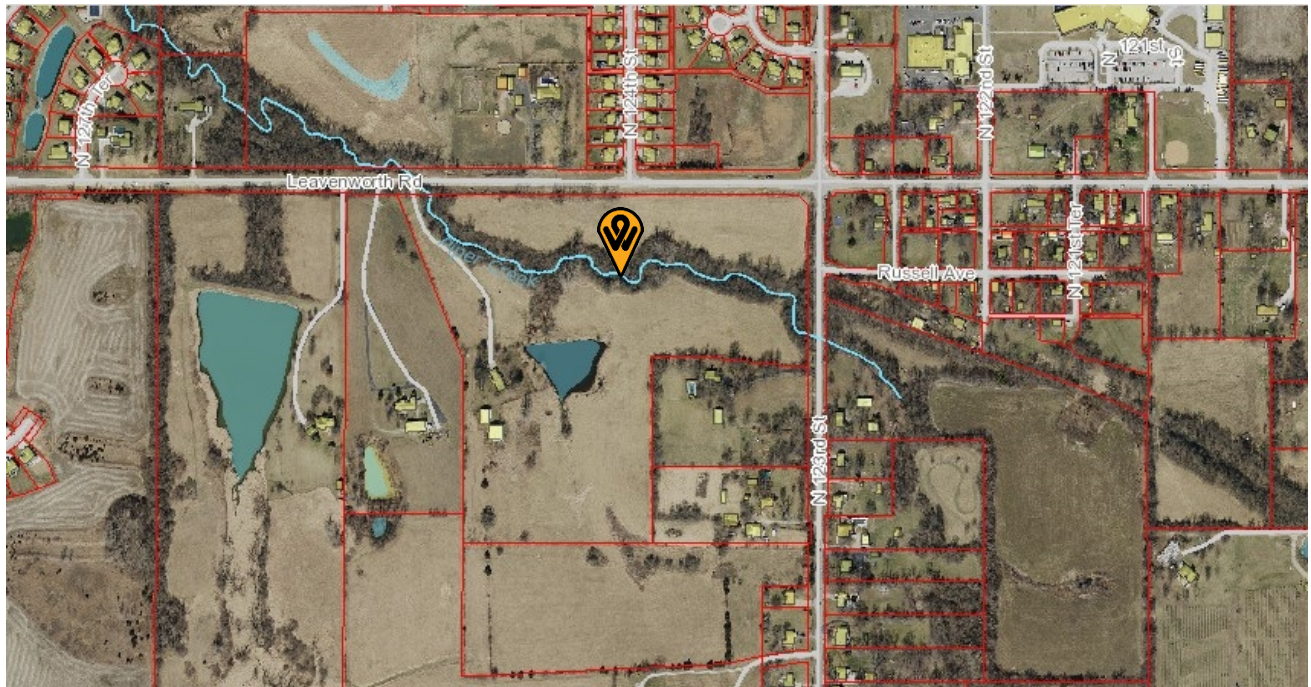
Map 11: Future Land Use



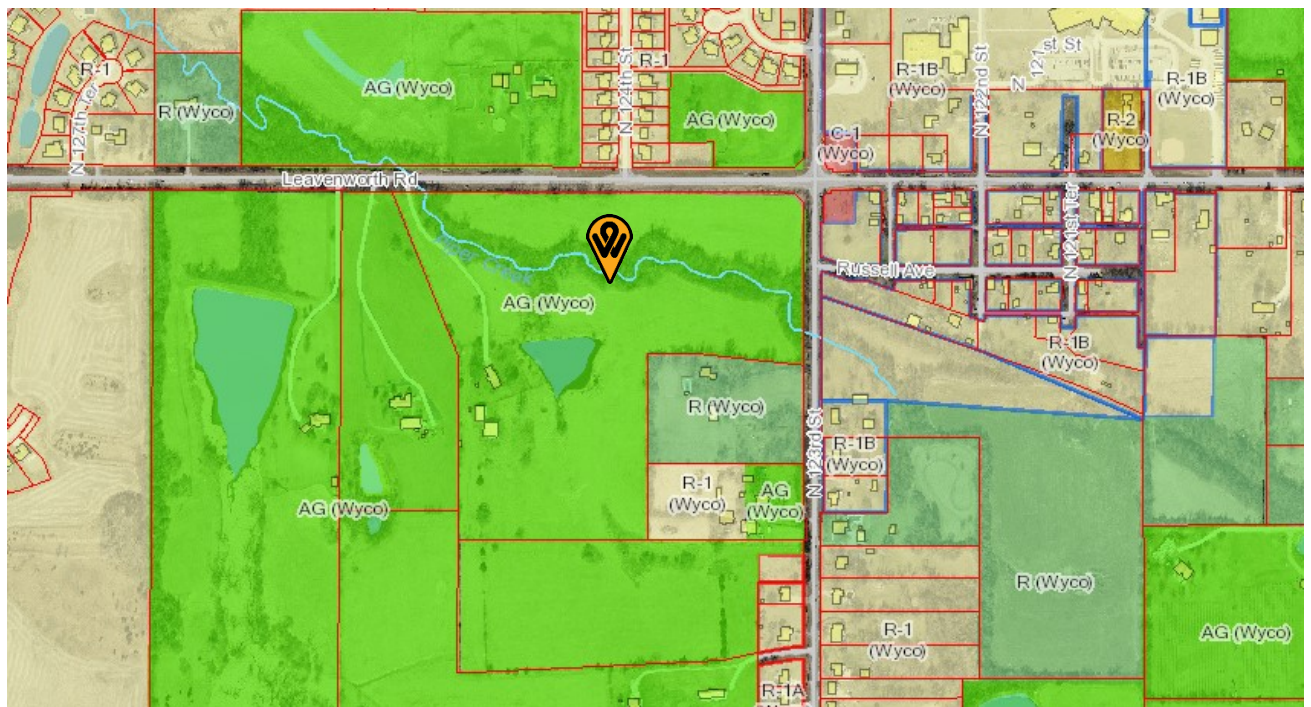
Legend

LOW DENSITY RESIDENTIAL	OPEN SPACE
SUBURBAN RESIDENTIAL	ENTERTAINMENT
MIXED RESIDENTIAL	SMALL COMMERCIAL
OFFICE	POTENTIAL OPEN SPACE
BUSINESS PARK	PARKWAY
PLANNED COMMERCIAL	CREEK
PUBLIC / SEMI-PUBLIC	WATERSHED

AERIAL MAP



ZONING MAP



PHOTOS OF PROPERTY PROVIDED BY STAFF, DATED DECEMBER 20, 2020



PRELIMINARY PLAT SUBMITTED BY THE APPLICANT



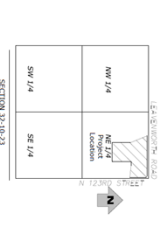
PRELIMINARY PLAT

- LEGEND
- 1. DENOTES FOUND MONUMENT AS NOTED WITH L&P 3488 CAP
 - 2. DENOTES FOUND MONUMENT AS NOTED
 - 3. FENCE

GENERAL NOTES

1. The plat is for the purpose of showing the location of the monument shown on the map.
2. The monument shown on the map is a monument shown on the map.
3. The monument shown on the map is a monument shown on the map.
4. The monument shown on the map is a monument shown on the map.
5. The monument shown on the map is a monument shown on the map.

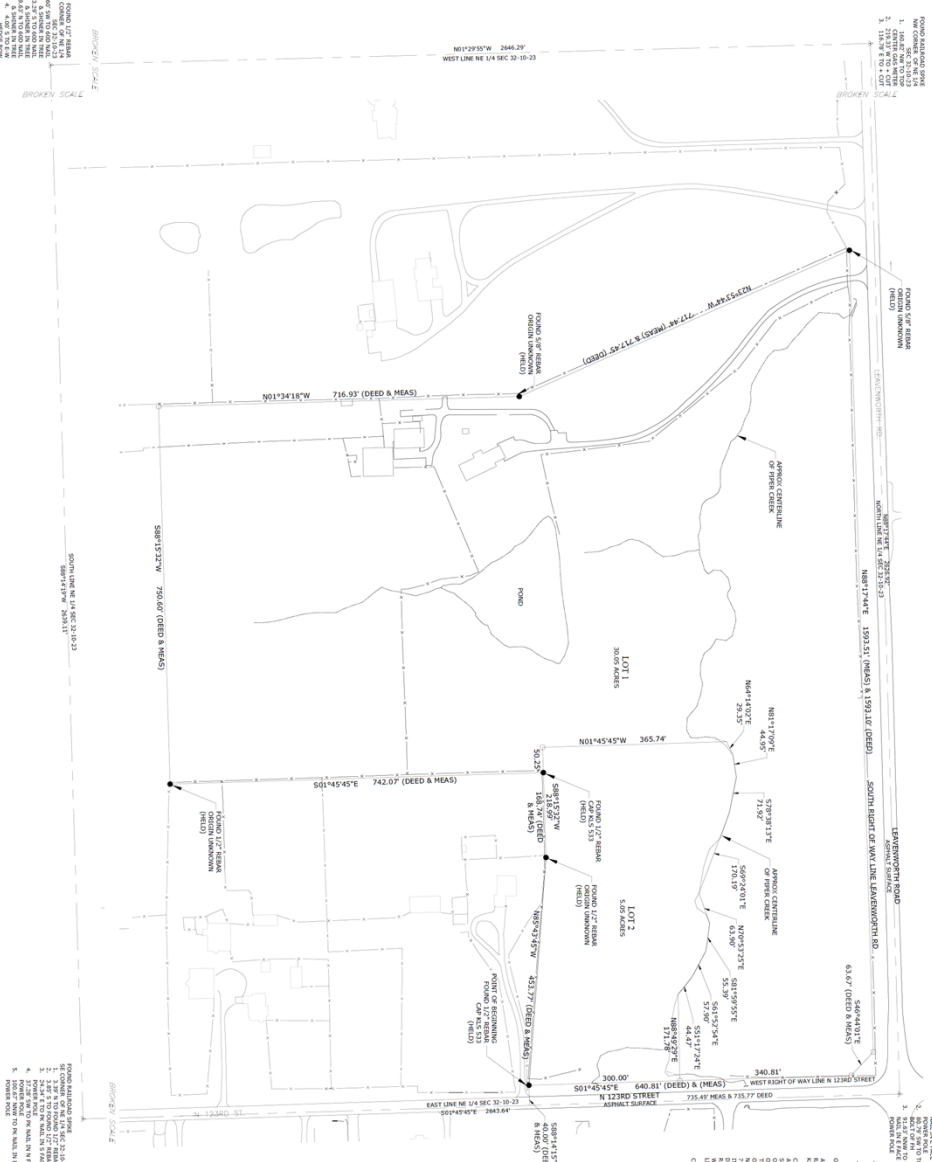
VICINITY MAP



SCALE	PREPARED FOR
1"=100'	
SEC-TWNRNG	
32-10-23	
DATE	
October 16, 2020	

RAKOSKI ADDITION

DESCRIPTION OF THE ADDITION: The addition is a tract of land in the northwest quarter of Section 32, Township 33 North, Range 10 West, Leavenworth County, Kansas. The addition is bounded by the following lines: North by the line of the Section 32, Township 33 North, Range 10 West, Leavenworth County, Kansas; East by the line of the Section 32, Township 33 North, Range 10 West, Leavenworth County, Kansas; South by the line of the Section 32, Township 33 North, Range 10 West, Leavenworth County, Kansas; and West by the line of the Section 32, Township 33 North, Range 10 West, Leavenworth County, Kansas.



UTILITY INFORMATION:
ATKINS ENGINEERING (866)332-8847
ATTORNEY (866)779-9140
ADDRESS: 12055 LEVENWORTH
RD, LEVENWORTH, KS 66159
KC BUS SERVICE (866)779-9140
GOOGLE EARTH INC. (913)486-5518
MC (800)339-4477
LEVENWORTH, KS (866)779-9140

PRELIMINARY PLAT SUBMITTED BY THE APPLICANT. CONT.



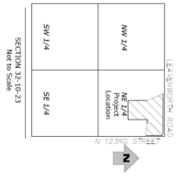
PRELIMINARY PLAT

ENCLOSURE ROUND MONUMENT AS NOTED
ENCLOSURE ROUND MONUMENT AS NOTED

GENERAL NOTES

- 1. This plat is for the proposed plat for the plat of the Round Monument, Section 32, Township 35 North, Range 14 West, Leavenworth County, Kansas.
- 2. The Round Monument is located in the center of the section, and is a round monument of the same shape and size as the one shown on the plat.
- 3. The Round Monument is located in the center of the section, and is a round monument of the same shape and size as the one shown on the plat.
- 4. The Round Monument is located in the center of the section, and is a round monument of the same shape and size as the one shown on the plat.

VICINITY MAP



SCALE	PREPARED FOR
1"=100'	
SECTION 32-10-23	
DATE	
October 16, 2020	

RAKOSKI ADDITION

A TRACT OF LAND BEING THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 35 NORTH, RANGE 14 WEST, LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCED AT THE SOUTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 35 NORTH, RANGE 14 WEST, LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1. A TRACT OF LAND BEING THE SOUTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 35 NORTH, RANGE 14 WEST, LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

2. A TRACT OF LAND BEING THE SOUTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 35 NORTH, RANGE 14 WEST, LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

3. A TRACT OF LAND BEING THE SOUTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 35 NORTH, RANGE 14 WEST, LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

4. A TRACT OF LAND BEING THE SOUTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 35 NORTH, RANGE 14 WEST, LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

5. A TRACT OF LAND BEING THE SOUTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 35 NORTH, RANGE 14 WEST, LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

6. A TRACT OF LAND BEING THE SOUTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 35 NORTH, RANGE 14 WEST, LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

7. A TRACT OF LAND BEING THE SOUTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 35 NORTH, RANGE 14 WEST, LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

8. A TRACT OF LAND BEING THE SOUTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 35 NORTH, RANGE 14 WEST, LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

9. A TRACT OF LAND BEING THE SOUTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 35 NORTH, RANGE 14 WEST, LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

10. A TRACT OF LAND BEING THE SOUTHWEST CORNER OF SAID SECTION 32, TOWNSHIP 35 NORTH, RANGE 14 WEST, LEAVENWORTH COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



FINAL PLAT SUBMITTED BY THE APPLICANT

A. DENOTES FOUND MONUMENT AS NOTED
○ DENOTES SET 1/2" REBAR IN CONCRETE WITH LS# 1408 C
● DENOTES FOUND MONUMENT AS NOTED

1. This basin is the bearing system for this plot in the Kansas North Zone U.S. State Route 10B2.
2. All distances between basins are ground distances in feet.
3. Floodplain Model According to FEMA Map Community Panel Numbers 200900030D effective September 2, 2011. Area of Potential Flood Hazard
4. KS One Call was not called.
5. Current Zoning - AG WYCO / Proposed Zoning Lot 2 - AG
6. Closure Prediction: 1 part in 1272706-379



SCALE	PREPARED FOR
$1"=100'$ 	
SEC-17VA-RNG	JASON & HALEY PAKOSKI
32-10-23	ADDRESS: 12323 LAURENWATER ROAD KANSAS CITY, KS 66109
DATE	

NEIGHBORHOOD MEETING MATERIALS, DECEMBER 28, 2020

Neighborhood Meeting

Rakoski Addition Final Plat

Change of Zone___0003___

Date and Location: December 28th, 2020 @ 2300 Hutton Road Suite 108 Kansas City, KS 66109

Meeting called to order at ___3:00 PM___

Attendees:

Rick Ellis

Teresa Ellis

-3000 N 123rd St Kansas City, KS 66109

Warren Bennett

Elaine Bennett

-12631 Leavenworth Rd Kansas City, KS 66109

Marvin Stringfella (via phone call)

-3104 N 124th St Kansas City, KS 66109

Andrea Weishaubt

Austin Thompson

Introductions:

Andrea Weishaubt of Atlas Surveyor's introduced herself and began to explain the concept of what this project will be. She explained that the owner (Daryl Rakoski), wanted to split off a 5-acre tract on his current property. For them to be able to complete that, they had to replat the piece of ground into two different lots and also rezone the 5-acre lot from AG WYCO to AG. After explaining she presented the plat for everyone to see and then opened up for questions.

Questions:

1. Teresa Ellis

Question: Where will the driveway be located?

Answer: The drive way will come off of 123rd street. The exact location of the driveway for the new proposed lot has not been determined yet.

2. Elaine Bennett

Question: I thought you could only split your property one time?

Answer: That is correct, you can only split your property one time as a tract. Since we are replatting this piece of ground, this is technically a subdivision. Therefore, the owner is aloud to replat the property and create new lots.

3. Warren Bennett

NEIGHBORHOOD MEETING MATERIALS, DECEMBER 28, 2020, CONT.

Question: What is the new zoning going to be for the new subdivision?

Answer: Lot 1, the big 30 acre lot, is going to stay at AG WYCO, but Lot 2, the smaller 5 acre lot, has to be rezoned to AG.

4. Elaine Bennett

Question: Will the new house being built be on septic or sewer? And if it does end up on septic how far away do the lateral lines have to be from the creek?

Answer: The new house being built on Lot 2 will be on septic. And there will be a certain requirement on how far the lateral lines have to be away from the creek, but I do not know the answer to this at this time.

5. Teresa Ellis

Question: Do they have a building permit already?

Answer: No, before they can do anything, they must split the land and complete the platting process.

6. Rick Ellis

Question: Can a driveway go on a building setback line?

Answer: Yes, the only restriction for driveway location is the distance from an intersection and in between neighboring driveways.

7. Rick Ellis

Question: Are you going to be adding markers along the property line to show the line between the new created lot and our property?

Answer: The Rakoski's have not hired us at this time to mark the property line. They have only hired us currently to complete this plat for them.

8. Warren Bennett

Question: Did you actually find property corner bars?

Answer: Yes, all of these filled in circles are the corners that we physically found.

9. Teresa Ellis

Question: Who was all notified about coming to this meeting and the plat being completed.

Answer: Everyone within 200 feet of the property.

10. Warren Bennett

Question: How many acres are the two lots?

Answer: Lot 1 is 30 acres and lot 2 is 5 acres.

11. Teresa Ellis

Question: What kind of house are they building?

Answer: No plat plan or foundation plans have been presented to us at this time.

12. Teresa Ellis

Question: When will this going to those commission meetings?

Answer: Planning Commission will be January 11 and City Commission will be January 28.

13. Warren Bennett

Question: How far away from the intersection is it before they have to be on septic?

NEIGHBORHOOD MEETING MATERIALS, DECEMBER 28, 2020, CONT.

Answer: 300 feet which Lot 2 does meet.

14. Rick Ellis

Question: When does the transfer of deed happen?

Answer: Once everything is completed on our end. The plat and change of zone. Then a transfer of deed can occur.

Meeting adjourned at 3:45 PM

Minutes Taken By: Austin Thompson with Atlas Surveyors



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: **Change of Zone Petition #COZ-0004 and Plan Review Petition #PR2020-33 and Master Plan Amendment #MPL2020-014**

GENERAL INFORMATION

Applicant:
Bob Becker

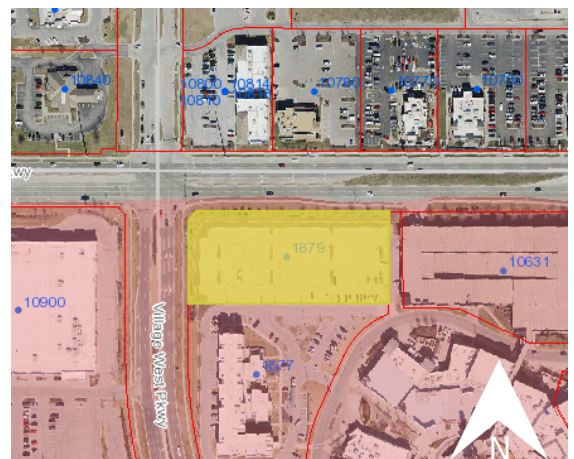
Status of Applicant:
Representative
Legends 267, LLC.

Requested Actions:
Change of Zone from CP-2 Planned
General Business District to RP-6
Planned High Rise Apartment
District.

Preliminary and Final Plan Review.

A Master Plan Amendment from Planned
Commercial (Prairie Delaware Piper Master
Plan) to High Density Residential (City-Wide
Master Plan).

Date of Application:
November 30, 2020



#COZ-0004, #PR2020-33, and #MPL-2020-014

January 28, 2021

Purpose: To rezone and plat one (1) multi-family residential lot to build 267 apartment units.

Property Location: 1879 Village West Parkway
Kansas City, Kansas 66111

Commissioner Districts: Commissioner At Large: Tom Burroughs
District #7 Commissioner: James F. (Jim) Walters

Existing Zoning: CP-2 Planned General Business District

Adjacent Zoning: **North:** CP-2 Planned General Business District
 South: CP-2 Planned General Business District
 East: CP-2 Planned General Business District
 West: CP-2 Planned General Business District

Adjacent Uses: **North:** Commercial Businesses
 South: Commercial Businesses
 East: Commercial Businesses/The Legends Mall
 West: Commercial Businesses

Total Tract Size: 2.45 Acres

Master Plan Area: Prairie Delaware Piper Master Plan

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this area as Planned Commercial District. This allows for a variety of commercial uses.

Major Street Plan: The Major Street Plan classifies Parallel Parkway as a Class A Thoroughfare and Village West Parkway as a Class B Thoroughfare.

Parking Requirement: Section 27-466 requires that in uses in CP-2 Planned Commercial Districts require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building.

Section 27-461 states that in RP-6 Planned High Rise Apartment District, one (1) parking space shall be provided for each dwelling unit that has one (1) bedroom or less; provided, however, that buildings designed solely for senior and retired persons need provide no more than one (1) parking space for each three (3) dwelling units. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more; provided, however, that buildings designed solely for senior and retired persons shall provide parking as required by the planning commission.

One (1) out of every 25 parking spaces must be ADA Compliant. One (1) out of every six (6) ADA spaces must be van accessible.

The proposed plan designates 350 units of parking will be designated for public use and 285 are designated for private residential use.

Advertisement: The Wyandotte Echo – Change of Zone/Master Plan – December 17, 2020
Letters to Property Owners – December 16, 2020 and January 20, 2021

Public Hearings: January 11, 2021 and January 28, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bob Becker with Legends 267, LLC, is requesting a Change of Zone from CP-2 Planned General Business District to RP-6 Planned High Rise Apartment District, a Preliminary and Final Plan Review, and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to High Density Residential (City-Wide Master Plan) to develop a 267 unit apartment building. A designation in the Prairie Delaware Piper Master Plan needs to be determined. The building will have three (3) stories of parking and five (5) stories of residential space.

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

Code Enforcement History: There is no Code Enforcement History on this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is commercial in nature, with several retail businesses and professional offices along major thoroughfares. The Legends mall is to the East. The proposed development site is currently a surface parking lot.

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

The zoning and uses of nearby properties are set out above. If the proposal is approved, the property will be changed from CP-2 Planned Commercial Business to RP-6 High Rise Apartment District and the Master Plan Land Use will become High-Density Residential. The proposed use is compatible with this designation because it is for a 267-unit apartment building.

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

The removal of the restrictions should not detrimentally affect nearby property but should benefit them. Developing residential units near the commercial and retail has the potential to increase business at these locations and raise property values. The proposed development will increase traffic to and from the area but will not exceed the capacity of the Class A and Class B Thoroughfares to accommodate it. The proposal will include parking for residents as well as for the public. T

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

The property is not vacant. It is currently being used as a public surface parking lot that serves the Legends Mall.

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

The proposed use provides a benefit to the public in the form of housing and amenities. It will provide residential uses within walking distance of the Legends Mall and other adjacent uses. The proposed use will not injure the appropriate use, visual quality, or marketability of nearby properties, but rather enhance them.

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

The proposed use will increase traffic along Parallel Parkway, Village West Parkway, State Avenue, and North 110th Street. The Traffic Impact Study will be analyzed by Planning Engineering and Public Works regarding road capacity.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan. A Master Plan Amendment has been filed and is part of this application. The proposed use does conform to the proposed Master Plan Amendment to High Density Residential (City-Wide Master Plan).

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

The proposed use should not cause environmental harm because if development is designed to meet City Code. The proposal includes a plan to implement landscaping in the area, which will enhance the environment.

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

a. *Water service*

Municipal water service is provided.

b. *Sanitary sewer service*

To be designed to meet City Code.

c. *Storm water control*

Municipal storm water control is provided.

d. *Police*

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

e. *Fire*

Fire service is provided by Station #12.

f. *Transit*

KCATA provides transportation to this location on the 116 West Parallel line. The nearest stop is on Village West Parkway.

g. *Schools*

Public Education is Provided by Piper USD 203.

h. *Streets*

See item #6 above.

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

The proposed use will provide an economic benefit to the community. The site is currently being used as a surface parking lot. The proposed use will create 267 living units within walking distance of nearby business establishments.

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

The proposed use is capable of meeting ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied the owners will still have property that is able to be developed, however, not in the form they originally intended.

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

The development can be used safely without danger to health, flood, erosion, or excessive noise if developed properly.

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

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

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

Buildings and streets are so arranged as to afford adequate light, and open space to facilitate fire protection and to provide for long-term sustained real estate values.

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

The site is currently being used as a paved surface parking lot. The proposal includes a plan for landscaping the area.

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

Amenities are provided for the residents only within the complex, including a fitness center, a bocce ball court, pool, outdoor kitchen, club rooms, and a sky lounge.

PREVIOUS ACTIONS

COZ #2583

NEIGHBORHOOD MEETING

Applicant held an online neighborhood meeting via Zoom on December 22, 2020. No one attended other than the development team. Documentation is attached below.

KEY ISSUES

Multi-Family Design Guidelines
Pedestrian Access and Scale
Auto-Oriented Design of Floors One (1) and Two (2)
Landscaping/Screening
Active Ground Floor

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2020-014, Change of Zone COZ-0004, and Plan Review PR2020-33, subject to:

- 1) **Must have pedestrian access to Parallel Parkway, Village West Parkway, and to the Legends Outlet Mall;**
- 2) **Must add sidewalks and crosswalks to the Legends Mall;**
- 3) **Building materials and landscaping along the garage façade should screen the garage use.**
- 4) **Must provide a site plan that shows all public improvements including sidewalks;**
- 5) **All amenities shall be built within the first phase of the development;**
- 6) **Forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco;**
- 7) **Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public;**
- 8) **Trees are required at not less than one (1) per 4,500 square feet of site area;**
- 9) **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;**
- 10) **All landscaping shall be irrigated;**

- 11) 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 (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;
- 12) 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;
- 13) All electrical meter banks, typically on the side of the building shall be screened from public view;
- 14) 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;
- 15) 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;
- 16) Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
- 17) No sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process; and,
- 18) 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Change of Zone Petition **COZ-0004**, Plan Review **PR2020-33** and Master Plan Amendment **MPL2020-014** subject to all comments and suggestions outlined in the staff reports and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Site Photographs Provided by Staff, Dated December 16, 2020
Site Photographs Provided by Applicant
Landscape Plan
Plans
Elevations
Conservation District Comments
Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Rezoning	January 11, 2021 Approval	January 28, 2021
Public Hearing Plan Review	January 11, 2021 Approval	January 28, 2021
Public Hearing Master Plan	January 11, 2021 Approval	January 28, 2021

STAFF CONTACT: Shana Shanteau
 sshanteau@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Master Plan Amendment **MPL-2020-014**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report.

OR

I move the Unified Government Board of Commissioners **DENY** Master Plan Amendment **MPL-2020-014** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ-0004** as meeting all the requirements of the City code and being in the interest of the public

health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ-0004**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2020-33**, as meeting all the requirements of the City code and being in the interest of the public health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2020-33** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

Hearing starts at 2:18:28:

MASTER PLAN AMENDMENT MPL2020-014 – BOB BECKER WITH LEGENDS 267, LLC – SYNOPSIS: Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to High Density Residential (City-Wide Master Plan) at 1879 Village West Parkway.

CHANGE OF ZONE APPLICATION COZ-0004 – BOB BECKER WITH LEGENDS

267, LLC – SYNOPSIS: Change of Zone from CP-2 Planned Limited Business District to RP-6 Planned High Rise Apartment District for 267 apartment units at 1879 Village West Parkway.

PLAN REVIEW APPLICATION PR2020-33 – BOB BECKER WITH LEGENDS 267,

LLC - SYNOPSIS: Preliminary and Final Plan Review for 267 apartment units at 1879 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Bob Becker with Legends 267, LLC, is requesting a Change of Zone from CP-2 Planned General Business District to RP-6 Planned High Rise Apartment District, a Preliminary and Final Plan Review, and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to High Density Residential (City-Wide Master Plan) to develop a 267 unit apartment building. A designation in the Prairie Delaware Piper Master Plan needs to be determined. The building will have three (3) stories of parking and five (5) stories of residential space. **Code Enforcement History:** There is no Code Enforcement History on this property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Change of Zone Application and Master Plan Amendment; and,
7. The Notices to property owners.

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

Present in Support:

- Aaron March, attorney representing the applicant, Rouse Frets White Goss, 4510 Belleview Avenue, Suite 300, Kansas City, Missouri 64111
- Ben Mahala, Rosemann Associates
- Bob Becker, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:34:15: Planning Director Hand stated that staff worked with the applicant on the Multi-Family Design Guidelines, and the applicant was receptive to the staff's recommendations. It was very important to staff to create pedestrian access across the site and create a direct pedestrian connection to The

Legends. The hotel to the south of this project is building a sidewalk and walkway over to The Legends, and that project must link to this public improvement and create its own crosswalk connection. Staff is still looking for clarity on the pedestrian access to The Legends (he showed the Commission on the map.) Staff understands the constraints of this site as they have just enough room for the sidewalk but has conditional approval to include a crosswalk to The Legends. Staff is encouraged by this project as it sets a precedent for the transformation of The Legends Outlet Mall into a mixed-use, walkable district. He stated that staff recommends approval subject to the conditions in the staff report. He further stated that in looking at the two (2) proposed changes to the conditions by the applicant, staff can work with the applicant on any changes.

Chairman Carson asked if there is enough room for the crosswalk to The Legends. Director Hand stated yes. Chairman Carson asked about the two (2) changes that the applicant is proposing. Director Hand stated that conditions 3 and 7 are basically discussing the parking garage so condition 7 can be stricken. He further stated that he does not want to tie condition 3 to their PowerPoint presentation. Staff would recommend revising condition 3 to the following: **Building materials and landscaping along the garage façade should screen the garage use.** Mr. March stated that they are in agreement.

Motion and Vote starts at 2:43:37:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment MPL2020-014:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ-0004:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

- 1) Must have pedestrian access to Parallel Parkway, Village West Parkway, and to the Legends Outlet Mall;**
- 2) Must add sidewalks and crosswalks to the Legends Mall;**
- 3) Building materials and landscaping along the garage façade should screen the garage use.**
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- 7) Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public;**
- 8) Trees are required at not less than one (1) per 4,500 square feet of site area;**
- 9) 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;**
- 10) All landscaping shall be irrigated;**
- 11) 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 (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;**
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- 15) 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;**
- 16) Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;**

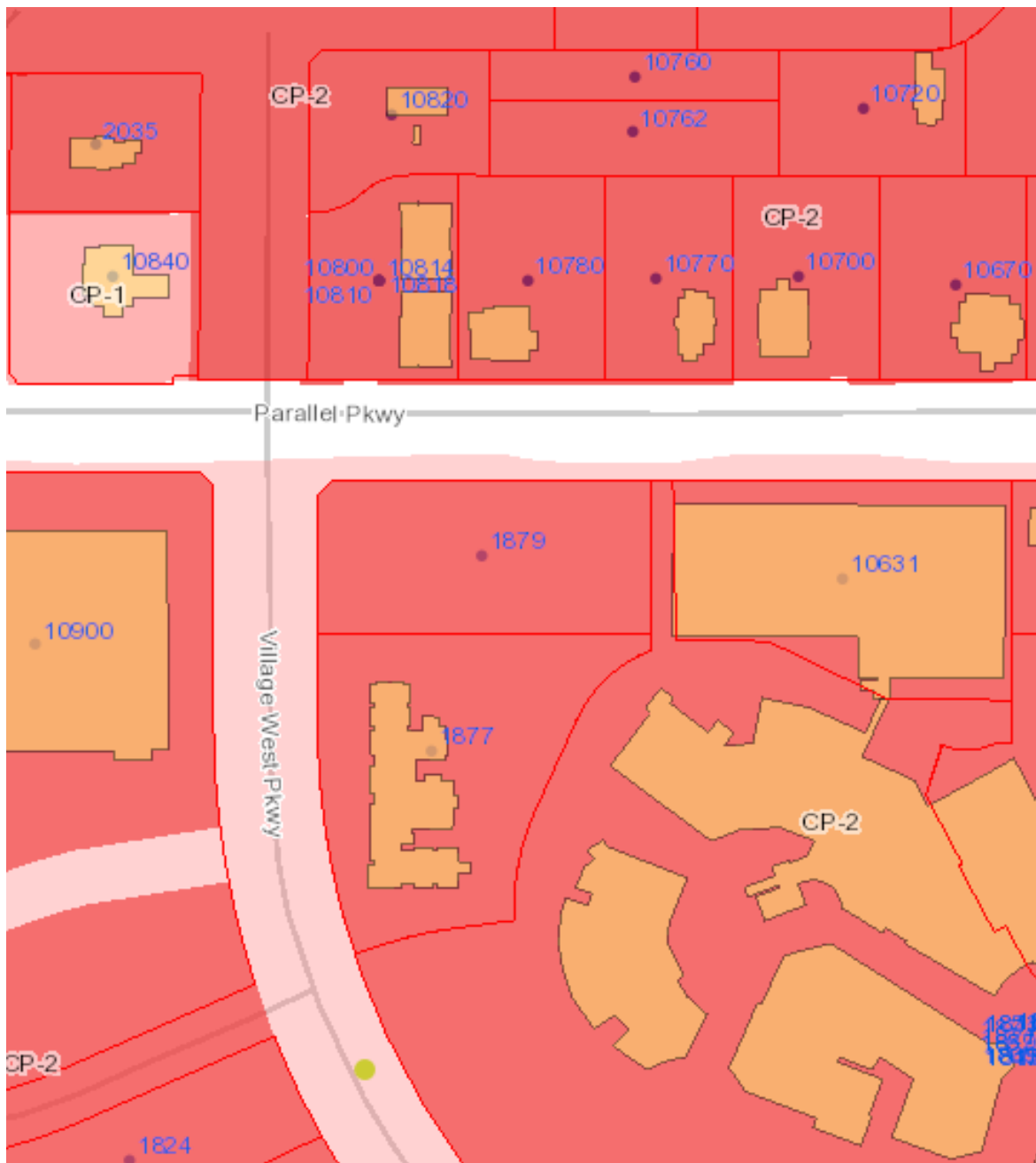
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- 18) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. 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.

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of **Plan Review Application PR2020-33**:

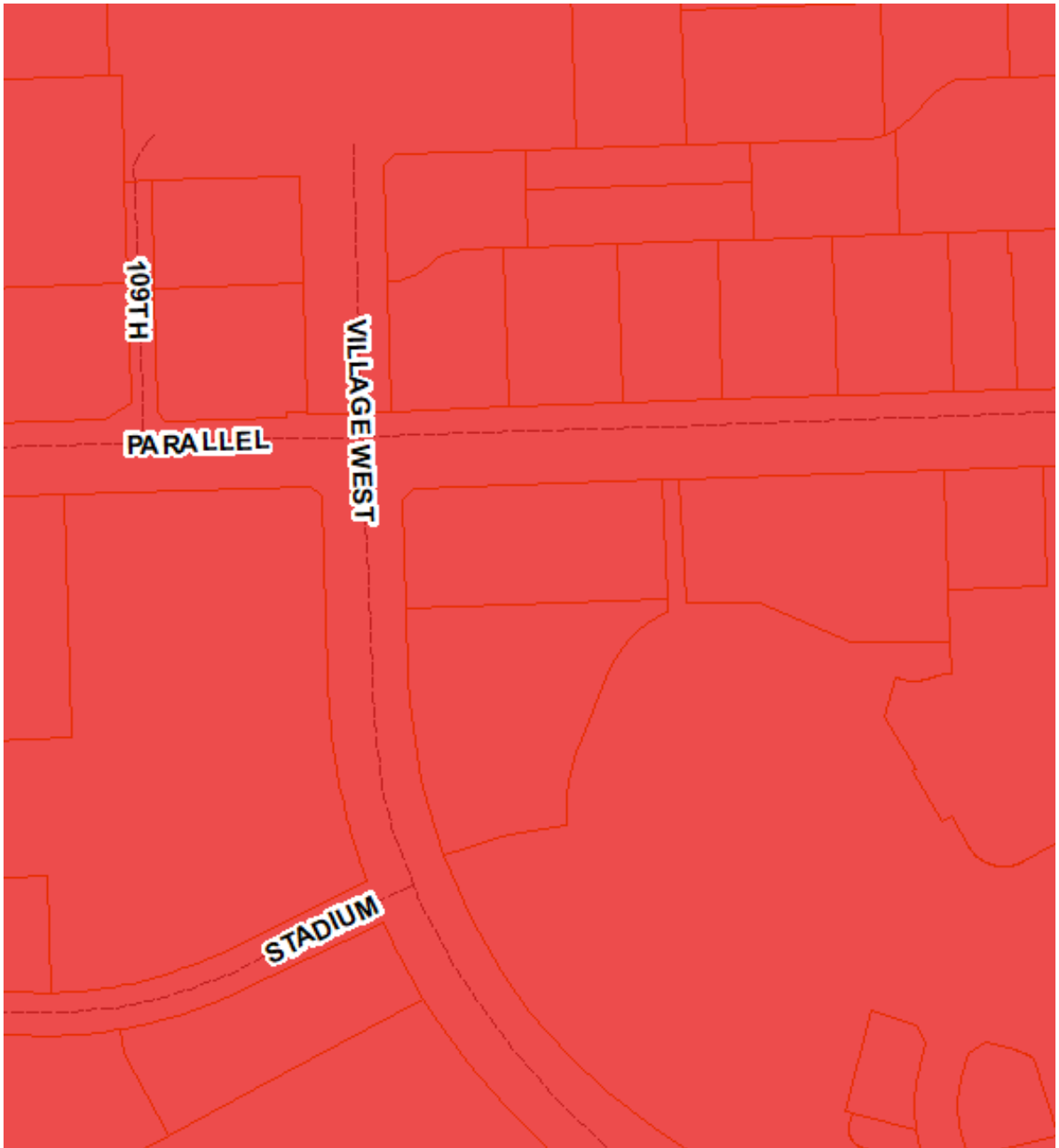
Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Not Present

Motion to recommend APPROVAL Passed: 7 to 0
Subject to the above conditions.

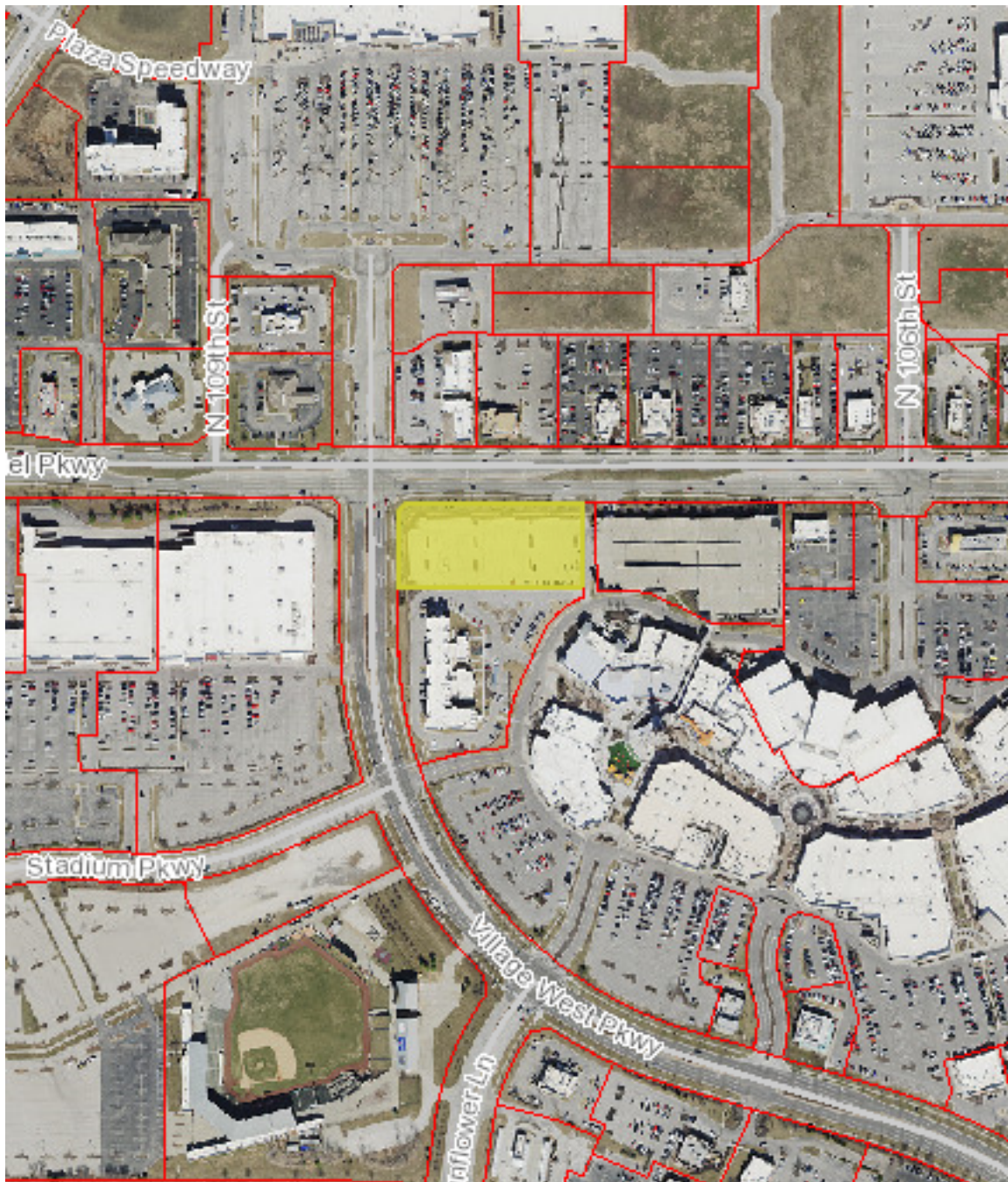
Zoning Map:



Land Use Map:



Aerial Map:



Site Photographs Provided by Staff, Dated December 16, 2020:



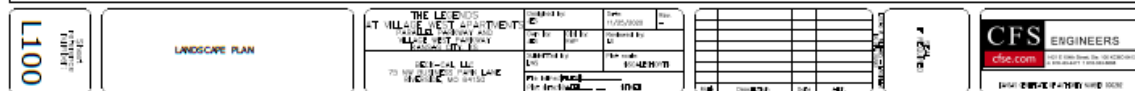
Site Photographs Provided by Applicant:





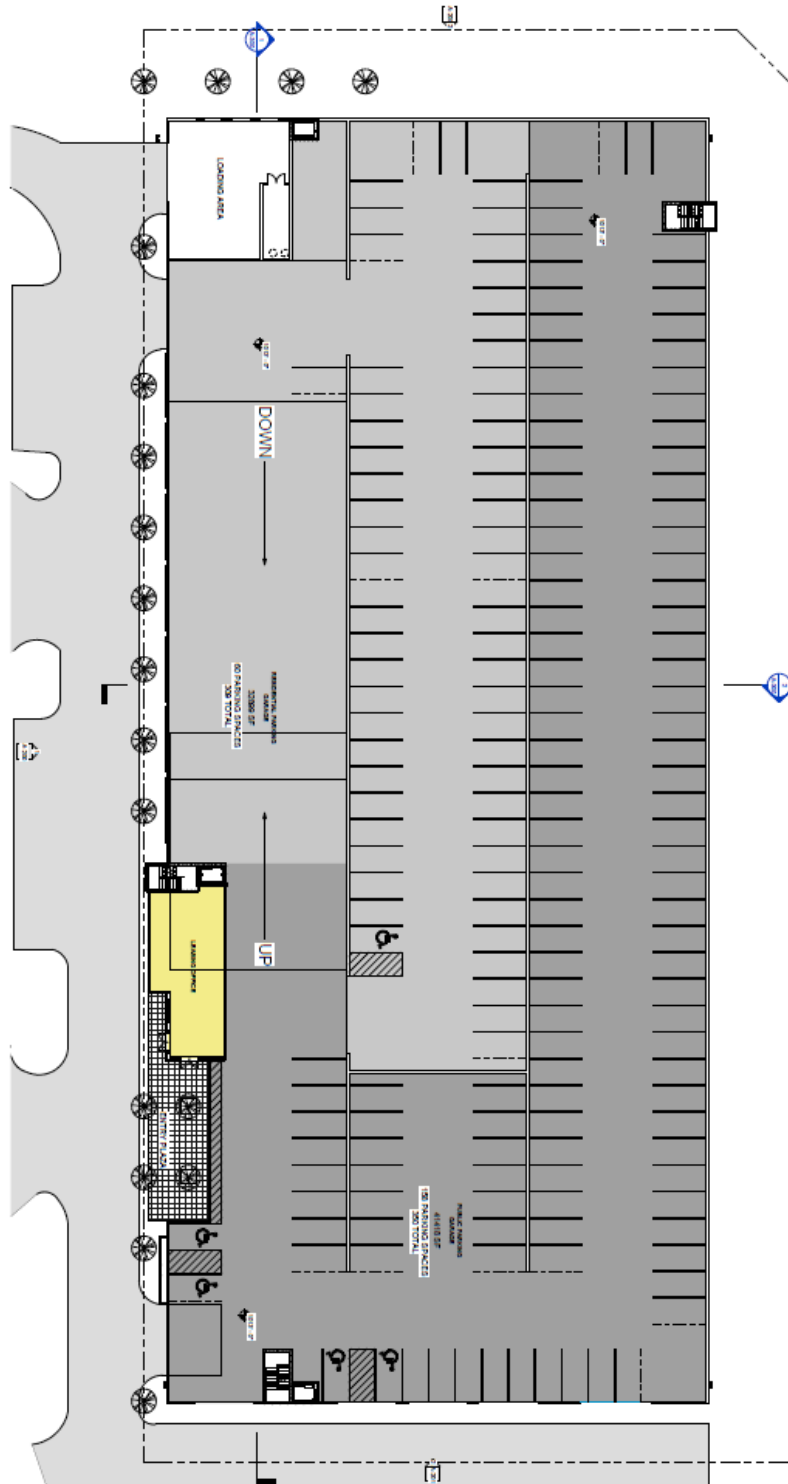


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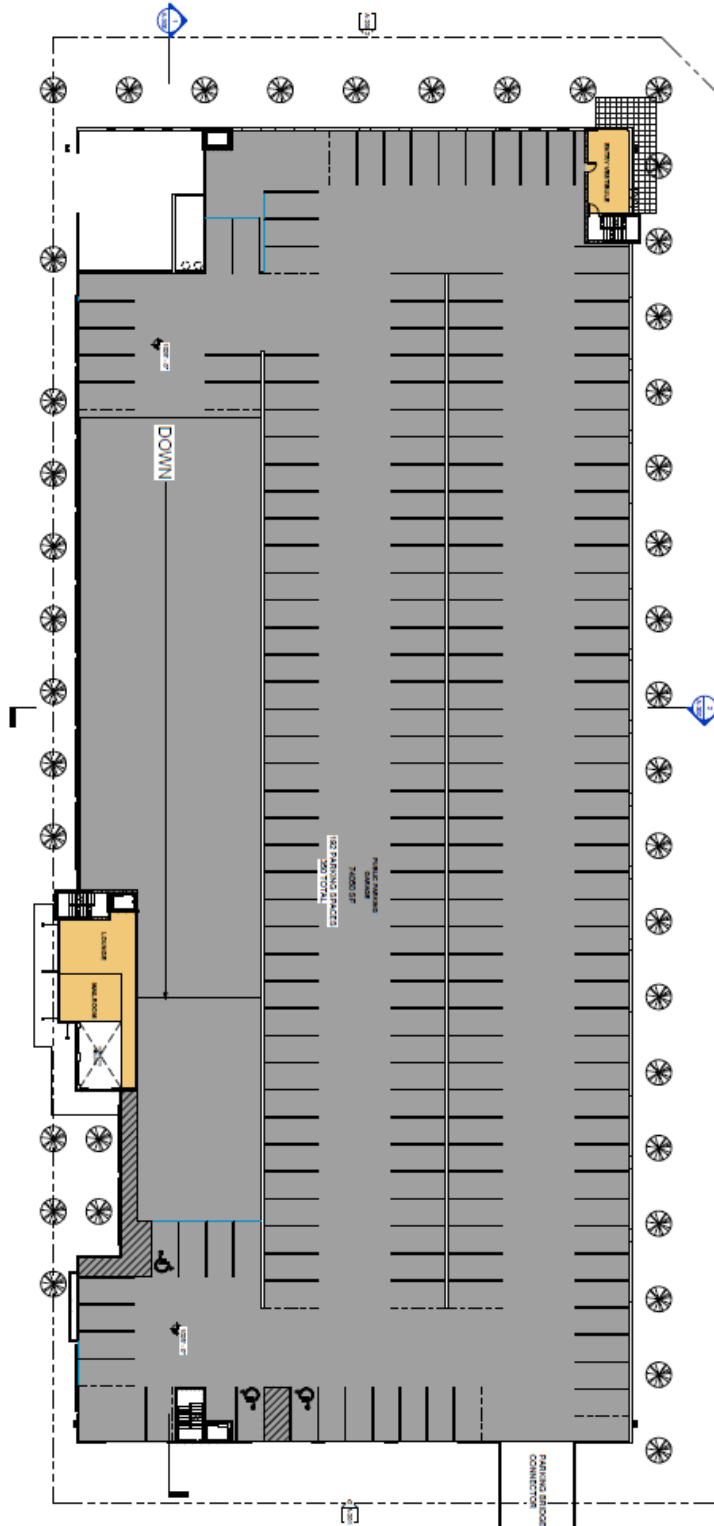
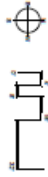


A-110

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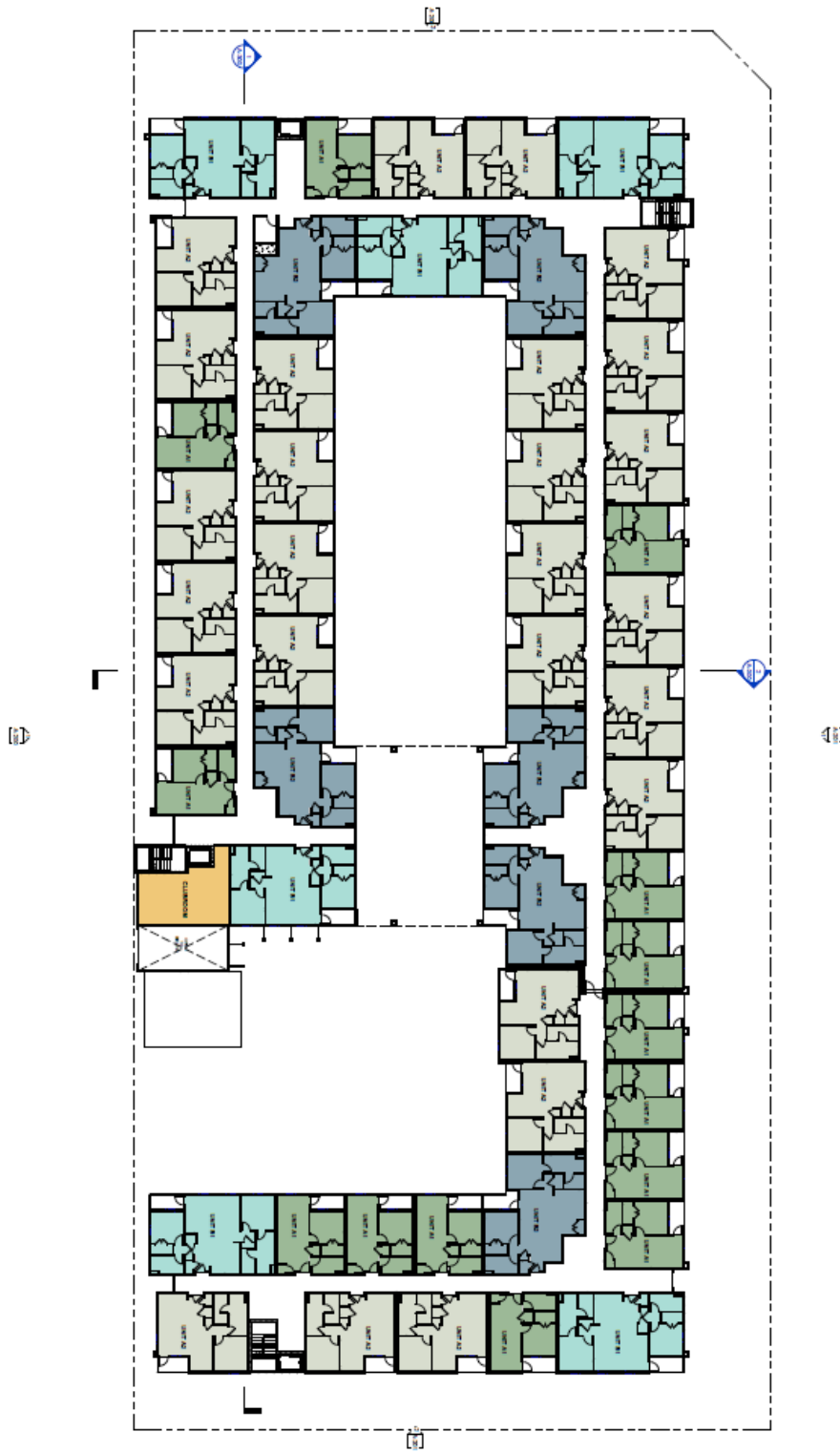
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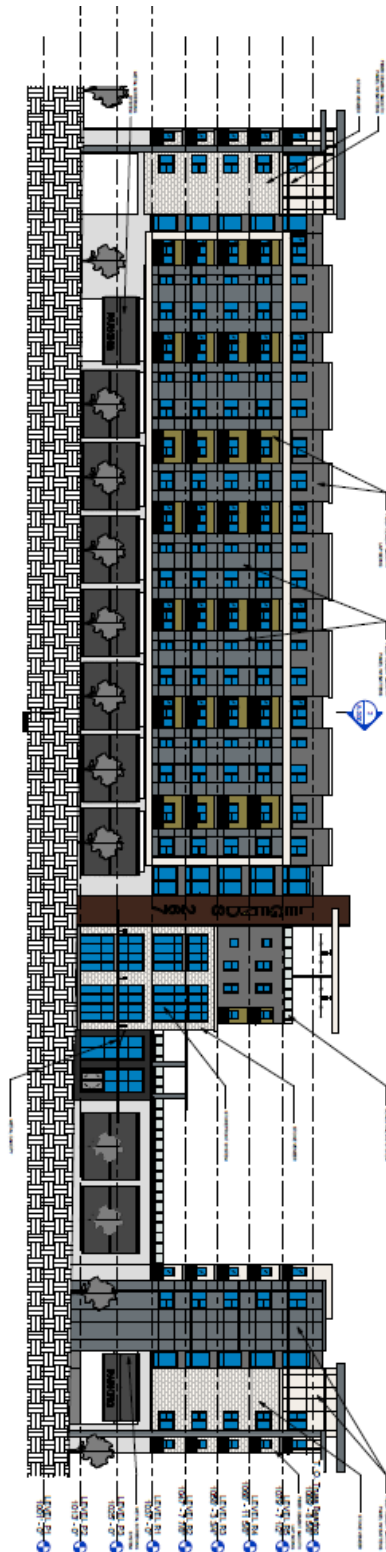
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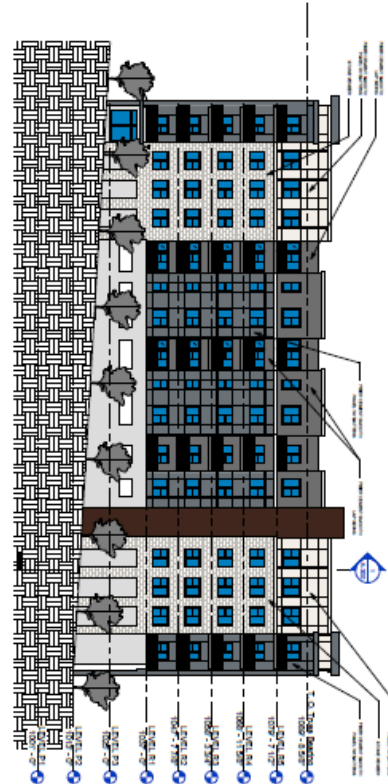
Elevations:

1/2" = 1'-0"

1 South Elevation
1/2" = 1'-0"



2 West Elevation
1/2" = 1'-0"



A-200

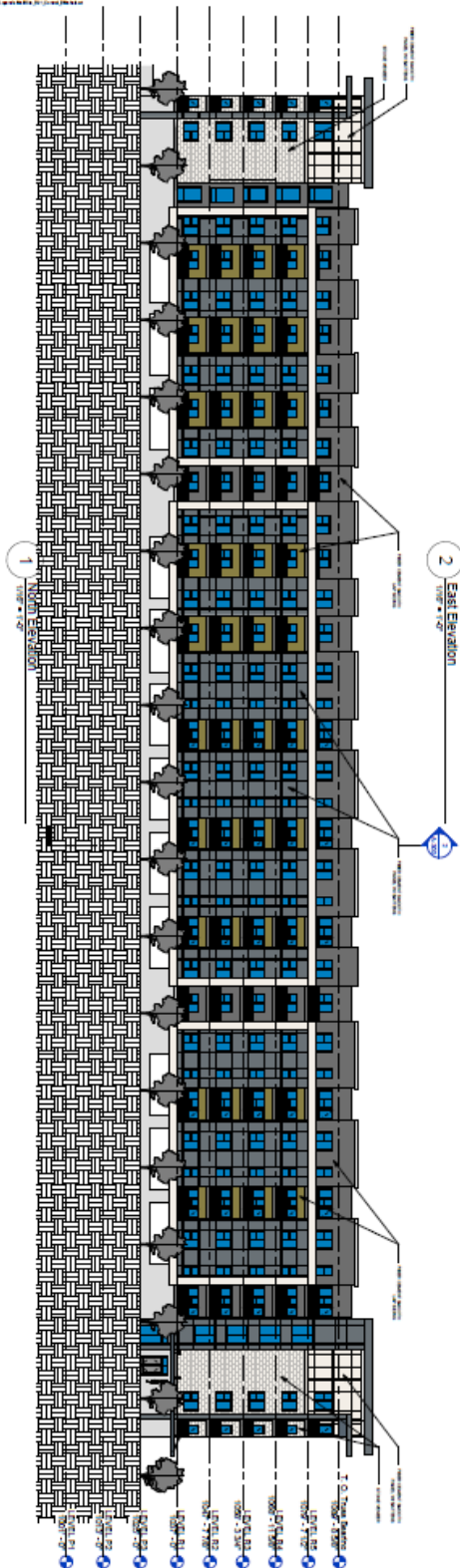
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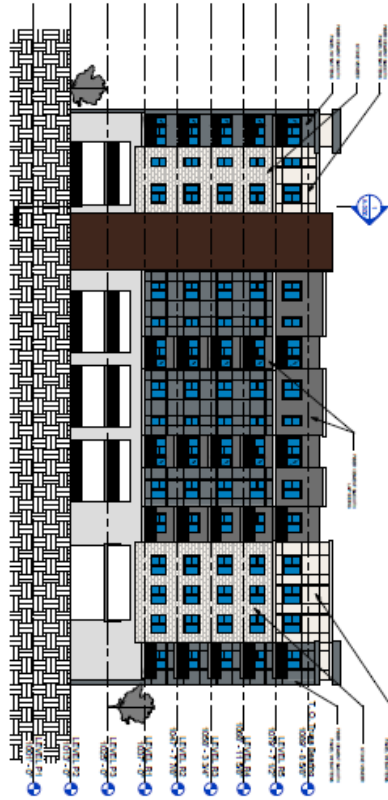
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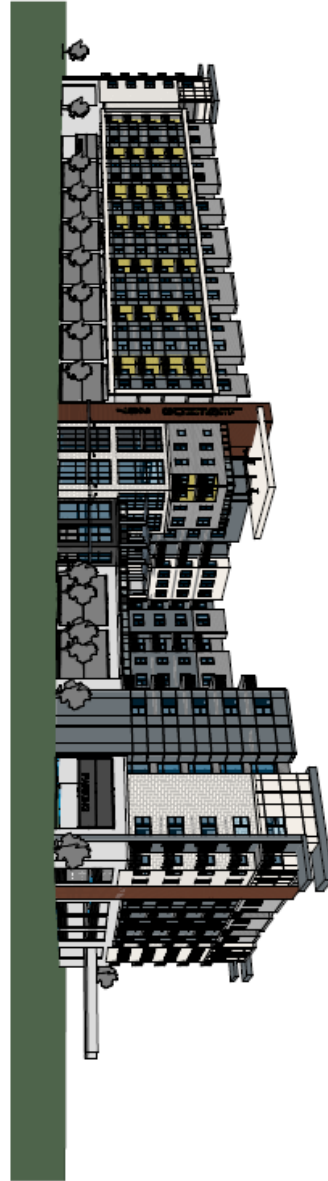
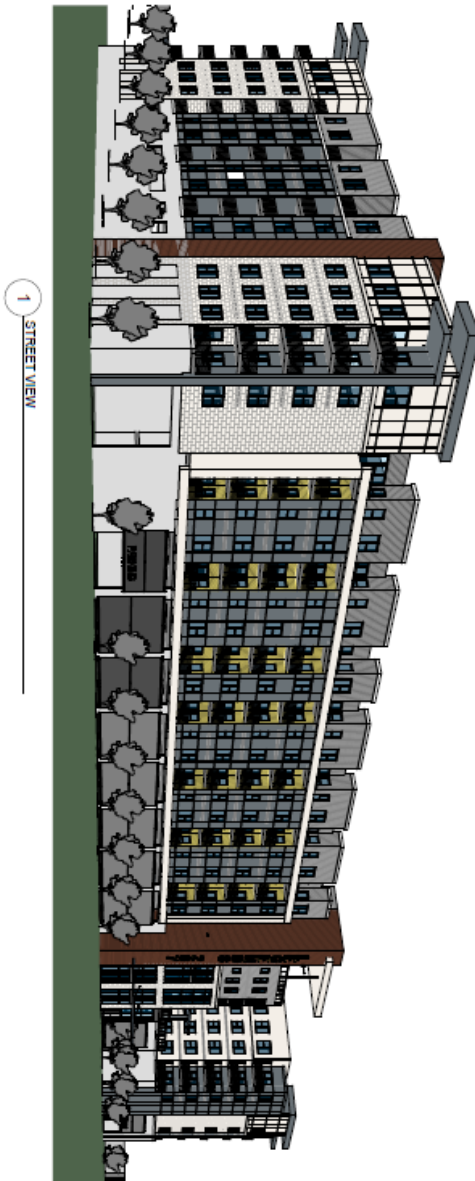
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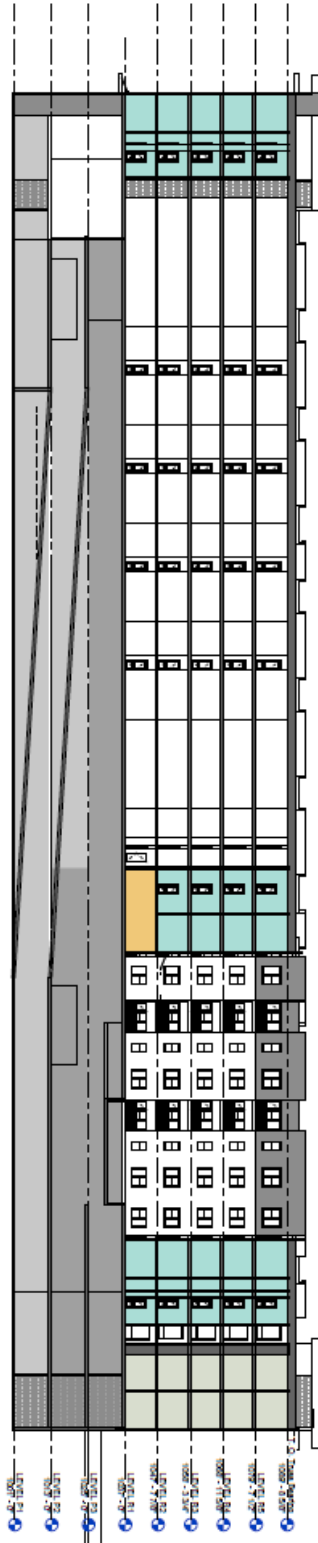
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1
 BUILDING SECTION 1
 1/8" = 1'-0"

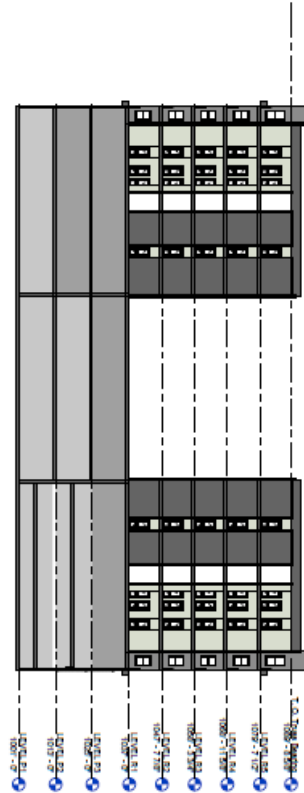


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A-300

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 PROJECT LOCATION
 PROJECT NUMBER
 PROJECT DATE

2
 BUILDING SECTION 2
 1/8" = 1'-0"

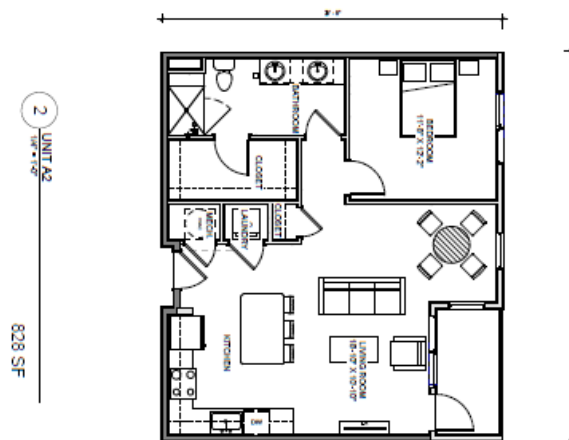
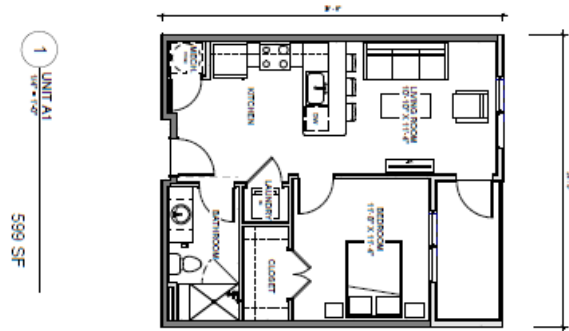


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Floor Plans:

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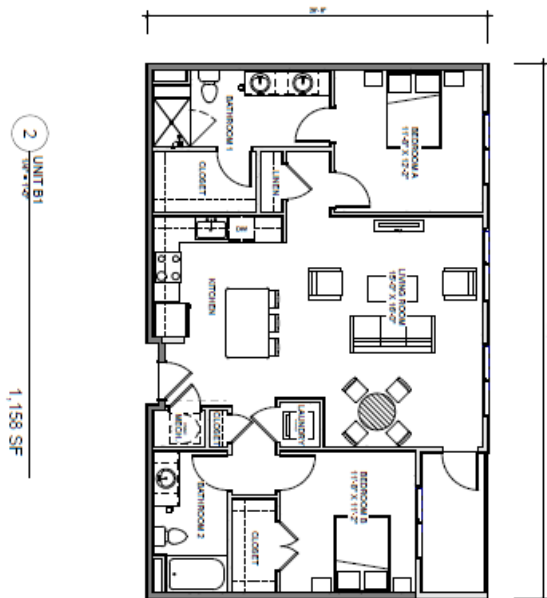
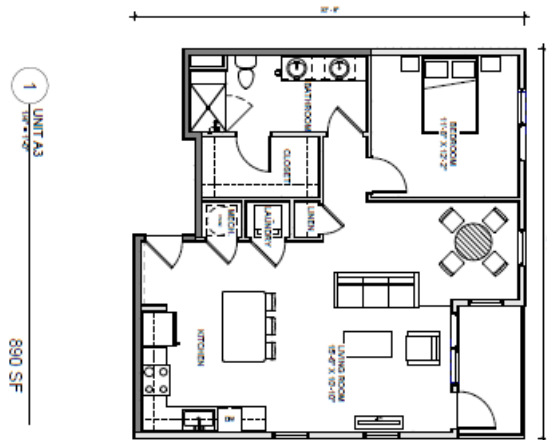


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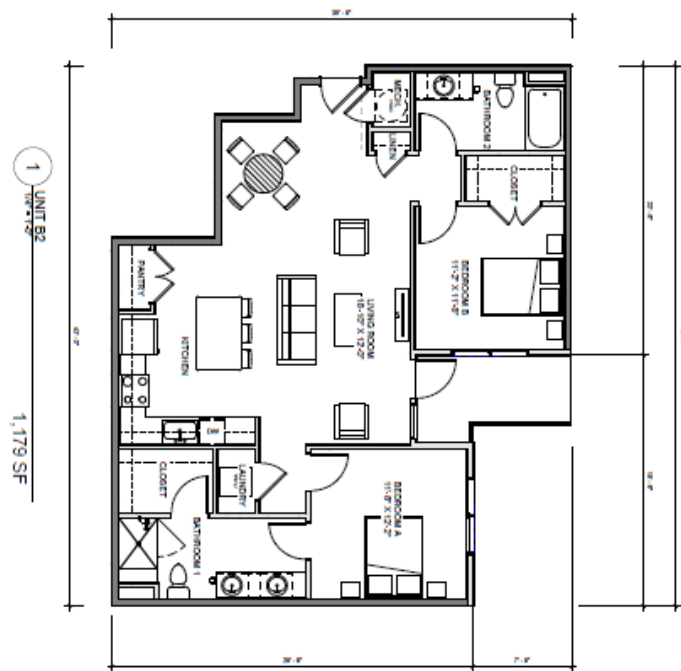


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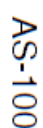
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PUBLISHED ONLINE
February Twenty - 17, 2019
REVIEWED

Conservation District Comments:



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

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

December 16, 2020

RE: COZ-0004 Bob Becker with Legends 267, LLC, CP-2 to RP-6 Plat for 267
Apartment units at 1879 Village West Parkway

Dear Mr. Hand:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the: COZ-0004 Bob Becker with Legends 267, LLC, CP-2 to RP-6 Plat for 267 Apartment units at 1879 Village West Parkway.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwelling and Small Commercial Buildings
Soil Features

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

- There are three major soil types identified: Pawnee clay loam, 4 to 8 percent slopes, eroded, Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded and Sharpsburg silty clay loam, 1 to 4 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- **The erosion control plan that is in the report is very limited.**
- **The construction entrance is at the lowest part of the development. It should be moved to the northeast corner.**
- **It appears that there is going to be a berm around the site. This will need to have sod or erosion control blanket installed on the berm when completed.**

- It appears that there is quite a bit of soil to be removed which will leave a hole.
- A plan needs to also be made for controlling and directing the water leaving the project site.
- The Best Management Practices in this report can be used to solve any erosion control problems.

The following Best Management Practices are recommended for this plat:

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

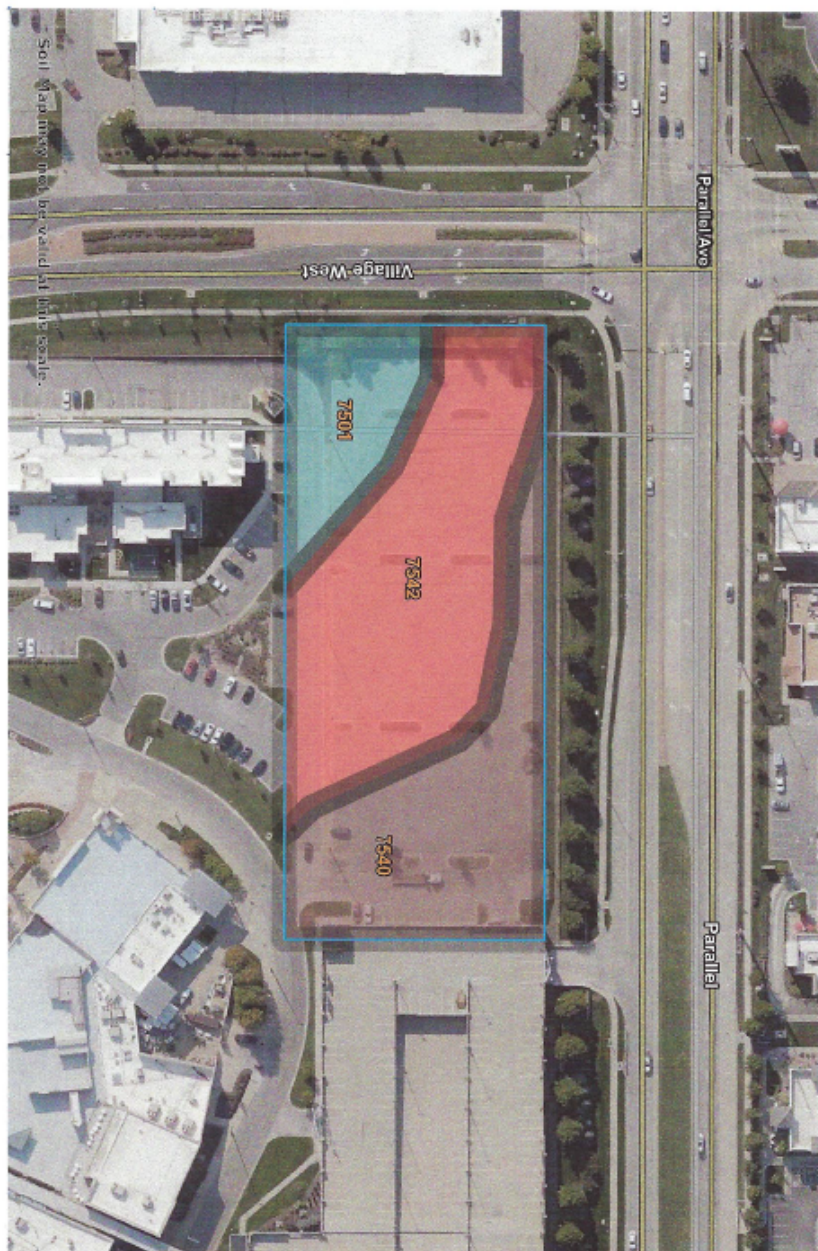
M 50 49 49 46

Map Unit Name—Wyandotte County, Kansas
(COZ-0004 PR2020-33 1879 Village West Parkway)

M 45 49 49 46

39° 7' 44" N

39° 7' 44" N

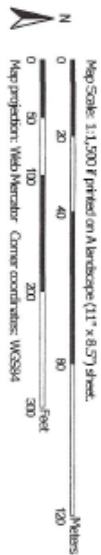


39° 7' 37" N

39° 7' 37" N

M 45 49 49 46

M 45 49 49 46



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

12/10/2020
Page 1 of 3

MAP LEGEND

 Area of Interest (AOI)	 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded
 Area of Interest (AOI)	 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded
Soils	 Not rated or not available
Soil Rating Polygons	
 Pawnee clay loam, 4 to 8 percent slopes, eroded	 Streams and Canals
 Sharpsburg silty clay loam, 1 to 4 percent slopes	 Transportation
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Rats
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Interstate Highways
 Not rated or not available	 US Routes
Soil Rating Lines	 Major Roads
 Pawnee clay loam, 4 to 8 percent slopes, eroded	 Local Roads
 Sharpsburg silty clay loam, 1 to 4 percent slopes	 Aerial Photography
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	
 Not rated or not available	
Soil Rating Points	
 Pawnee clay loam, 4 to 8 percent slopes, eroded	
 Sharpsburg silty clay loam, 1 to 4 percent slopes	

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: websoilsurvey.sc.egov.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

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

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

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

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

Date(s) aerial images were photographed: Jul 16, 2019—Sep 23, 2019

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

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7501	Pawnee clay loam, 4 to 8 percent slopes, eroded	Pawnee clay loam, 4 to 8 percent slopes, eroded	0.4	15.0%
7540	Sharpsburg silty clay loam, 1 to 4 percent slopes	Sharpsburg silty clay loam, 1 to 4 percent slopes	1.0	35.7%
7542	Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	1.3	48.3%
Totals for Area of Interest			2.7	100.0%

Description

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

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



Soil Features

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

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

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

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

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

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

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

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Kind	Restrictive Layer			Subsidence		Potential for frost action	Risk of corrosion	
		Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		Low-RV-High	Range		Low-High	Low-High			
		In	In		In	In			
7501—Pawnee clay loam, 4 to 8 percent slopes, eroded									
Pawnee, eroded	—	—			0	0	Moderate	High	Moderate
7540—Sharnsburg silty clay loam, 1 to 4 percent slopes									
Sharnsburg	—	—			0	0	Moderate	High	Low
7542—Sharnsburg silty clay loam, 4 to 8 percent slopes, eroded									
Sharnsburg, eroded	—	—			0	0	Moderate	High	Low

Data Source Information

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

Dwellings and Small Commercial Buildings

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. This table shows the degree and kind of soil limitations that affect dwellings and small commercial buildings.

The ratings in the table are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the table indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Small commercial buildings are structures that are less than three stories high and do not have basements. The foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (which is inferred from the Unified classification). The properties that affect the ease and amount of excavation include flooding, depth to a water table, ponding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Information in this table is intended for land use planning, for evaluating land use alternatives, and for planning site investigations prior to design and construction. The information, however, has limitations. For example, estimates and other data generally apply only to that part of the soil between the surface and a depth of 5 to 7 feet. Because of the map scale, small areas of different soils may be included within the mapped areas of a specific soil.

The information is not site specific and does not eliminate the need for onsite investigation of the soils or for testing and analysis by personnel experienced in the design and construction of engineering works.

Government ordinances and regulations that restrict certain land uses or impose specific design criteria were not considered in preparing the information in this table. Local ordinances and regulations should be considered in planning, in site selection, and in design.

Report—Dwellings and Small Commercial Buildings

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Dwellings and Small Commercial Buildings—Wyandotte County, Kansas							
Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7501—Pawnee clay loam, 4 to 8 percent slopes, eroded							
Pawnee, eroded	85	Very limited		Very limited		Very limited	
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Depth to saturated zone	1.00
		Shrink-swell	1.00	Shrink-swell	1.00	Shrink-swell	1.00
						Slope	0.52

Dwellings and Small Commercial Buildings—Wyandotte County, Kansas							
Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7540—Sharpsburg silty clay loam, 1 to 4 percent slopes							
Sharpsburg	85	Very limited		Very limited		Very limited	
		Shrink-swell	1.00	Shrink-swell	1.00	Shrink-swell	1.00
				Depth to saturated zone	0.65		
7542—Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded							
Sharpsburg, eroded	85	Very limited		Very limited		Very limited	
		Shrink-swell	1.00	Shrink-swell	1.00	Shrink-swell	1.00
				Depth to saturated zone	0.65	Slope	0.52

Data Source Information

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



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

12/10/2020
Page 3 of 3

Map Unit Description (Brief, Generated)

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

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

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

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

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7501—Pawnee clay loam, 4 to 8 percent slopes, eroded

Component: Pawnee, eroded (85%)

The Pawnee, eroded component makes up 85 percent of the map unit. Slopes are 4 to 8 percent. This component is on hillslopes on uplands. The parent material consists of till. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 14 inches during March, April, May. Organic matter content in the surface horizon is about 2 percent. This component is in the R106XY074NE Clayey Upland ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 1 percent. There are no saline horizons within 30 inches of the soil surface.

Component: Morrill, eroded (5%)

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

Component: Shelby, eroded (4%)

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

Component: Grundy, eroded (3%)

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

Component: Wymore, eroded (2%)

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

Component: Typic epiaquoll (1%)

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

Map Unit: 7540—Sharpsburg silty clay loam, 1 to 4 percent slopes**Component: Sharpsburg (85%)**

The Sharpsburg component makes up 85 percent of the map unit. Slopes are 1 to 4 percent. This component is on hillslopes on uplands. The parent material consists of loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 47 inches during February, March, April, May. Organic matter content in the surface horizon is about 3 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 2e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Component: Sarcoxie (5%)

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

Component: Wymore (5%)

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

Component: Pawnee (5%)

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

Map Unit: 7542—Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded**Component: Sharpsburg, eroded (85%)**

The Sharpsburg, eroded component makes up 85 percent of the map unit. Slopes are 4 to 8 percent. This component is on hillslopes on uplands. The parent material consists of loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 47 inches during February, March, April, May. Organic matter content in the surface horizon is about 3 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 3e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Component: Sarcoxie, eroded (8%)

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

Component: Shelby, eroded (5%)

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

Component: Grundy, eroded (2%)

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

Data Source Information

Soil Survey Area: Wyandotte County, Kansas

Survey Area Data: Version 14, Jun 10, 2020

Neighborhood Meeting Documentation:

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

Comes now Aaron G. March, Esq, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # COZ-0004 & PR2020-33.
2. That I conducted a neighborhood meeting on December 22, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Aaron G. March
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23rd day of Dec, 2020.
My commission expires 28th of Feb, 2023.



KATHY A. BURRISON
My Commission Expires
February 28, 2023
Jackson County
Commission #13920164

Kathy A. Burrison
Notary Public

Case # COZ-0004 and PR2020-33: 1879 Village West Pkwy - Legends Village West Apartments
Neighborhood Meeting
Tuesday, December 22, 2020
Held via Zoom

Attendees:

- Brian McDermott, Luke Draily Construction Company
- Luke Becker, Legends 267, L.L.C.
- Lance Scott, CFS Engineers
- Scott M. Rosemann, Rosemann & Associates
- Ben Mahala, Rosemann & Associates
- Aaron March, Rouse Frets White Goss Gentile Rhodes, P.C.
- Steven Lucas, Rouse Frets White Goss Gentile Rhodes, P.C.
- Kellee Madinger, Paralegal with Rouse Frets White Goss Gentile Rhodes, P.C.

Zoom Meeting began at 5:00

Meeting adjourned at 5:10 as the only attendees were part of the development team.

Minutes taken by Kellee Madinger, Paralegal

December 10, 2020

VIA U.S. MAIL

Adjacent Neighbors

Re: Legends at Village West Apartments - Neighborhood Meeting

Dear Adjacent Neighbors:

We represent Legends 267, L.L.C., concerning the apartment project and parking garage proposed to be built at 1879 Village West Parkway, Kansas City, Kansas, generally located on the southeast corner of Parallel Parkway and Village West Parkway.

We have filed applications with the Department of Urban Planning and Land Use of the Unified Government of Wyandotte County and Kansas City, Kansas, Case #COZ-0004 and PR2020-33, to: 1) amend the proposed land use from Planned Commercial to High Density Residential, 2) rezone from CP-2, planned general business district, to RP-6, planned high-rise apartment district, and 3) approve a final site plan to allow for high-density multifamily residential and a parking garage.

The applications to approve the land use amendment, rezoning and final site plan will be heard by the Planning Commission on January 11, 2021. A copy of the site plan is enclosed.

We are holding a neighborhood meeting on Tuesday, December 22, 2020 at 5 p.m. to be held via Zoom to answer any questions you might have. Join the Zoom Meeting at <https://zoom.us/join> using the following information:

Meeting ID: 810 3873 4127

Passcode: 469517

Or dial: 312-626-6799

The purpose of this meeting is for you to learn more about the proposal and to answer any questions/concerns you may have.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address below or phone number listed above.

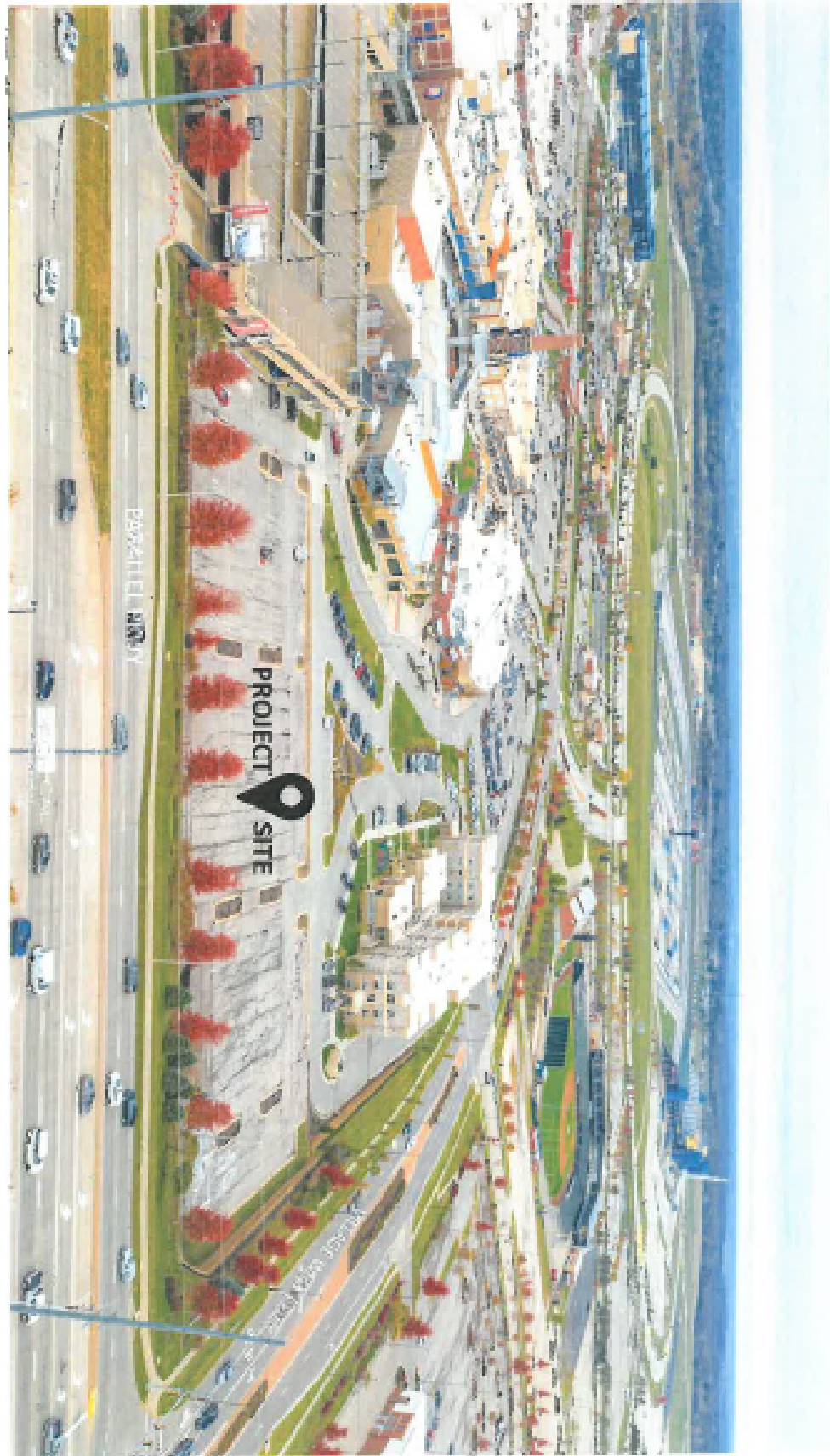
Very truly yours,



Aaron G. March

AGM:krm
Enclosures

cc: Commissioner Jim Walters, w/ encl.
Commissioner Tom Burroughs, w/ encl.
Legends 267, LLC (Bob Becker), w/ encl.
Rubenstein Real Estate, w/ encl.
MS 0555, w/ encl.
Chick-Fil-A Inc, w/ encl.
CLNM Holdings, LLC, w/ encl.
CMT Speedway LLC, w/ encl.
Walton Street Capital LLC, w/ encl.
Legacy KCK Westside Venture, LLC, w/ encl.
Paradigm Tax Group, w/ encl.
Property Tax Dept TPN-0950, w/ encl.
Rainbow Texas Tom LLC, w/ encl.
Target Corporation, w/ encl.
W-LD Legends Owner VII, L.L.C., w/ encl.
Wal Mart Real Estate Business Trust
Ms. Shana Shanteau, via e-mail sshanteau@wycokck.org, w/ encl.
Ms. Janet Parker, via e-mail jparker@wycokck.org, w/encl.
Urban Planning and Land Use Dept., via e-mail Planninginfo@wycokck.org, w/ encl.
Steven M. Lucas, Esq., via e-mail, w/ encl.
Ms. Kellee R. Madinger, via e-mail, w/ encl.



without an in vitro effect on the enzyme with respect to



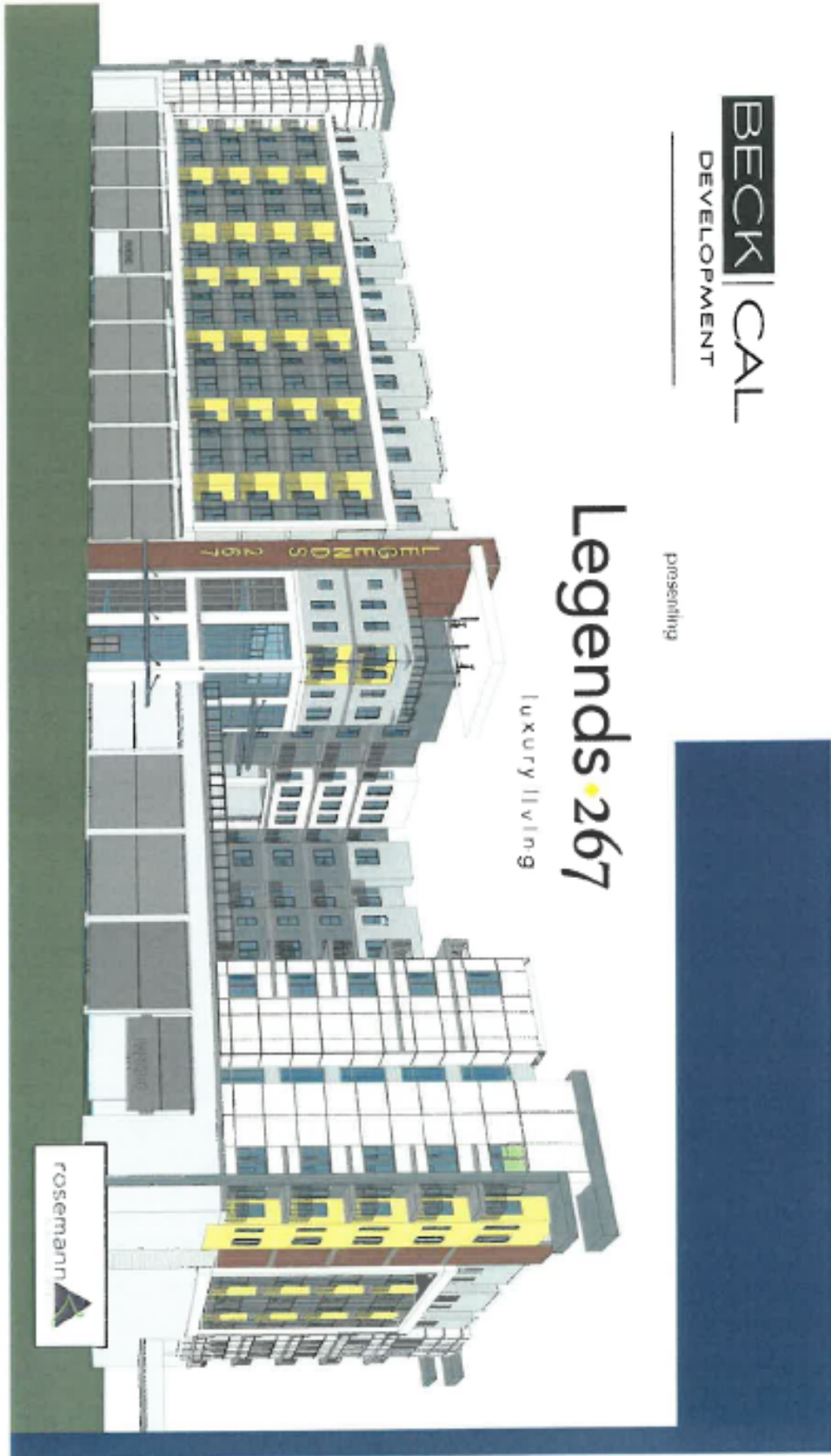


BECK | CAL
DEVELOPMENT

presenting

Legends 267

luxury living



PROJECT DESCRIPTION

Legends 267

PROJECT

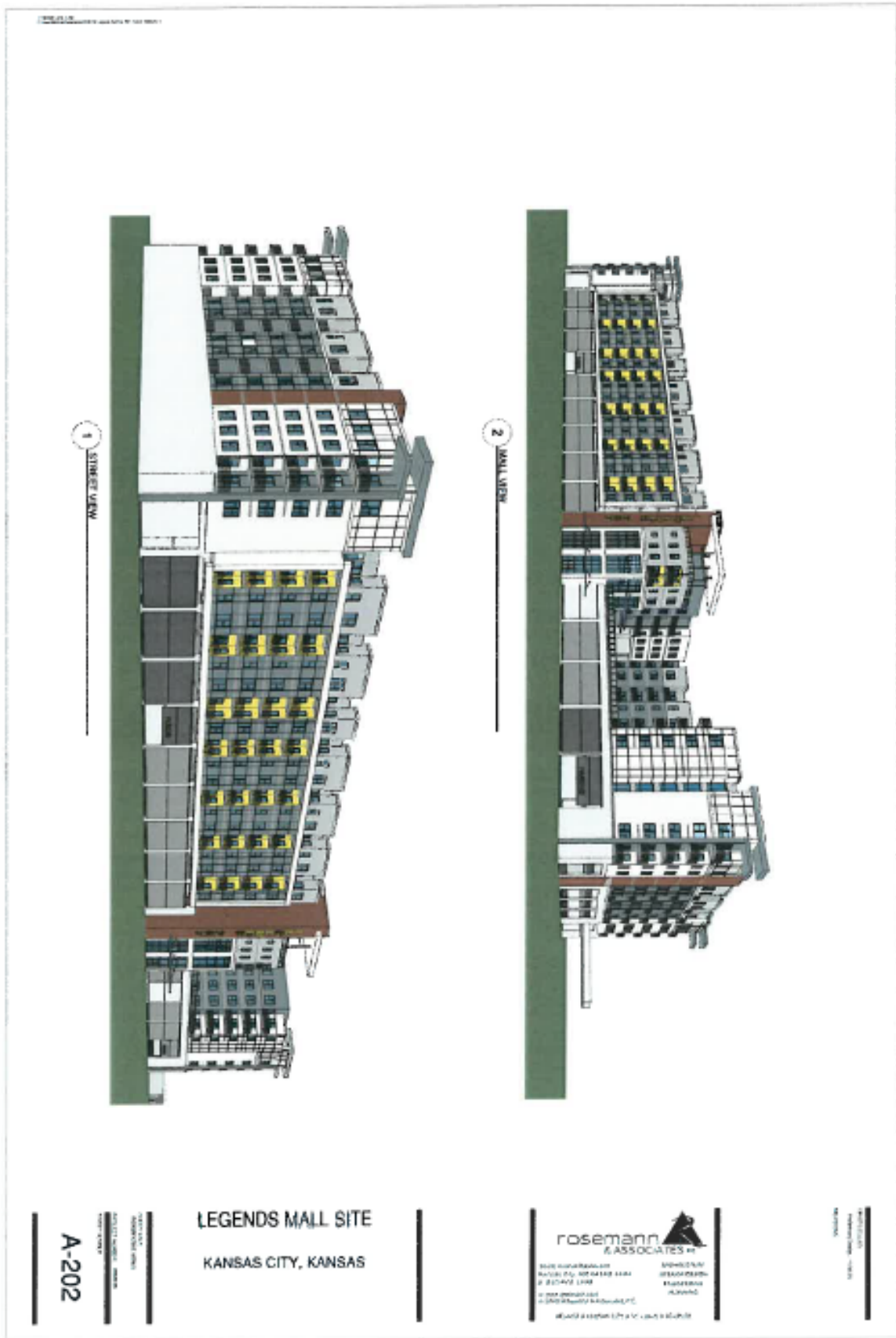
- 267 Units of Class A Urban Style Luxury Apartments
- One & Two Bedroom High End Market Units
- Parking Garage – Fully Covered



AMENITIES

- Clubhouse with coffee bar
- Zero Entry Pool – Cabanas
- Firepits
- Grill Stations
- Bar and Sky Lounge
- Gym Facility
- Yoga Studio & Sauna
- Poolside TVs
- Cross-courtyard indoor / outdoor entertainment area
- Pet Park and wash station
- Conference / Study workspace
- Outdoor Courtyard Games Space







Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: Change of Zone Petition COZ-0005

GENERAL INFORMATION

Applicant:

Jose Lopez Zavala

Status of Applicant:

Property Owner
3834 Bell Crossing Drive
Kansas City, Kansas 66104

Requested Actions:

The approval of a Change of Zone.

Date of Application:

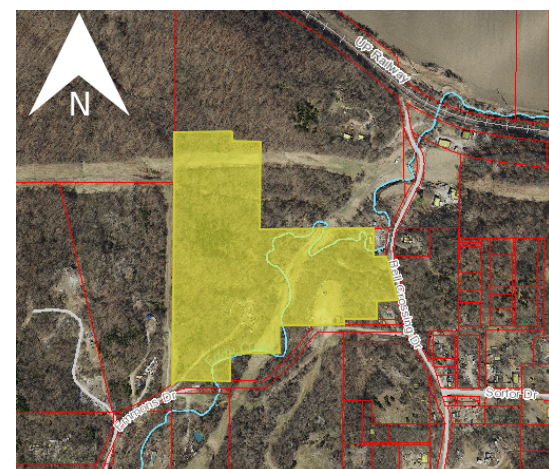
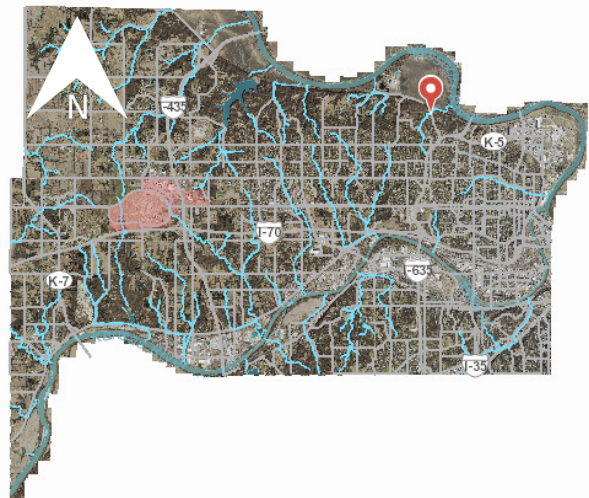
November 30, 2020

Purpose:

To Change the Zoning from R-1(B)
Single Family to A-G Agriculture District.

Property Location:

3834 Bell Crossing Drive
Kansas City, Kansas 66104



Commission Districts:	Commissioner At Large: Melissa Bynum District #1 Commissioner: Gayle E. Townsend
Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Vacant Land, Horses South: Vacant Land, Horses East: Vacant Land, Horses West: Vacant Land, Horses
Total Tract Size:	24.87 Acres
Master Plan Area:	This property is outside of the boundaries of an Area Plan.
Master Plan Designation:	The City-Wide Master Plan designates this area as Rural-Density Residential. These areas are comprised of agriculture, ranches and large lot residential development.
Major Street Plan:	The Major Street Plan classifies Bell Crossing Drive as a Local Street.
Parking Requirement:	Section 27-455 states that in R-1(B) Zoning Districts, two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Section 27-452 states that in A-G Agriculture Zoning, two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling.
Advertisement:	<u>The Wyandotte Echo</u> – December 17, 2020 Letters to Property Owners – December 18, 2020 and January 20, 2021
Public Hearings:	January 11, 2021 and January 28, 2021
Public Support:	Three (3) neighbors have expressed support.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jose Lopez Zavala, is seeking a Change of Zone on their property at 3834 Bell Crossing Drive from R-1(B) Single Family District to A-G Agriculture District. The applicant is requesting the Change of Zone for the purpose of keeping horses, sheep, cows, and chickens. The applicant does not intend to build a home on the property and does not intend to use the land for commercial agricultural purposes.

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

Code Enforcement History: There has been one (1) Notice of Violation in 2018 for a structure built without a permit.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is rural in nature, with a few detached, single family homes on large lots. The area is heavily wooded and with several undeveloped parcels.

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

The proposed use is expected to be compatible with the zoning and uses of nearby properties because there are several large lots that are agricultural in nature.

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

The property is suitable for Agricultural Zoning because the it is 24.87 acres. Removal of the restrictions will not detrimentally affect nearby property if properly managed.

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

There is no record of a home being built on the property. In 2018, a Notice of Violation was issued for a structure built without a permit. The structure was removed.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not substantially injure the appropriate use, visual quality or marketability of nearby property if managed properly.

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

The proposed use could increase traffic if products are sold to the public from the property but will not increase the capacity of the Local Street to accommodate it. The applicant states that they do not intend to sell products to the public.

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

The City-Wide Master Plan designates this area as Rural-Density Residential. These areas are comprised of agriculture, ranches and large lot residential development. The proposed use conforms to the Master Plan because it is for the keeping of animals.

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

The proposed use may cause environmental harm if animal waste is not properly managed. The proposed use could enhance the environment if its natural resources are protected. There is a creek that runs through the property that should be preserved and protected.

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

a. *Water service*

Municipal water service is not available.

b. *Sanitary sewer service*

Municipal sanitary sewer service is not available.

c. *Storm water control*

Municipal storm water control is available.

d. *Police*

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

e. *Fire*

Fire service is provided by Station #14.

f. Transit

KCATA does not provide transportation to this location.

g. Schools

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

h. Streets

See item #6 above.

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

The proposed use will have minimal economic impact on the community because no business or development is being proposed.

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

The proposed use is capable of meeting the ordinance requirements.

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

The gain to the public health, safety, and welfare is minimal. If denied, the landowner could still have animals on the property because it is larger than five (5) acres. If denied, the property owner could not build an accessory structure on the property without first building a primary structure.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held an in-person neighborhood meeting on December 29, 2020. No one, other than the applicant and the interpreter, attended. Three (3) neighbors expressed support via phone; Olivia Moore, Patrick Dunn, and Erick Dubon.

KEY ISSUES

Animal Best Management
Conservation of the Creek
Mixture of Ground Cover

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone COZ-0005, subject to:

1. **See all Conservation District requirements;**
2. **A variance will be required if an accessory structure without a primary structure is built. Contact the Planning Department to begin this process;**
3. **A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process;**
4. **Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Sec.8-610 through Sec.8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 N.7th Street, KS 66101, 913-573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, 913-573-8620; and,**
5. **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ-0005** subject to all comments and suggestions outlined in the staff reports, and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Site Photographs Provided by Staff, Dated December 16, 2020
Conservation District Comments
Aerial Image, Provided by Applicant via Google

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	January 11, 2021	January 28, 2021
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ-0005** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ-0005**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

Hearing starts at 2:48:55:

CHANGE OF ZONE APPLICATION COZ-0005 – JOSE LOPEZ ZAVALA -

SYNOPSIS: Change of Zone from R-1(B) Single Family District to A-G Agriculture District to keep horses, sheep, cows and chickens at 3834 Bell Crossing Drive.

Detailed Outline of Requested Action: The applicant, Jose Lopez Zavala, is seeking a Change of Zone on their property at 3834 Bell Crossing Drive from R-1(B) Single Family District to A-G Agriculture District. The applicant is requesting the Change of Zone for the purpose of keeping horses, sheep, cows, and chickens. The applicant does not intend to build a home on the property and does not intend to use the land for commercial agricultural purposes. **Code Enforcement History:** There has been one (1) Notice of Violation in 2018 for a structure built without a permit.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Fred Del Toro, representing the applicant, 76 South 18th Street, Kansas City, Kansas
- Jose Lopez Zavala, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:51:10: Planning Director Hand stated there was one (1) Notice of Violation in 2018 for a structure built without a permit and staff would like to know how that was resolved. Staff has received some letters in support of this application and has not received any letters in opposition. Director Hand further stated that this property is approximately 25 acres so the applicant could have agricultural uses on the property with the existing R-1 zoning. If the Commission recommends approval of this application, the staff would require one (1) change as conditions three (3) and four (4) are the same as condition five (5) and those two (2) should be stricken.

Motion and Vote starts at 2:54:07:

On motion by Mrs. Jones, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ-0005**:

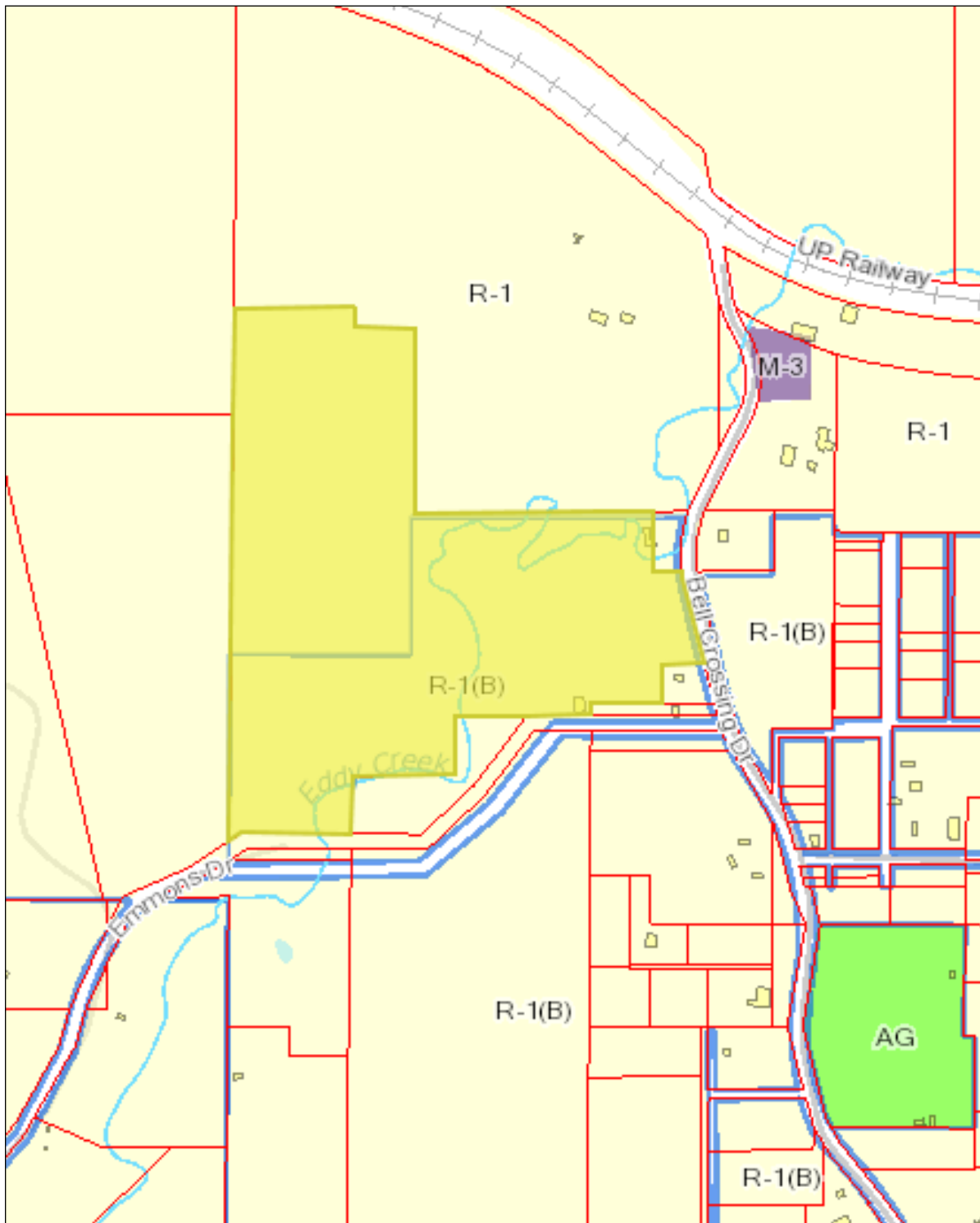
Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Not Present

Motion to RECOMMEND APPROVAL Passed: 7 to 0

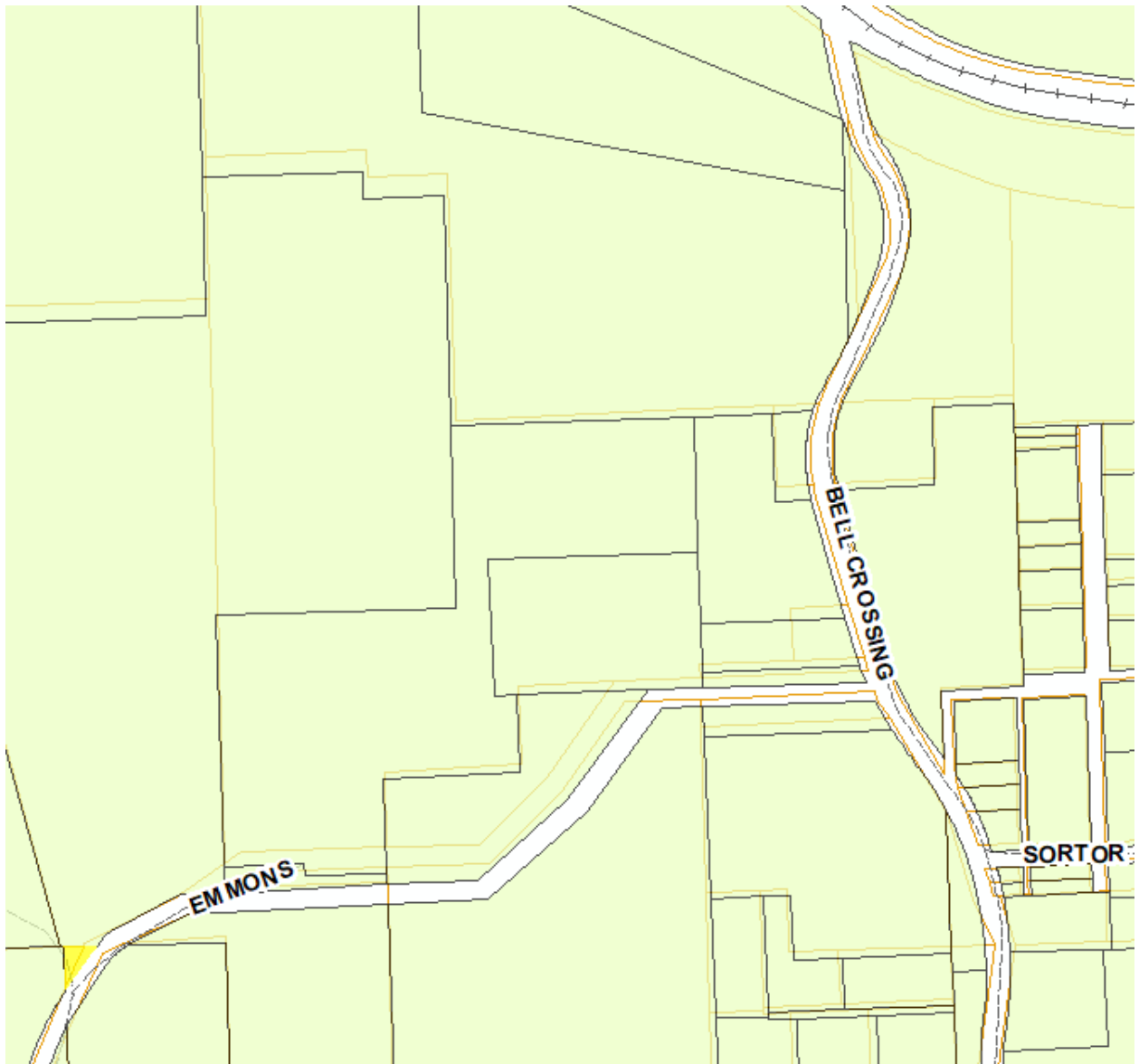
Subject to:

- 1. See all Conservation District requirements;**
- 2. A variance will be required if an accessory structure without a primary structure is built. Contact the Planning Department to begin this process;**
- 3. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process;**
- 4. Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Sec.8-610 through Sec.8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 N.7th Street, KS 66101, 913-573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, 913-573-8620; and,**
- 5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

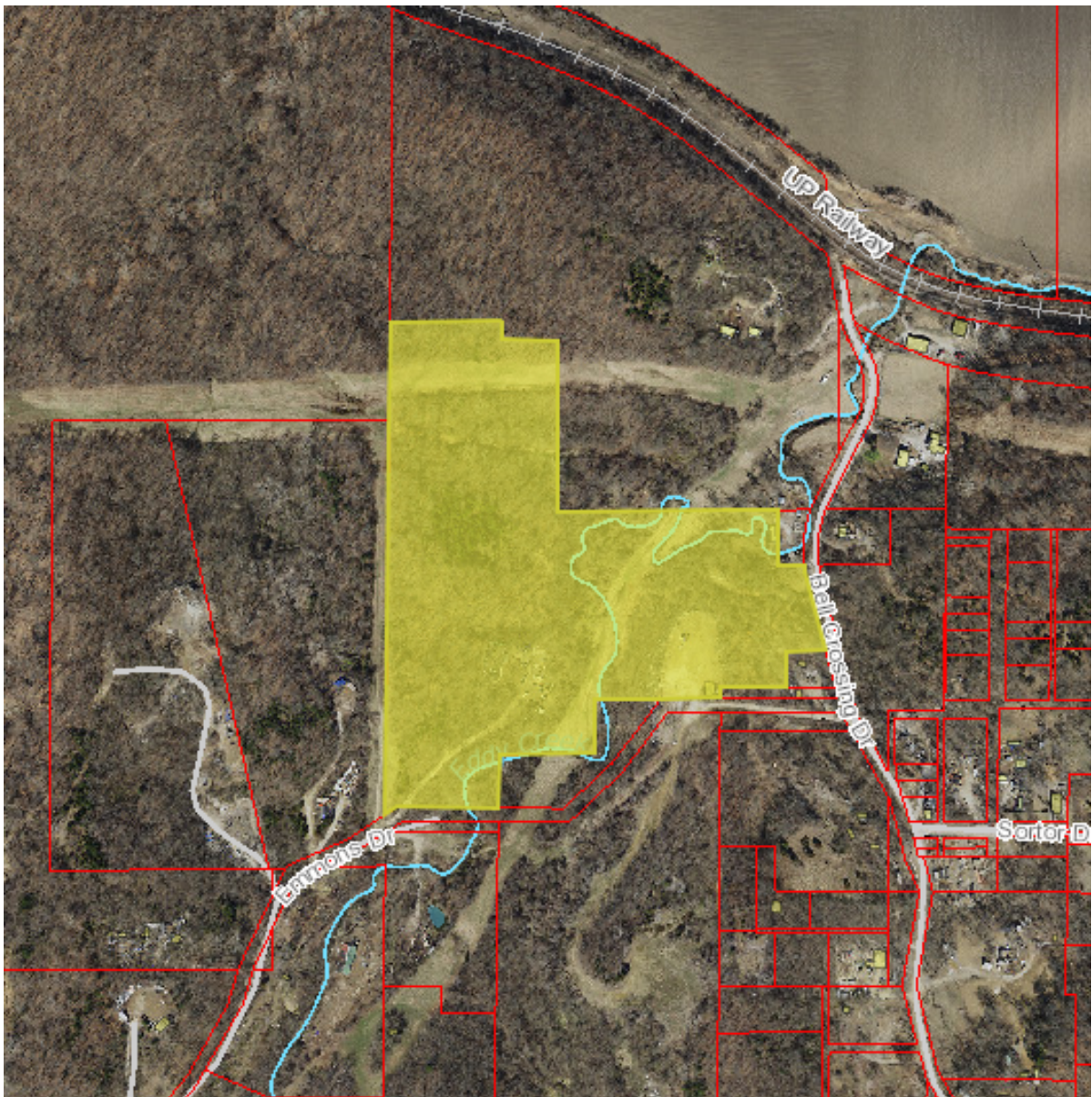
Zoning Map:



Land Use Map:



Aerial Map:



Site Photographs Provided by Staff, Dated December 16, 2020:



Conservation District Comments:



Wyandotte County Conservation District

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

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

December 16, 2020

RE: COZ-0005 Jose Lopez Zavala R-1 single family to A-G Ag District 3834 Bell Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the: COZ-0005 Jose Lopez Zavala R-1 single family to A-G Ag District 3834 Bell Avenue.

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

MAPS AND REPORTS

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

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

- There are four major soil types identified: Kennebec silt loam, occasionally flooded, Gosport-Sogn complex, 7 to 35 percent slopes, Knox silt loam, 7 to 12 percent slope and Knox silt loam, 18 to 30 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- **This area is not a good location for any livestock, the health and safety of the animals and humans is a serious concern.**
- **The sheer number of trees and brush covering the area make the land unsuitable for any livestock.**
- **There is little grass in the area which leads to soil erosion in the area.**
- **Water quality is a severe issue, livestock are not fenced out of the stream. The stream is being polluted with animal waste.**

- In timber stands, livestock tend to compact the soil and destroy to ground cover so there is additional runoff from the area. This causes more erosion.
- A conservation plan and groundwork need to be completed for this location to be sustainably used for livestock.
- The stream needs to be fenced out with a minimum five-foot filter strip on each side of the stream.
- Brush needs to be cleared away and the area fertilized, seeded and mulched after soil testing is done.
- Livestock needs to be kept off the area until grass is well established.
- Assistance is available from this office to assist with planning on how best to improve and protect the area.

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

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

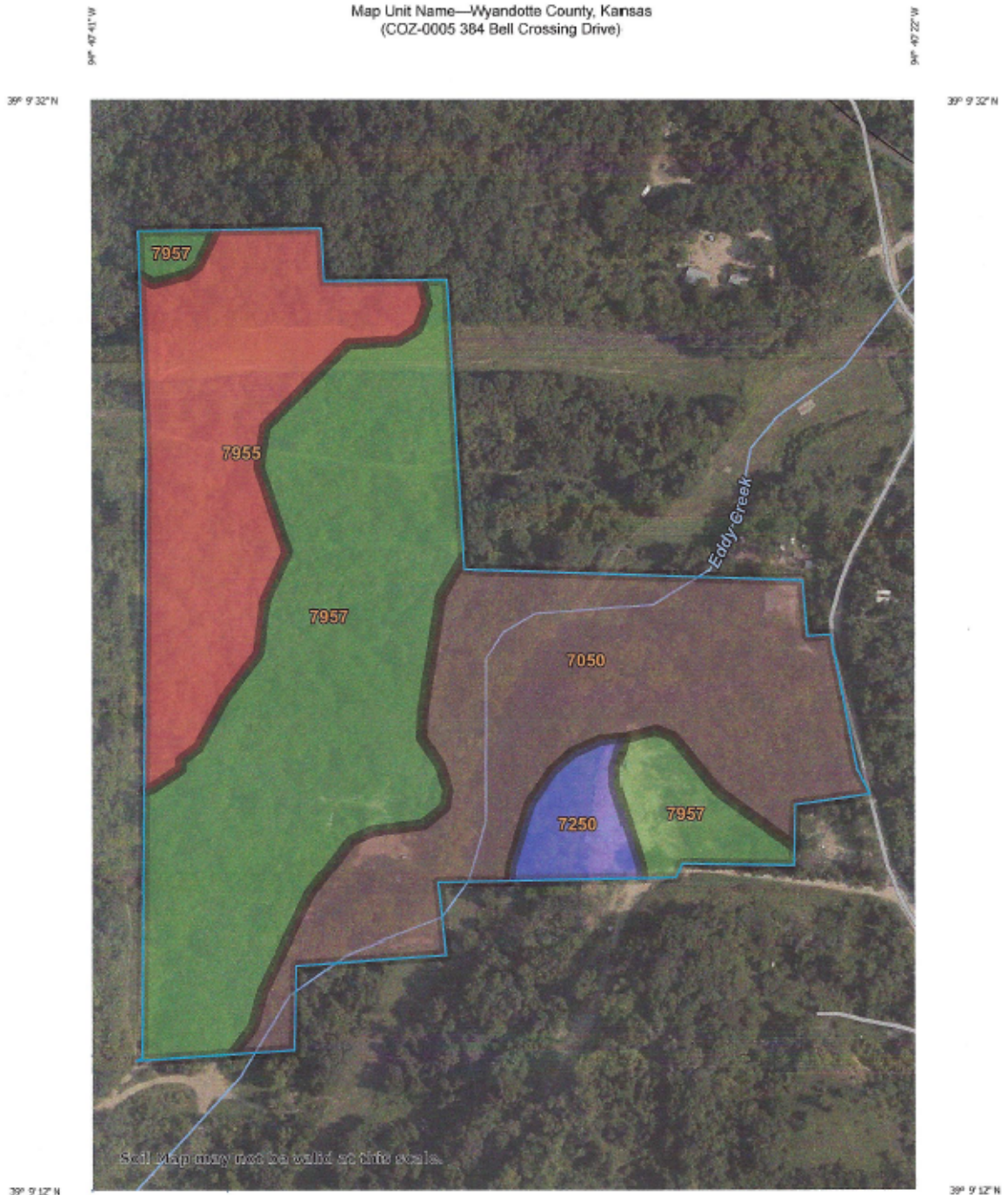
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

Map Unit Name—Wyandotte County, Kansas
(COZ-0005 384 Bell Crossing Drive)



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

0 40 80 160 240 Meters

0 100 200 400 600 Feet

Map projection: Web Mercator Corner coordinates: WGS84

USDA Natural Resources Conservation Service

Web Soil Survey National Cooperative Soil Survey

12/10/2020 Page 1 of 3

MAP LEGEND

- Area of Interest (AOI)**
 Area of Interest (AOI)
- Soils**
Soil Rating Polygons
 Gosport-Sogn complex, 7 to 35 percent slopes
 Kennelbec silt loam, occasionally flooded
 Knox complex, 18 to 30 percent slopes
 Knox silt loam, 7 to 12 percent slopes
 Not rated or not available
- Water Features**
 Streams and Canals
 Transportation
 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads
- Background**
 Aerial Photography
- Soil Rating Lines**
 Gosport-Sogn complex, 7 to 35 percent slopes
 Kennelbec silt loam, occasionally flooded
 Knox complex, 18 to 30 percent slopes
 Knox silt loam, 7 to 12 percent slopes
 Not rated or not available
- Soil Rating Points**
 Gosport-Sogn complex, 7 to 35 percent slopes

MAP INFORMATION

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

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

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

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

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

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

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

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

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

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

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

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7050	Kennebec silt loam, occasionally flooded	Kennebec silt loam, occasionally flooded	8.7	31.8%
7250	Gosport-Sogn complex, 7 to 35 percent slopes	Gosport-Sogn complex, 7 to 35 percent slopes	1.0	3.7%
7955	Knox silt loam, 7 to 12 percent slopes	Knox silt loam, 7 to 12 percent slopes	5.9	21.5%
7957	Knox complex, 18 to 30 percent slopes	Knox complex, 18 to 30 percent slopes	11.8	43.0%
Totals for Area of Interest			27.4	100.0%

Description

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

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

Soil properties are important considerations in areas where soils are used as sites for the treatment and disposal of organic waste and wastewater. Selection of soils with properties that favor waste management can help to prevent environmental damage.

This table shows the degree and kind of soil limitations affecting the treatment of agricultural waste, including municipal and food-processing wastewater and effluent from lagoons or storage ponds. Municipal wastewater is the waste stream from a municipality. It contains domestic waste and may contain industrial waste. It may have received primary or secondary treatment. It is rarely untreated sewage. Food-processing wastewater results from the preparation of fruits, vegetables, milk, cheese, and meats for public consumption. In places it is high in content of sodium and chloride. In the context of this table, the effluent in lagoons and storage ponds is from facilities used to treat or store food-processing wastewater or domestic or animal waste. Domestic and food-processing wastewater is very dilute, and the effluent from the facilities that treat or store it commonly is very low in content of carbonaceous and nitrogenous material; the content of nitrogen commonly ranges from 10 to 30 milligrams per liter. The wastewater from animal waste treatment lagoons or storage ponds, however, has much higher concentrations of these materials, mainly because the manure has not been diluted as much as the domestic waste. The content of nitrogen in this wastewater generally ranges from 50 to 2,000 milligrams per liter. When wastewater is applied, checks should be made to ensure that nitrogen, heavy metals, and salts are not added in excessive amounts.

The ratings in the table are for waste management systems that not only dispose of and treat organic waste or wastewater but also are beneficial to crops. The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect agricultural waste management. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the tables indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Application of manure and food-processing waste not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. Manure is the excrement of livestock and poultry, and food-processing waste is damaged fruit and vegetables and the peelings, stems, leaves, pits, and soil particles removed in food preparation. The manure and food-processing waste are solid, slurry, or liquid. Their nitrogen content varies. A high content of nitrogen limits the application rate. Toxic or otherwise dangerous wastes, such as those mixed with the lye used in food processing, are not considered in the ratings.

The ratings are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the waste is applied, and the method by which the waste is applied. The properties that affect absorption include saturated hydraulic conductivity (Ksat), depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, and available water capacity. The properties that affect plant growth and microbial activity include reaction, the sodium adsorption ratio, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of waste. Permanently frozen soils are unsuitable for waste treatment.

Application of sewage sludge not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. In the context of this table, sewage sludge is the residual product of the treatment of municipal sewage. The solid component consists mainly of cell mass, primarily bacteria cells that developed during secondary treatment and have incorporated soluble organics into their own bodies. The sludge has small amounts of sand, silt, and other solid debris. The content of nitrogen varies. Some sludge has constituents that are toxic to plants or hazardous to the food chain, such as heavy metals and exotic organic compounds, and should be analyzed chemically prior to use.

The content of water in the sludge ranges from about 98 percent to less than 40 percent. The sludge is considered liquid if it is more than about 90 percent water, slurry if it is about 50 to 90 percent water, and solid if it is less than about 50 percent water.

The ratings in the table are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the sludge is applied, and the method by which the sludge is applied. The properties that affect absorption, plant growth, and microbial activity include Ksat, depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, available water capacity, reaction, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of sludge. Permanently frozen soils are unsuitable for waste treatment.

Report—Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge—Wyandotte County, Kansas					
Map symbol and soil name	Pct. of map unit	Application of sewage sludge		Application of manure and food-processing waste	
		Rating class and limiting features	Value	Rating class and limiting features	Value
7050—Kennebec silt loam, occasionally flooded					
Kennebec	85	Very limited		Somewhat limited	
		Flooding	1.00	Slow water movement	0.95
		Slow water movement	0.88	Flooding	0.60
		Depth to saturated zone	0.09	Depth to saturated zone	0.09
		Too acid	0.08	Too acid	0.02
7250—Gosport-Sogn complex, 7 to 35 percent slopes					
Gosport	50	Very limited		Very limited	
		Slow water movement	1.00	Slow water movement	1.00
		Slope	1.00	Slope	1.00
		Too acid	0.85	Runoff	0.40
		Droughty	0.36	Droughty	0.36
		Depth to bedrock	0.21	Too acid	0.27
Sogn	35	Very limited		Very limited	
		Depth to bedrock	1.00	Slow water movement	1.00
		Slow water movement	1.00	Depth to bedrock	1.00
		Droughty	0.98	Droughty	0.98
		Slope	0.96	Slope	0.96
				Runoff	0.40
7955—Knox silt loam, 7 to 12 percent slopes					
Knox	80	Somewhat limited		Somewhat limited	
		Slope	0.16	Slope	0.16

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge—Wyandotte County, Kansas					
Map symbol and soil name	Pct. of map unit	Application of sewage sludge		Application of manure and food-processing waste	
		Rating class and limiting features	Value	Rating class and limiting features	Value
7957—Knox complex, 18 to 30 percent slopes					
Knox	65	Very limited		Very limited	
		Slope	1.00	Slope	1.00
Sogn	35	Very limited		Very limited	
		Depth to bedrock	1.00	Slope	1.00
		Slope	1.00	Slow water movement	1.00
		Slow water movement	1.00	Depth to bedrock	1.00
		Droughty	0.98	Droughty	0.98
				Runoff	0.40

Data Source Information

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

Map Unit Description (Brief, Generated)

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

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

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

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

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7050—Kennebec silt loam, occasionally flooded

Component: Kennebec (85%)

The Kennebec component makes up 85 percent of the map unit. Slopes are 0 to 1 percent. This component is on flood plains on river valleys. The parent material consists of alluvium. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very high. Shrink-swell potential is moderate. This soil is occasionally flooded. It is not ponded. A seasonal zone of water saturation is at 42 inches during February, March, April, May. Organic matter content in the surface horizon is about 3 percent. This component is in the R106XY070NE Loamy Terrace ecological site. Nonirrigated land capability classification is 2w. This soil does not meet hydric criteria.

Component: Muscotah (5%)

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

Component: Reading (3%)

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

Component: Wabash (3%)

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

Component: Olmitz (2%)

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

Component: Colo (2%)

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

Map Unit: 7250—Gosport-Sogn complex, 7 to 35 percent slopes**Component: Gosport (50%)**

The Gosport component makes up 50 percent of the map unit. Slopes are 7 to 35 percent. This component is on hillslopes on uplands. The parent material consists of clayey residuum weathered from shale. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is very high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

Component: Sogn (35%)

The Sogn component makes up 35 percent of the map unit. Slopes are 7 to 20 percent. This component is on hillslopes on uplands. The parent material consists of loamy residuum weathered from limestone. Depth to a root restrictive layer, bedrock, lithic, is 4 to 20 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R106XY028KS Shallow Limy (pe 30-37) ecological site. This soil does not meet hydric criteria.

Component: Oska (5%)

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

Component: Elmont (5%)

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

Component: Martin (5%)

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

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

Component: Knox (80%)

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

Component: Armster, eroded (5%)

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

Component: Similar soil (5%)

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

Component: Ladoga (5%)

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

Component: Welda (5%)

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

Map Unit: 7957—Knox complex, 18 to 30 percent slopes**Component: Knox (65%)**

The Knox component makes up 65 percent of the map unit. Slopes are 18 to 30 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna Quercus Macrocarpa-quercus Alba/amorpha Canescens/schizachyrium Scoparium-dalea Candida Bur Oak-white Oak/leadplant/little Bluestem-white Prairie Clover, Deep Loess Protected Backslope Woodland Quercus Rubra-tilia Americana/asimina Triloba-elmus Rubra/carex Jamesii-sanguinaria Canadensis Northern Red Oak-american Basswood/pawpaw-slippery Elm/james' Sedge-bloodroot ecological site. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

Component: Sogn (35%)

The Sogn component makes up 35 percent of the map unit. Slopes are 18 to 20 percent. This component is on hillslopes on uplands. The parent material consists of loamy residuum weathered from limestone. Depth to a root restrictive layer, bedrock, lithic, is 4 to 20 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107XY028KS Shallow Limy (pe 35-37) ecological site. This soil does not meet hydric criteria.



Data Source Information

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

Soil Features

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

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

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

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

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

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

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



Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Kind	Restrictive Layer			Subsidence		Potential for frost action	Risk of corrosion	
		Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		Low-RV-High	Range		Low-High	Low-High			
		In	In		In	In			
7050—Kennebec silt loam, occasionally flooded									
Kennebec		—	—		0	—	High	Moderate	Low
7250—Gosport-Sogn complex, 7 to 35 percent slopes									
Gosport	Paralithic bedrock	20-33-40	—	Weakly cemented	—	—	Moderate	High	High
Sogn	Lithic bedrock	4-16-20	—	Indurated	0	—	Moderate	Moderate	Low
7955—Knox silt loam, 7 to 12 percent slopes									
Knox		—	—		—	—	High	Moderate	Low
7957—Knox complex, 18 to 30 percent slopes									
Knox		—	—		—	—	High	Moderate	Low
Sogn	Lithic bedrock	4-16-20	—	Indurated	0	—	Moderate	Moderate	Low

Data Source Information

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



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

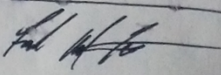
12/10/2020
Page 3 of 3

Aerial Image, Provided by Applicant via Google:



Neighborhood Meeting Documentation:

Neighborhood Meeting Sign-in Sheet Date: 12-29-2020

Name	Date	Signature
Fred Del Toro (Translating)	12-29-2020	
JOSE A LOPEZ	12-29-2020	 JOSE A LOPEZ

Urban Planning and Land use # COZ-0005

Name and Contact Information

Jose Lopez
1954 N 25th St
Kansas City, KS 66104

Application Number COZ-0005

Date and Location: 12/29/2020

3345 Sewell Ave, Kansas City, KS 66104 (Baseball field area).

Meeting called to order at: 6:00pm

Names of people in attendance:

Only two people in attendance, property owner and translator. See sign in sheet.

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- No one showed up to meeting.

Meeting adjourned at: 6:30pm

Minutes taken by: No one showed up to meeting.



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

To: Unified Government Board of Commissioners

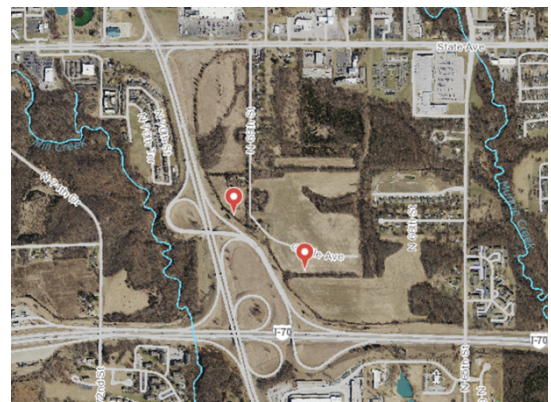
From: Planning and Urban Design Staff

Date: January 28, 2021

Re: **Change of Zone Petition COZ-0010 and Master Plan Amendment MP2020-15**

GENERAL INFORMATION

Purpose:
To rezone and designate a portion of right-of-way, formerly owned by the Kansas



Transportation Authority (KTA) into Lot 1, Turner Logistics Center Fourth Plat.

Property Location: 615 North 69th Street

Commission Districts: Commissioner At Large: Melissa Bynum
District #8 Commissioner: Jane Winkler Philbrook

Existing Zoning: None

Adjacent Zoning: **North:** MP-2 Planned General Industrial District
South: None (Interstate 70)
East: MP-2 Planned General Industrial District
West: None (Turner Diagonal right-of-way)

Adjacent Uses: **North:** Industrial warehouse and distribution building (under construction)
South: Interstate 70 right-of-way
East: Industrial warehouse and distribution building
West: Interstate 70 right-of-way

Total Tract Size: 3.59 Acres

Master Plan Area: City-Wide Master Plan

Master Plan Designation: The City-Wide Master Plan has no designation for this area because it was formerly owned by the Kansas Transportation Authority (KTA).

Major Street Plan: The Major Street Plan classifies I-70 Highway as a freeway, State Avenue as a Class A Thoroughfare, North 72nd Street (College Parkway) as a Class C Thoroughfare, and North 69th Street as a Local Street.

Advertisement: The Wyandotte Echo – December 17, 2020
Letters to Property Owners – December 16, 2020 and January 20, 2021

Public Hearings: January 11, 2021 and January 28, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, NP Turner Industrial, LLC has requested a change of zone from an unzoned portion of land (formerly owned by the Kansas Transportation Authority (KTA) to MP-2 Planned Industrial District and

designate to Industrial (City-Wide Master Plan) and incorporate the former right-of-way into Turner Logistics Center Fourth Plat, Lot 1.

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

Code Enforcement History: There are no Notice of Violations on this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This project spans a large area with several uses. This portion of the site is undeveloped with existing tree stands and fields and will remain so as it is incorporated into Lot 1, Turner Logistics Center Fourth Plat. Commercial uses exist along State Avenue to the north of the project site. This location is also adjacent to several major roadways; I-70 to the south and west and Orville Avenue to the north.

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

The zoning and uses of properties nearby are compatible because this portion of existing right-of-way is already incorporated into Lot 1, Turner Logistics Center Fourth Plat and open space is already incorporated with the previously approved plans of Building 3.

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

The property is not suitable for the uses to which it has been restricted because the property is not zoned. Establishing a zoning district will establish the restrictions, which will not detrimentally affect property nearby because the zoning sought matches the existing and adjacent zoning in this business park development.

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

This portion of land is not zoned and was formerly owned by KTA. The right-of-way was KTA's property since the construction of Interstate 70 in the 1950s but has since been transferred to Northpoint Development when it became excess property during the interchange reconfiguration.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public because there is no direct benefit to them and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property because the surrounding properties are within the Turner Logistics Center, an industrial business park for warehousing and distribution.

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

The proposed use will not increase the traffic or parking demand in ways that will not adversely affect the road capacity, safety, or create parking problems because this portion of the property that is incorporated into Lot 1, Turner Logistics Center Fourth Plat will be open space.

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

The Master Plan Amendment establishes a designation, as this was KTA right-of-way, there is no current designation.

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

The portion of existing right-of-way will not cause environmental harm enhance the environment, even though this area will remain as open space for the approved Building 3 site.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

Designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District #221.

e. *Fire*

Fire service is provided by Station #11.

f. Transit

Kansas City ATA will provide a new transit stop along College Parkway/Turner Diagonal, Route #114 and State Avenue, Route #101.

g. Schools

Public education is provided by Turner USD 202.

h. Streets

The street network will not be affected by the incorporation of the right-of-way into the development because the addition of the area will be open space.

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

The proposed use will have a minimal economic impact on the community. This portion of land will be taxable industrial land, whereas previously it was not eligible to be on the tax roll.

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

The proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal because adding the existing right-of-way into the development because there is no substantial benefit to the public; however, the residences will be screened from the development, so there is an immediate benefit. If the application is denied, the portion of land is prohibited from having any development on as it will remain unzoned.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 21, 2020 by virtual meeting (via Zoom).

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2020-015 and Change of Zone COZ-0010, subject to:

1. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable; and,
2. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ-0010** and Master Plan Amendment **MP2020-15** subject to all comments and suggestions outlined in the staff reports and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Photography
Applicant Response Letter
Neighborhood Meeting Minutes
Building 3 Site Plan
Turner Logistics Center Fourth Plat
Right-of-Way Exhibit
Site Photographs taken by Planning Staff on December 16, 2020

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	January 11, 2021	January 28, 2021
Rezoning	Approval	
Public Hearing	January 11, 2021	January 28, 2021
Master Plan	Approval	
Amendment		

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MP2020-15** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report:

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MP2020-15**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ-0010** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ-0010**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

Hearing starts at 2:56:00:

MASTER PLAN AMENDMENT MPL2020-015 – NP TURNER INDUSTRIAL, LLC – SYNOPSIS: Master Plan Amendment from Public/Semi Public to Business Park at 615 North 69th Street.

CHANGE OF ZONE APPLICATION COZ-0010 – NP TURNER INDUSTRIAL, LLC – SYNOPSIS: Change of Zone from “No Zoning – Right-Of-Way” to MP-2 Planned General Industrial District for continuation of Turner Logistics Center for warehousing, distribution and light manufacturing businesses at 615 North 69th Street.

Detailed Outline of Requested Action: The applicant, NP Turner Industrial, LLC has requested a change of zone from an unzoned portion of land (formerly owned by the Kansas Transportation Authority (KTA) to MP-2 Planned Industrial District and designate to Industrial (City-Wide Master Plan) and incorporate the former right-of-way into Turner Logistics Center Fourth Plat, Lot 1. **Code Enforcement History:** There are no Notice of Violations on this property.

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- James Kratz, representing the applicant, 4825 Northwest Street, Suite 500, Riverside, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:01:45: Planning Director Hand stated that this request is turning formerly public right-of-way property to private property as a result of the Turner Diagonal/I-70 intersection improvements. The zoning category is consistent with the approved project. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 3:02:28:

On motion by Ms. Armstrong, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment MPL2020-015**:

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

On motion by Ms. Pauley, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ-0010**:

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

1. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable; and,
2. 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.

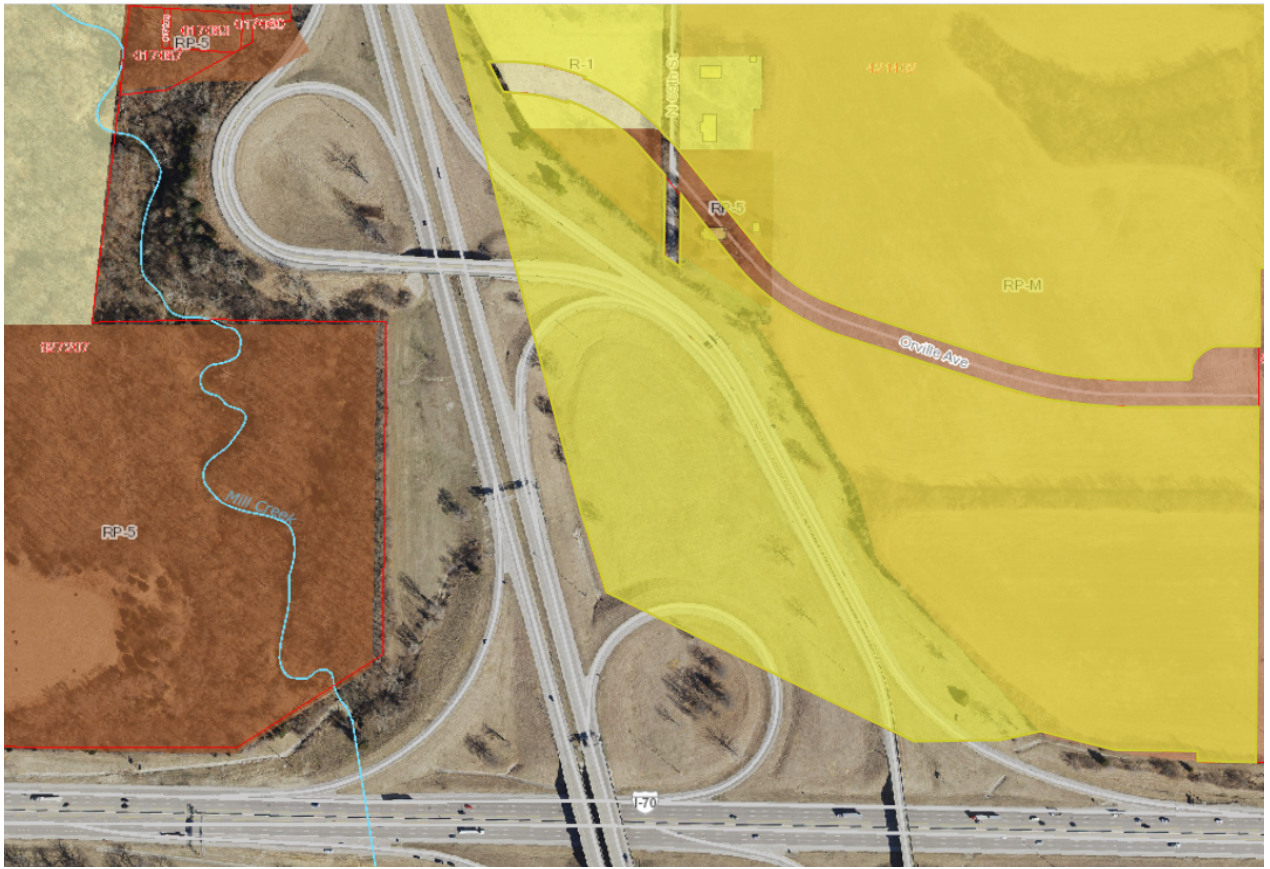


Figure 1. Zoning Map of Turner Logistics Center (provided by UG Maps).

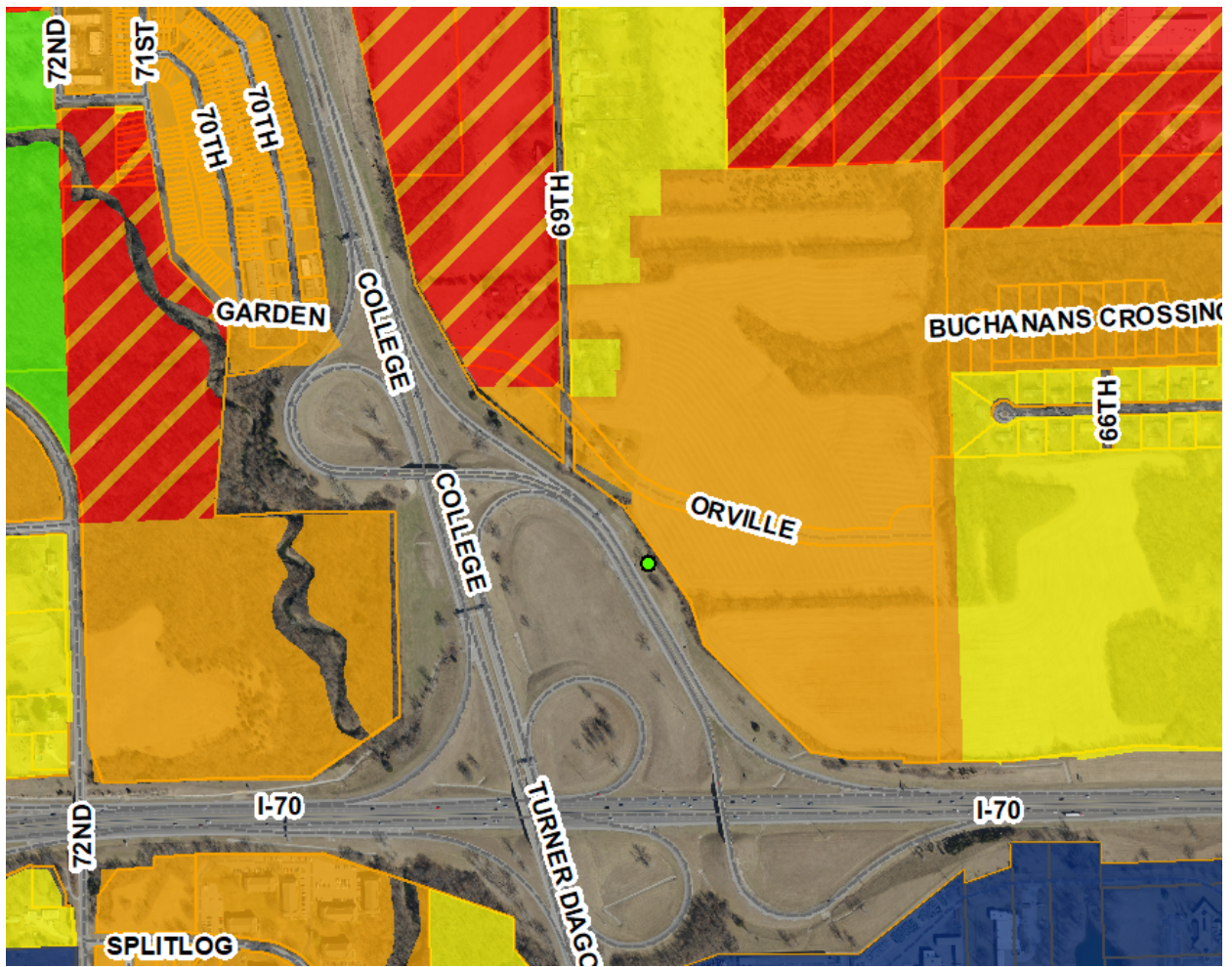


Figure 2. City-Wide Master Plan Land Use Map of Turner Logistics Center (provided by ArcMap).

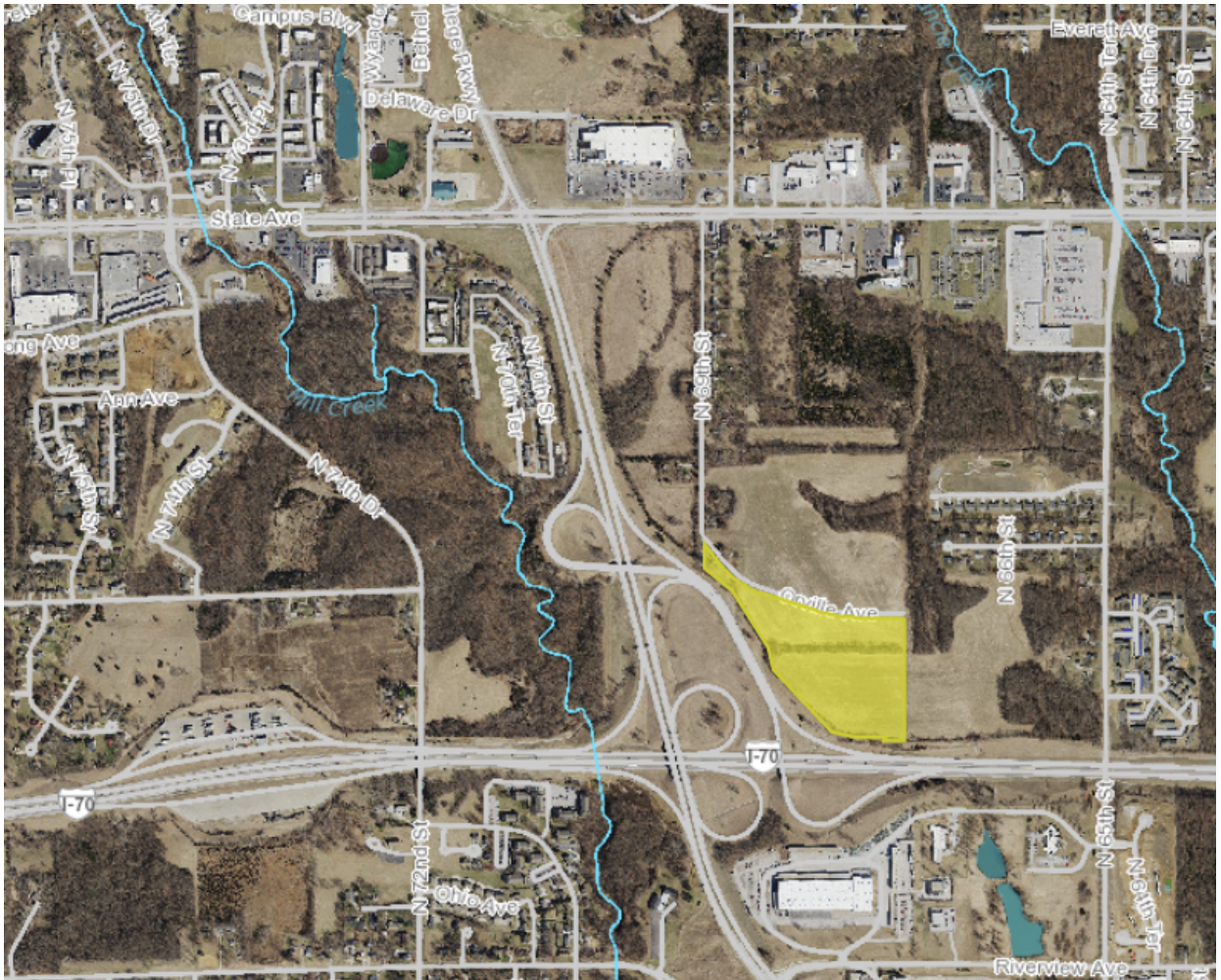


Figure 3. Aerial Photograph of 615 North 69th Street (indicated by yellow shaded box). Existing right-of-way is south of the shaded yellow box (provided by UG Maps).

Turner Logistics Center East
747 N. 69th Street
Kansas City, Kansas 66109

COZ #0010, Master Plan Amendment MP-2021-2

Responses to staff comments can be found below in red.

Urban Planning and Land Use Comments

1. The proposed rezoning is to create a zoning district and designate a master land use designation to Industrial from the former KTA right-of-way, now owned by the applicant. The portion of right-of-way is already incorporated into Lot 1, Turner Logistics Center Fourth Plat, and will remain as open space as part of Building 3 site development.
2. Provide a site plan to illustrate the former right-of-way that is now included in the Building 3 site.
The Building 3 site plan has been included in the resubmittal package.

Planning Engineering

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

Notice of neighborhood meeting:

Application numbers: COZ-008, COZ-0010, MP20201-1

Meeting date: 21 December, 2020; 6-8 pm

We conducted a neighborhood meeting via Zoom. We had one attendee, Crystal Pihl, 6632 Tauromee Avenue. We reviewed the plans and discussed the existing development, the proposed changes, and screening as indicated on the plans. Her comments and questions are listed below along with our response.

She had the following comments/questions regarding the proposed rezoning:

- None

She had the following general comments/questions.

1. Comment: Rainwater Runoff from the building 1 site affected the neighbors "across the street from her" with water in their yards.

Response:

We noted that we had been notified of this concern by another neighbor at the time and addressed it shortly after notification. We note that this occurred in the process of grading the site; prior to the construction of the berm, installation of the landscaping and grass, and before the final swale was in place. Now that it is complete, we don't expect an issue in the future.

2. Comment: Building 1 is closer to the neighborhood than the plan she saw at the last meeting.

Response:

We determined that she attended the public meeting held on 10 October 2019 regarding our Clean Water Action Section 404 permit application for the project. She did not attend the Neighborhood meeting held on 30 December 2019 regarding the project. The plans used during the COE meeting were preliminary in nature and adjustments were made prior to FDP submission and prior to the Neighborhood meeting for Building 1. Building 1 on our current plan reflects the location as approved with the Final Development Plan for Building 1.

3. Comment: The workers started early in the morning, around 5:00.

Response:

We indicated that we did have contractors that were starting earlier than 7. We had been in contact with one of her neighbors at the time of the concern and believe the concern that she had identified had been addressed at that time. We told her to contact us if she experiences any issues.

4. Comment: Early in the construction there was dust from the site but it has improved.

Response:

Similar to other concerns we had been contacted by one of her neighbors at the time of the occurrence. We addressed the issues and followed up with the neighbor to verify they were content with the outcome. Crystal agreed that it hadn't been an issue since the early stages of the project.

5. Comment/Question. The lights on the building are visible. Is there anything that we can do to make them not so bright.

Response:

The parking lot lights have shields on the house side but we cannot do that with the lights on the building. We noted the light levels are likely negligible on the lot line but acknowledged the lights on the building are visible and let her know we are looking into potential solutions.

We were contacted by Ben Bortnick on 16 December. He called and requested that we send him information about our project and stated that he would not attend our meeting. Subsequent to the request and prior to the Neighborhood meeting we sent him the plans from our rezoning submittal. We followed up with Ben on 23 December. We discussed how although he owns it, he has a contract for deed on the property. We also discussed the distance from the house to building 4, 574' and 886' to building 5. We also discussed that if we were not able to purchase that we would likely amend our plan in the future to make building 5 longer.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)

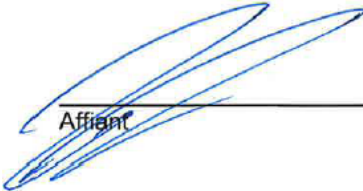
) SS:

COUNTY OF PLATTE)

Comes now James Kraatz, NorthPoint Development, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ-008, COZ-0010, & MP2-2-1-1.
2. That I conducted a neighborhood meeting on 21 December, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of December, 2020.

My commission expires 14 of November, 2021

ANNAMARIE THOMPSON
Notary Public - Notary Seal
STATE OF MISSOURI
Commissioned for Jackson County
My Commission Expires: November 4, 2023
ID #19865946



Notary Public



REZONING DESCRIPTION

All that part of the Southwest Quarter of Section 10, Township 11 South, Range 24 East, in the City of Kansas City, Wyandotte County, Kansas being more particularly described as follows: commencing at the northeast corner of the Southwest Quarter of said Section 10, thence South 00 degrees 08 minutes 49 seconds West, with the east line of the Southwest Quarter of said Section 10, a distance of 1044.97 feet to a point on the north right-of-way line of Interstate 70; thence North 89 degrees 14 minutes 41 seconds West, with the north right-of-way line of Interstate 70, a distance of 226.12 feet; thence North 00 degrees 43 minutes 51 seconds East, with the north right-of-way line of Interstate 70, a distance of 25.25 feet; thence North 89 degrees 06 minutes 45 seconds West, continuing with the north right-of-way line of Interstate 70, a distance of 200.00 feet; thence North 76 degrees 49 minutes 07 seconds West, continuing with the north right-of-way line of Interstate 70, a distance of 187.88 feet; thence South 77 degrees 46 minutes 30 seconds West, continuing with the north right-of-way line of Interstate 70, a distance of 18.72 feet to the point of beginning; thence continuing South 77 degrees 46 minutes 30 seconds West, with the north right-of-way line of Interstate 70, a distance of 83.18 feet; thence South 88 degrees 48 minutes 32 seconds West, continuing with the north right-of-way line of Interstate 70, a distance of 210.45 feet; thence North 64 degrees 32 minutes 03 seconds West, continuing with the north right-of-way line of Interstate 70, a distance of 836.92 feet to a point on the east right-of-way line of College Parkway; thence North 17 degrees 48 minutes 35 seconds West, with the east right-of-way line of College Parkway, a distance of 210.06 feet; thence South 64 degrees 32 minutes 03 seconds East, and no longer with the east right-of-way line of College Parkway, a distance of 1234.86 feet to the point of beginning. The above described tract contains 136,343 square feet, or 3.39 acres. The basis of bearing for the above real property description is the Kansas Regional Coordinate System, Zone 11.

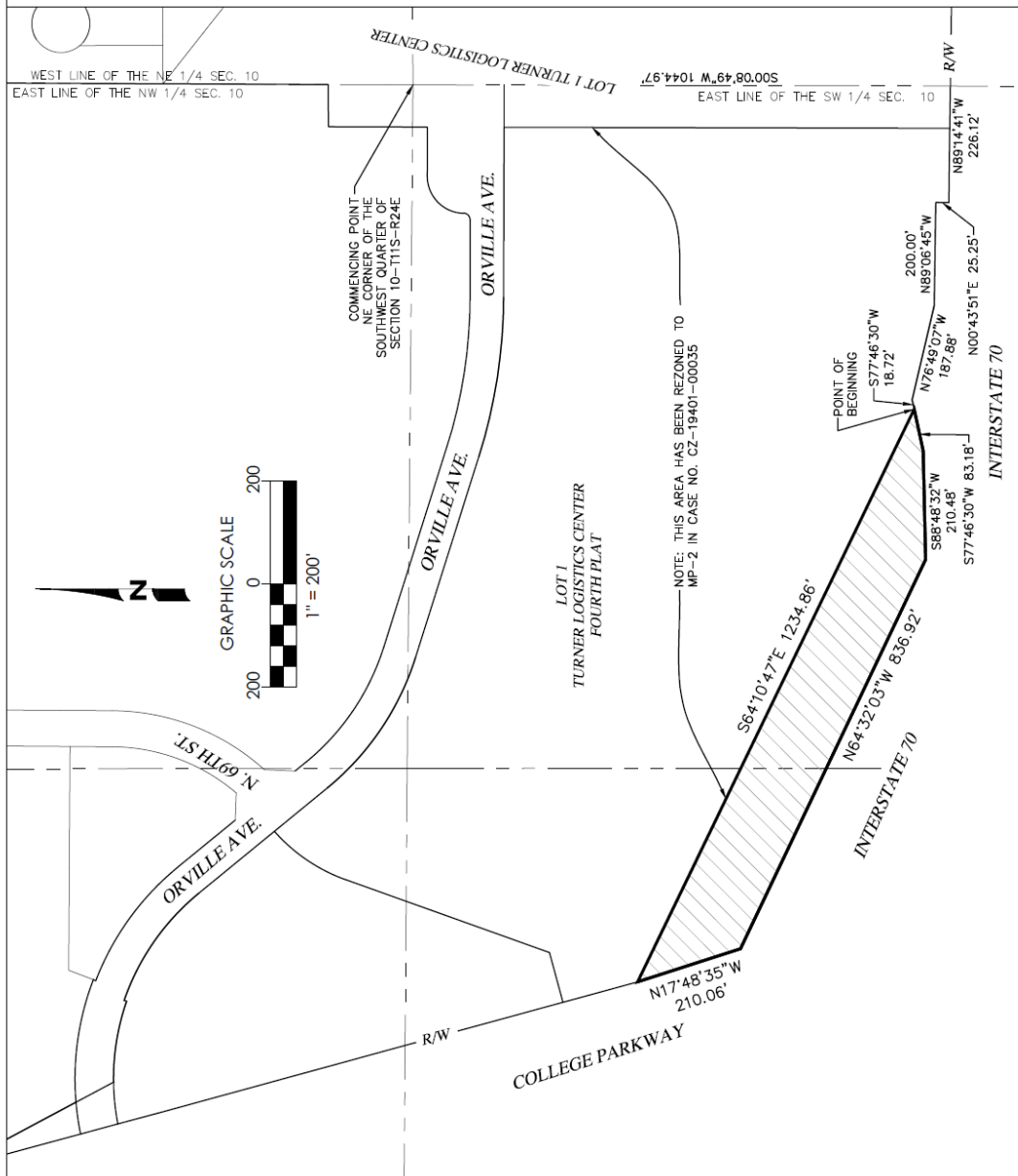




Figure 4. Site photograph of Turner Logistics Center looking east on Turner Diagonal (provided by Planning Staff).



Figure 5. Site photograph of Turner Logistics Center looking east on Turner Diagonal (provided by Planning Staff).



Figure 6. Site photograph of Turner Logistics Center looking north on I-70 East ramp (provided by Planning Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: Petition #SU20-00092

GENERAL INFORMATION

Applicant:
Ester Reed Jordan

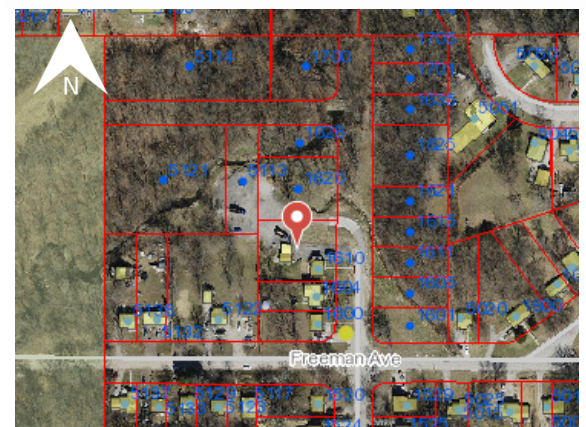
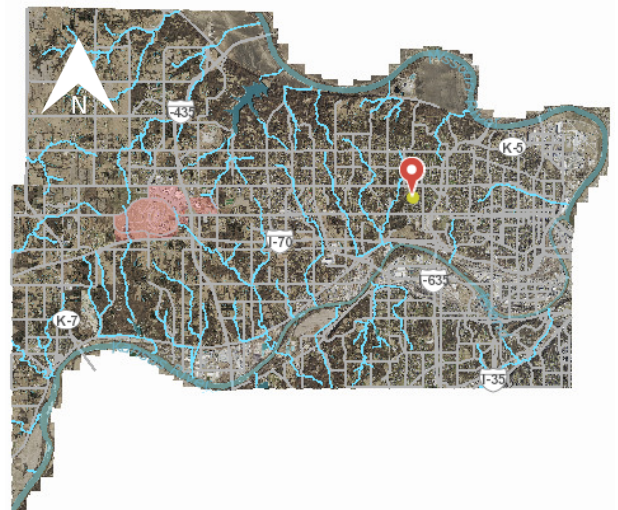
Status of Applicant:
Property Owner
1610 North 51st Street
Kansas City, Kansas 66103

Requested Action:
The renewal of a Temporary Use
of Land Special Use Permit.

Date of Application:
November 30, 2020

Purpose:
For the renewal of SP-2018-93, which
expires on 1/10/2021, to park a dump
truck at the property.

Property Location:
1610 North 51st Street
Kansas City, Kansas 66103



Commission Districts:	Commissioner At Large: Melissa Bynum District #1 Commissioner: Gayle E. Townsend
Existing Zoning:	R-1 Single-Family District
Adjacent Zoning:	North: R-1 Single-Family District South: R-1 Single-Family District East: R-1 Single-Family District West: R-1 Single-Family District
Adjacent Uses:	North: Single Family Homes South: Single Family Home East: Single Family Homes West: Single Family Homes
Total Tract Size:	0.43 Acre
Master Plan Area:	This property is outside the boundaries of an Area Plan.
Master Plan Designation:	The City-Wide Master Plan designates this area as Low-Density Residential. This allows for single-family detached residential development.
Major Street Plan:	The Major Street Plan classifies North 51 st Street as a Local Street.
Parking Requirements:	Section 27-454 states that two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport.
Advertisement:	<u>The Wyandotte Echo</u> – December 17, 2020 Letters to Property Owners – December 18, 2020 and January 20, 2021
Public Hearings:	January 11, 2021 and January 28, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ester Reed, is requesting the renewal of a Special Use Permit (#SP-2018-93) to continue to park a dump truck at their residential property at 1610 North 51st Street. The dump truck would be operated only during Monday through Friday and leave the residence at 7:00 a.m. and return between

6:00 p.m. and 7:00 p.m. each day. This Special Use Permit has been renewed three (3) times in the years of 2014, 2016, and 2018.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been no Notices of Violation on this property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, comprised of single-family homes and undeveloped land.

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

The area is zoned for single family residential. The proposed use is not compatible with this zoning because it is for parking a dump truck on the property.

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

This property is zoned R-1 Single Family District. Dump trucks have the potential to create issues of noise and vibration, which could be disturbing to neighboring residents.

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

The property is not vacant. It is currently being used as a single-family home.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as Low-Density Residential. The proposed use does not conform to the Master Plan because the proposed use is for the purpose of storing commercial equipment on the property.

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

The proposed use will increase vehicular traffic because it is for a dump truck to drive and park on the property. Driving the dump truck on the Local Street everyday may create issues of traffic and undue strain on the pavement.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. It may injure neighboring property by creating issues of noise, vibration, and undue strain on the Local Street. A parked dump truck may negatively affect the visual quality and marketability of adjoining property.

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

Noise, vibration, and dust are issues that could be created by the proposed use. Noise from diesel engines of this size produces noise that is louder than a standard car engine. The duration of noise is not expected to create problems for nearby property owners if hours of operation and conditions are followed. Illumination is not expected to be an issue.

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

The proposed use may pollute the air, land, or water if the vehicle is not properly maintained or parked on an improved surface and screened from adjacent uses.

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

The proposed use is not expected to damage or destroy an irreplaceable natural resource as it is an existing home in a mostly built-out residential neighborhood.

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

There is no relative gain to the public health, safety, and welfare of the community. Financial hardship would result from the denial of the Special Use Permit, as the applicant would be required to find an appropriately-zoned property for the storage of the dump truck.

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

The proposed use increases vehicles and parking in the area. Parking the dump truck on the property may result in overcrowding of land but will not result in undue concentrations of population.

Section 27-675 states that parking, loading, or maneuvering areas must be paved with a minimum of two (2) inches of asphalt over six (6) inches of compacted gravel or its equivalent.

PREVIOUS ACTIONS

SP-2014-18
SP-2016-75
SP-2018-93

NEIGHBORHOOD MEETING

The applicant held an in-person neighborhood meeting on December 23, 2020. No one was in attendance. Documentation is attached below.

KEY ISSUES

Dust
Vibration
Noise
Traffic
Street Maintenance
No Plan for Permanent Accommodations
Three (3) Dump Trucks

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit SU20-00092, subject to:

- 1) No loaded truck shall be permitted on the property;
- 2) Code enforcement officers will have access to the property to investigate any potential neighborhood complaints;
- 3) Ensure sufficient landscaping of trees and shrubs to screen the truck from view of the street;
- 4) Only one (1) dump truck is allowed;
- 5) Parking shall be limited to areas that have an improved surface. Improved surface must not exceed 40% of the yard.
- 6) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. Within one (1) year, all operations must cease, and the applicant must find other accommodations for the dump trucks in a commercially-zoned district;
- 7) 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,

- 8) 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SU20-00092** subject to all comments and suggestions outlined in the staff reports, and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Site Photographs Provided by Staff, Dated December 16, 2020
Neighborhood Meeting Documentation
Photograph Provided by Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 11, 2021	January 28, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SU20-00092** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SU20-00092** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

PLAN REVIEW APPLICATION SU20-00092 – ESTER REED - SYNOPSIS: Renewal of a Special Use Permit (#SP-2018-93 – expired 1/10/2021) for the Temporary Use of Land to park a dump truck at 1610 North 51st Street. **Detailed Outline of Requested Action:** The applicant, Ester Reed, is requesting the renewal of a Special Use Permit (#SP-2018-93) to continue to park a dump truck at their residential property at 1610 North 51st Street. The dump truck would be operated only during Monday through Friday and leave the residence at 7:00 a.m. and return between 6:00 p.m. and 7:00 p.m. each day. This Special Use Permit has been renewed three (3) times in the years of 2014, 2016, and 2018. Code Enforcement History: There have been no Notices of Violation on this property.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" No one responded in the affirmative.

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notices to property owners; and
7. The publication in The Echo for the Special Use Permit.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. (No one responded in the affirmative.)

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

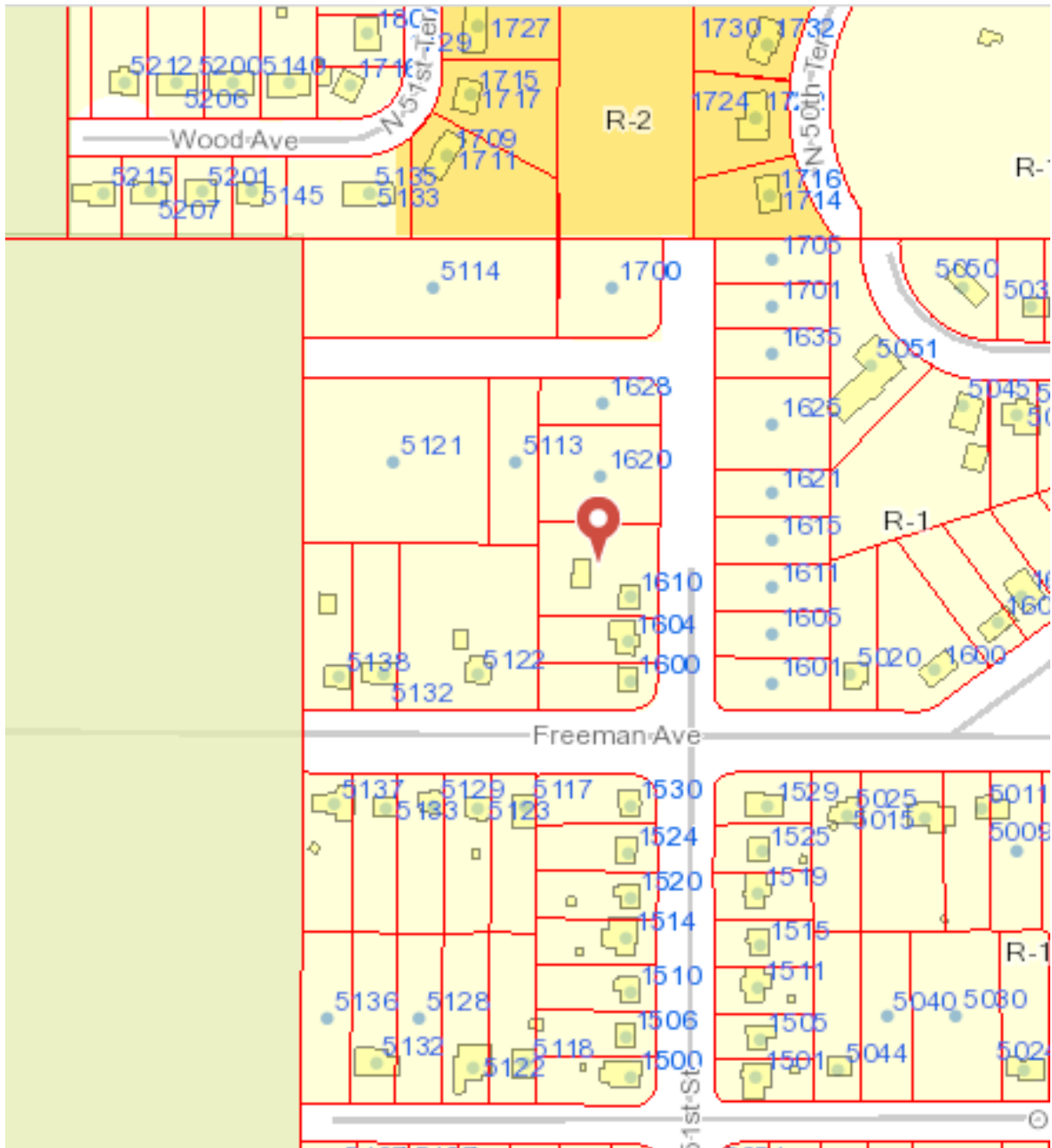
Carson **Chairman**

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

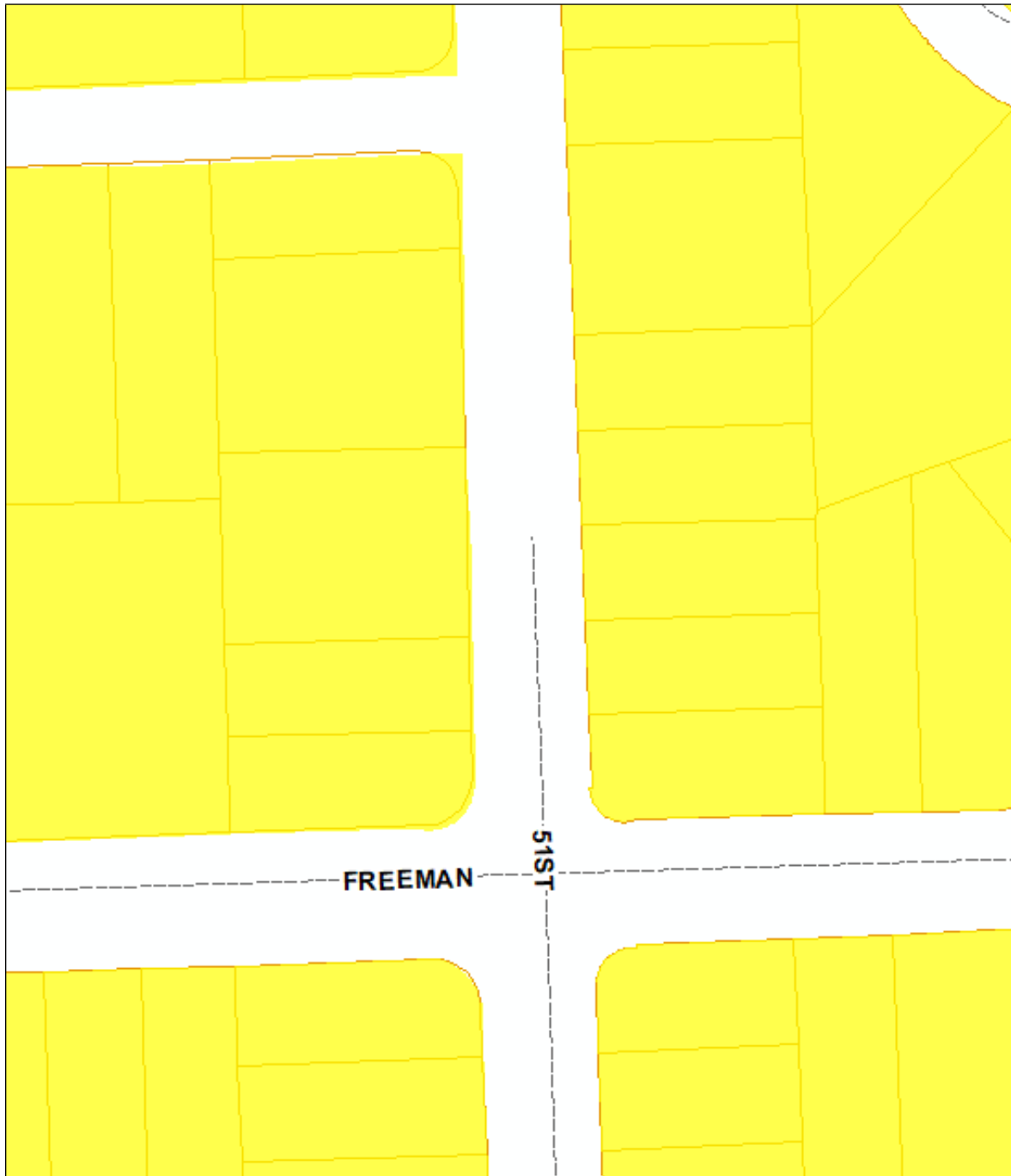
Motion to APPROVE Passed: 7 to 0
Subject to:

- 1) No loaded truck shall be permitted on the property;
- 2) Code enforcement officers will have access to the property to investigate any potential neighborhood complaints;
- 3) Ensure sufficient landscaping of trees and shrubs to screen the truck from view of the street;
- 4) Only one (1) dump truck is allowed;
- 5) Parking shall be limited to areas that have an improved surface. Improved surface must not exceed 40% of the yard.
- 6) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. Within one (1) year, all operations must cease, and the applicant must find other accommodations for the dump trucks in a commercially-zoned district;
- 7) 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,
- 8) 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.

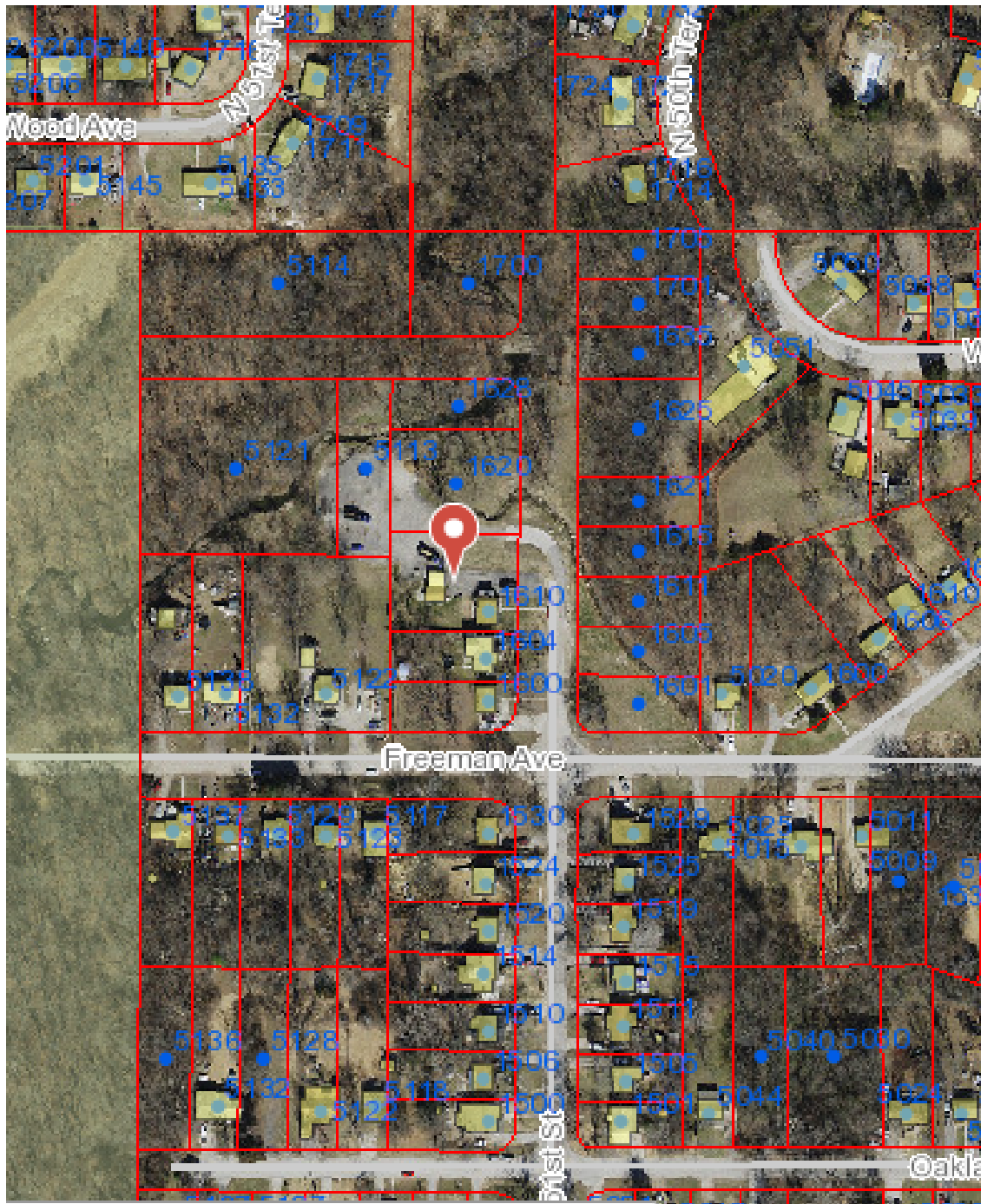
Zoning Map:



Land Use Map:



Aerial Map:



Site Photographs Provided by Staff, Dated December 16, 2020:





Neighborhood Meeting Documentation:

MINUTES:

Application Number SP-2018-93

Date and Location: 12-23-20 1610 N 51st KCK 66102

Meeting called to order at: 6 pm

Names of people in attendance: Ø

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 7pm

Minutes taken by: Gregory Jordan

SIGN-IN SHEET

Date: 12-23, 2020

Name No. Shew

Time 6pm til 7pm

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Estel Jordan of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SU20-00092
2. That I conducted a neighborhood meeting on 12-23-2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.

My commission expires _____ of _____, 200_.

Notary Public

Photograph Provided by Applicant:





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: Petition SU20-00095

GENERAL INFORMATION

Applicant:
Beth Leon

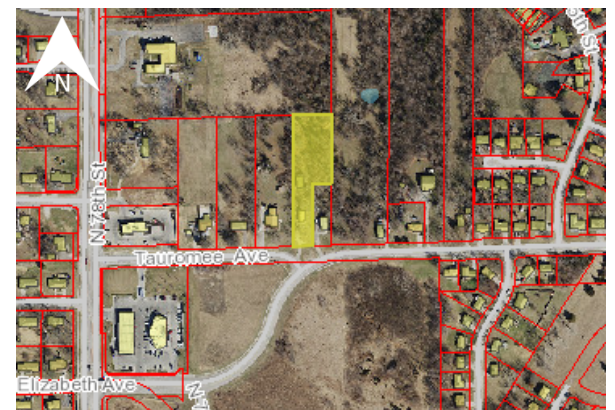
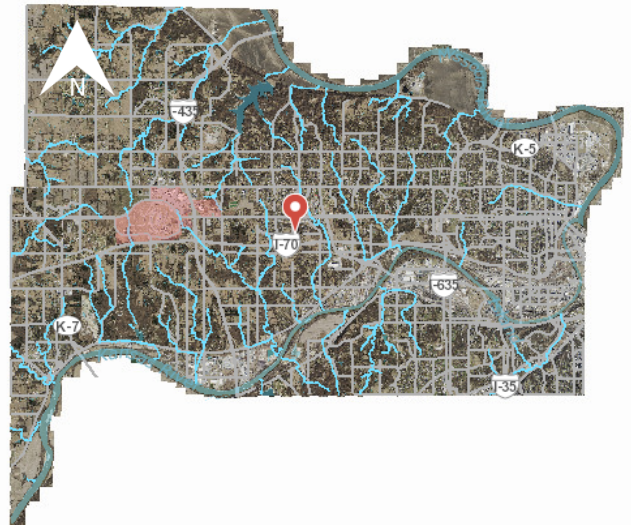
Status of Applicant:
Property Owner
7640 Tauromee Avenue
Kansas City, Kansas 66112

Requested Action:
The approval of a Special Use Permit.

Date of Application:
November 30, 2020

Purpose:
To keep goats on the property.

Property Location:
7640 Tauromee Avenue
Kansas City, Kansas 66112



Commission Districts:	Commissioner At Large: Melissa Bynum District #8 Commissioner: Dr. Jane Winkler Philbrook
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: C-1 Limited Business District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single Family Homes South: Undeveloped Land East: Single Family Homes West: Single Family Homes
Total Tract Size:	1.28 Acres
Master Plan Area:	This property is outside the boundaries of an Area Plan.
Master Plan Designation:	The City-Wide Master Plan designates this area as Low-Density Residential. Low-Density Residential allows for single-family detached residential development.
Major Street Plan:	The Major Street Plan classifies Tauromee Avenue as a Collector Street.
Parking Requirements:	Section 27-454 states that two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport.
Advertisement:	<u>The Wyandotte Echo</u> – December 17, 2020 Letters to Property Owners – December 18, 2020 and January 20, 2021
Public Hearings:	January 11, 2021 and January 28, 2021
Public Support:	Support has been received by the (2) neighbors of the adjacent property to the west.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Beth Leon, is seeking the approval of a Special Use Permit to have up to three (3) goats on the property at 7640 Tauromee Avenue.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been two (2) Notices of Violation in 2017 at this property for an inoperable vehicle.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, comprised of single-family homes and undeveloped land.

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

The zoning and uses are set out above. The proposed use is compatible if the animals are properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for the keeping of goats if properly managed and appropriately buffered. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as noise, smell, and animal waste.

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

This property is not vacant. It is an existing single-family residence.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as Low-Density Residential. The proposed use conforms to the Master Plan because the property is still being used for a single family home.

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

The proposed use will not increase vehicular traffic.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not permanently injure the appropriate use, visual quality, or marketability of adjoining property because it is for the keeping of up to three (3) goats.

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

Noise, vibration, dust, and illumination are not expected to be issues with the proposed use.

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

The proposed use will may pollute the air, land, or water if animal waste is not properly disposed of.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a mostly built-out neighborhood.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. The applicant states that the goats will provide the service of managing poison ivy on the property. If denied, the landowner could not have goats on the property, but could continue to use it as their primary residence, rent it out, or sell the property.

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

The proposed use will not create issues of overcrowding as it is for three (3) goats maximum. There is no proposed increase in population.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via letter/email on December 16, 2020. Two (2) neighbors responded in support of the proposal. Documentation is attached below.

KEY ISSUES

Animal Waste

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit SU20-00095, subject to:

- 1) **Three (3) goats maximum are allowed;**
- 2) **A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process if the existing accessory structure exceeds 120 square feet.**
- 3) **All manure accumulations in the area where livestock and other animals are kept shall be removed, stored or disposed of in such a manner as to prevent attracting flies or the spread of disease;**
- 4) **Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Sec.8-610 through Sec.8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department , 701 N.7th Street, KS 66101, 913-573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, 913-573-8620;**
- 5) **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 6) **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,**

- 7) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SU20-00095** subject to all comments and suggestions outlined in the staff reports, and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Site Photographs Provided by Staff, Dated December 16, 2020
Photographs, Provided by Applicant
Conservation District Comments
Letter of Neighborhood Support

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 11, 2021	January 28, 2021
Special Use	Approval	

STAFF CONTACT: Shana Shanteau
sshanteau@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SU20-00095** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

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

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SU20-00095** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

Hearing starts at 3:04:19:

SPECIAL USE PERMIT APPLICATION SU20-00095 – BETH LEON - SYNOPSIS:

Special Use Permit to keep goats at 7640 Tauromee Avenue. **Detailed Outline of Requested Action:** The applicant, Beth Leon, is seeking the approval of a Special Use Permit to have up to three (3) goats on the property at 7640 Tauromee Avenue. Code Enforcement History: There have been two (2) Notices of Violation in 2017 at this property for an inoperable vehicle.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Beth Leon, applicant, 7640 Tauromee Avenue, Kansas City, Kansas
- Linda Marshall, 7718 Tauromee Avenue, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:06:32: Planning Director Hand stated that the request is for up to three (3) goats. Support has been received by two (2) neighbors prior to the meeting in addition to the neighbor that appeared this evening. Staff recommends approval subject to the conditions in the staff report. He further stated that he would request that condition five (5) be stricken as it is a duplicate condition.

Motion and Vote starts at 3:08:43:

On motion by Mr. Connelly, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SU20-00095:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

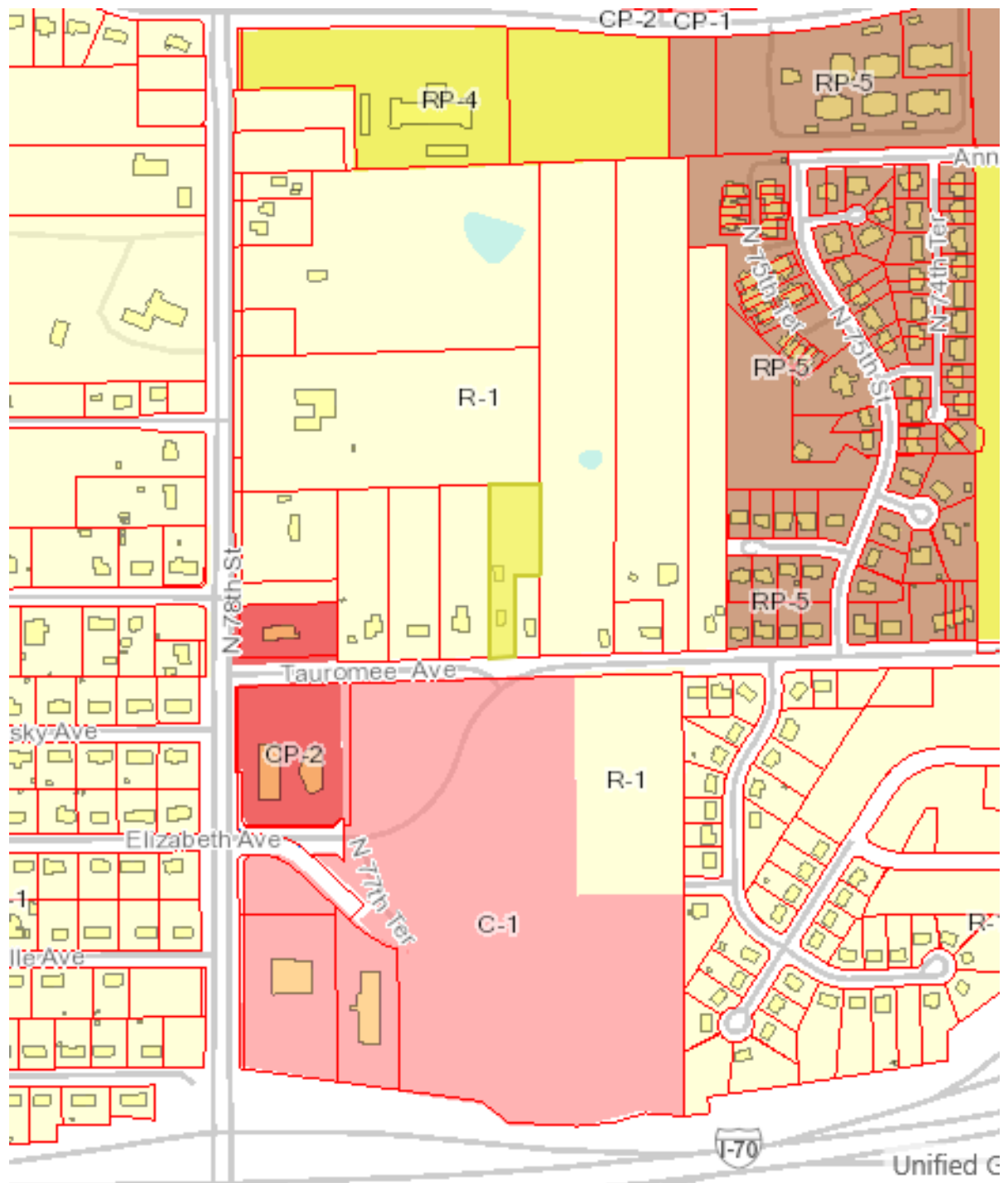
Subject to:

- 1) Three (3) goats maximum are allowed;**
- 2) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process if the existing accessory structure exceeds 120 square feet.**
- 3) All manure accumulations in the area where livestock and other animals are kept shall be removed, stored or disposed of in such a manner as to prevent attracting flies or the spread of disease;**
- 4) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Sec.8-610 through Sec.8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department , 701 N.7th Street, KS 66101, 913-573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, 913-573-8620;**
- 5) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to**

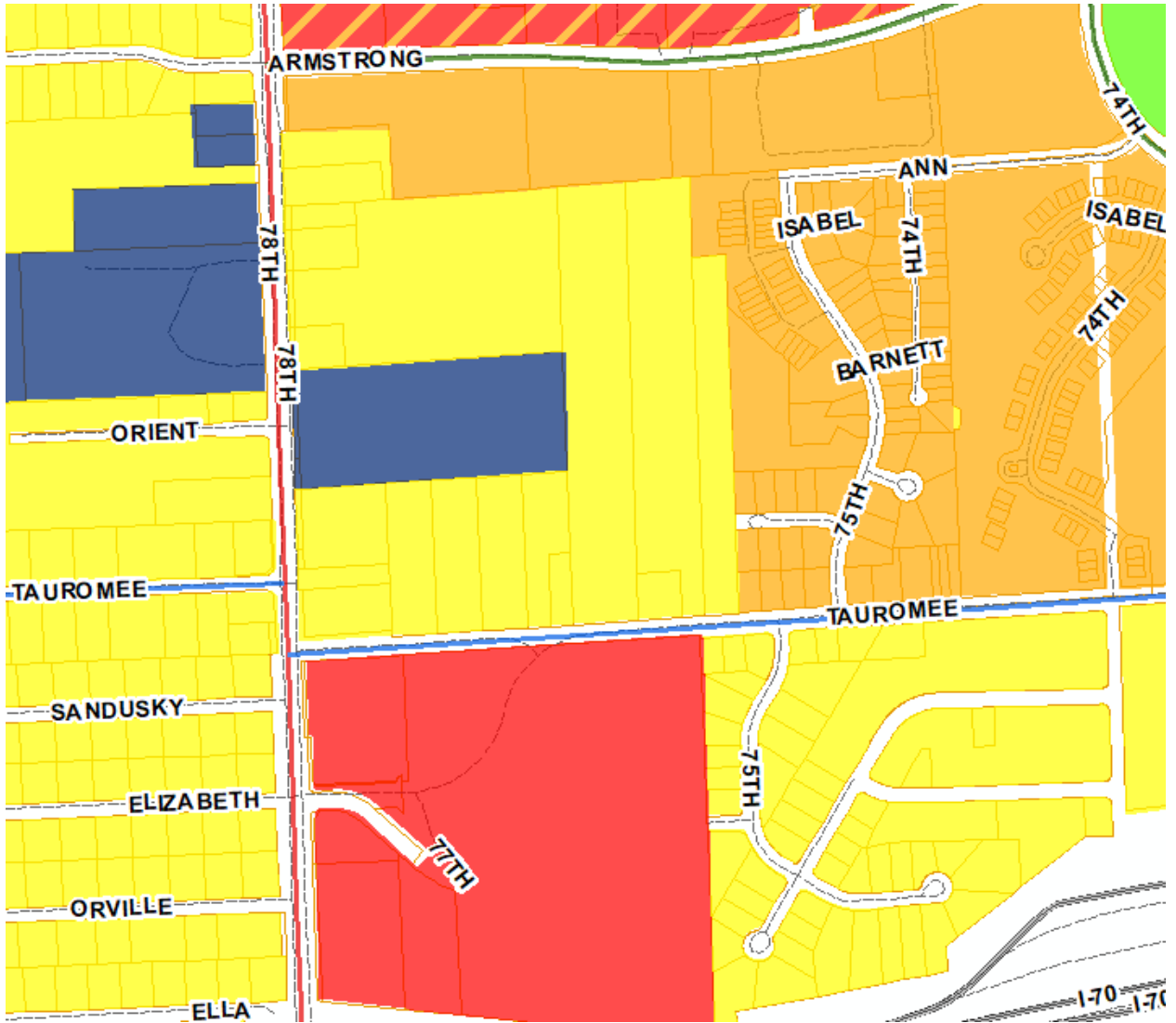
meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

- 6) 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,
- 7) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

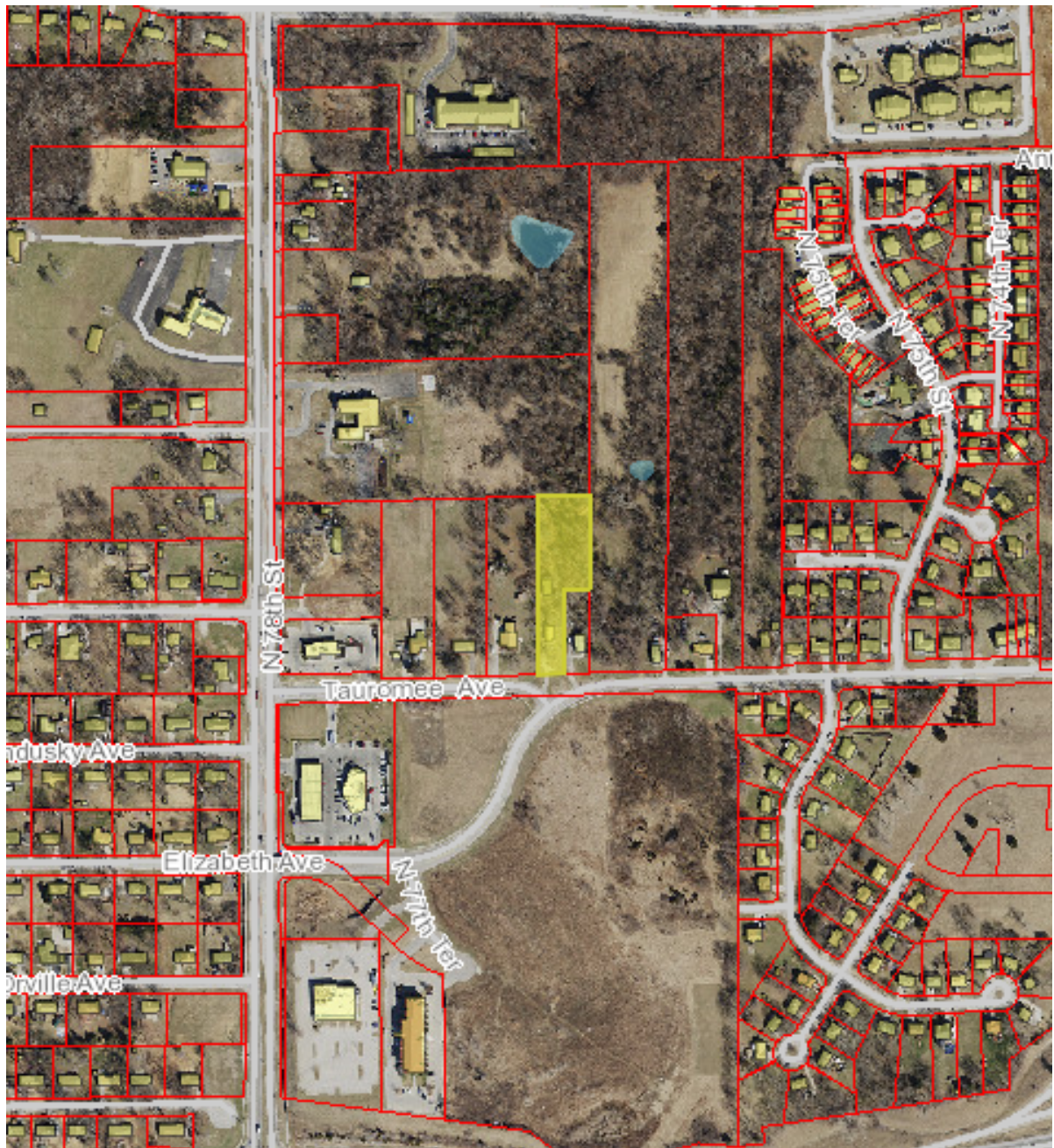
Zoning Map:



Land Use Map:



Aerial Map:



Site Photograph Provided by Staff, Dated December 16, 2020:



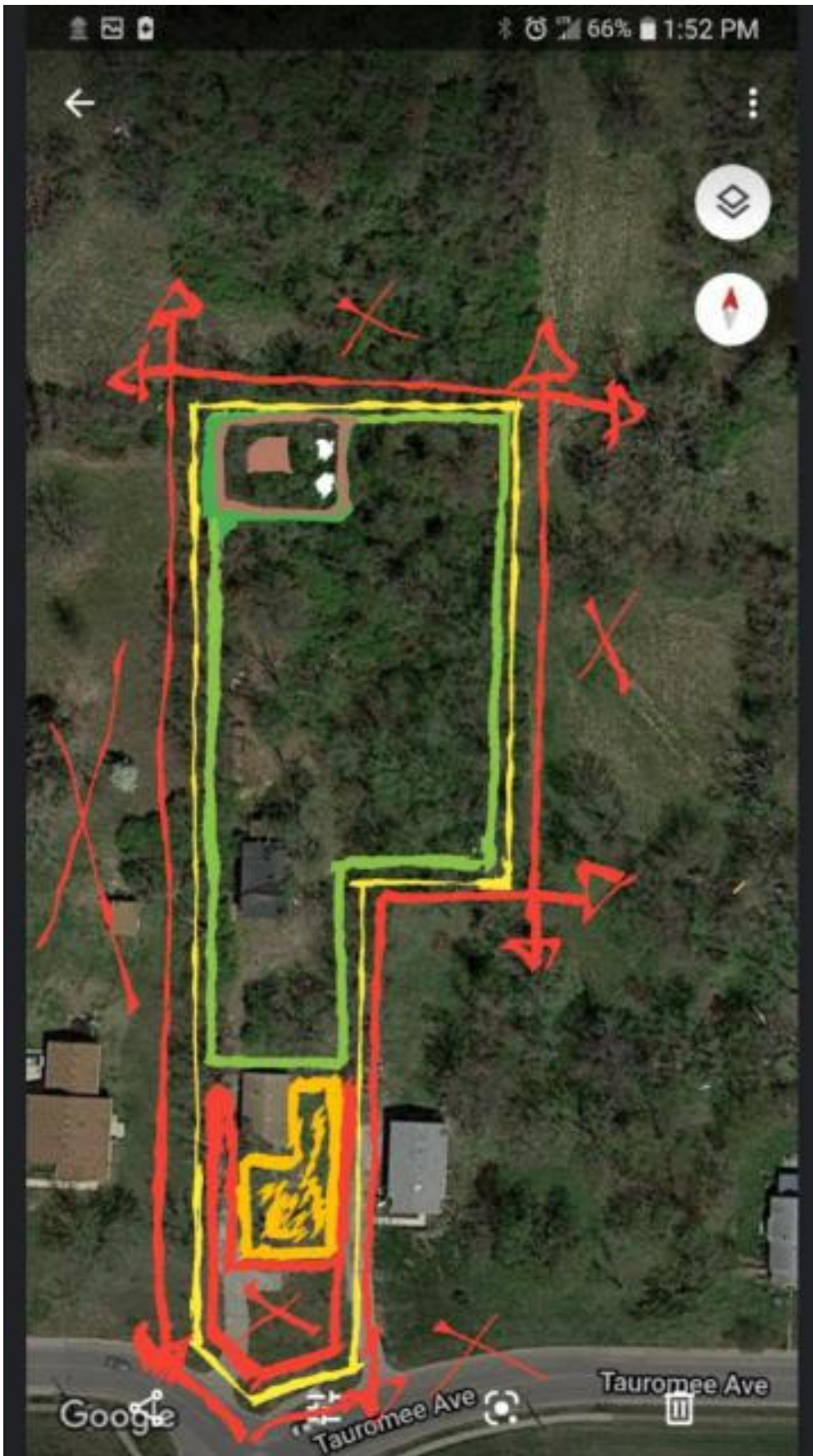
Photographs, Provided by Applicant:











Conservation District Comments:



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

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

December 16, 2020

RE: SU20-00095 Beth Leon goats at 7640 Tauromee Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the: SU20-00095 Beth Leon goats at 7640 Tauromee Avenue

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

MAPS AND REPORTS

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

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

- There are two major soil types identified: Knox Ladoga 7-12% slope and Ladoga silt loam 3-8% slope. These soil types are considered very erodible when the surface is denuded of a protective cover.
- **This area is not a good location for any livestock. There are a lot of trees and brush covering the area. This reduces the amount of grass in the area which leads to soil erosion in the area.**
- Livestock waste needs to be controlled so it is not causing a pollution problem on the neighbors or to the drainage way. A livestock waste management plan is needed.
- In timber stands, livestock tend to compact the soil and destroy the ground cover so there is additional runoff from the area. This causes more erosion.

- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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

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

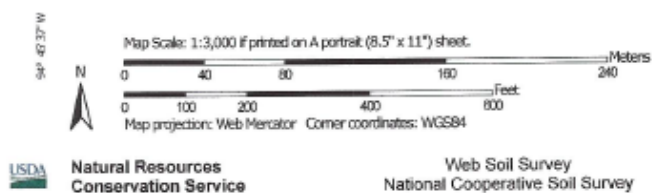
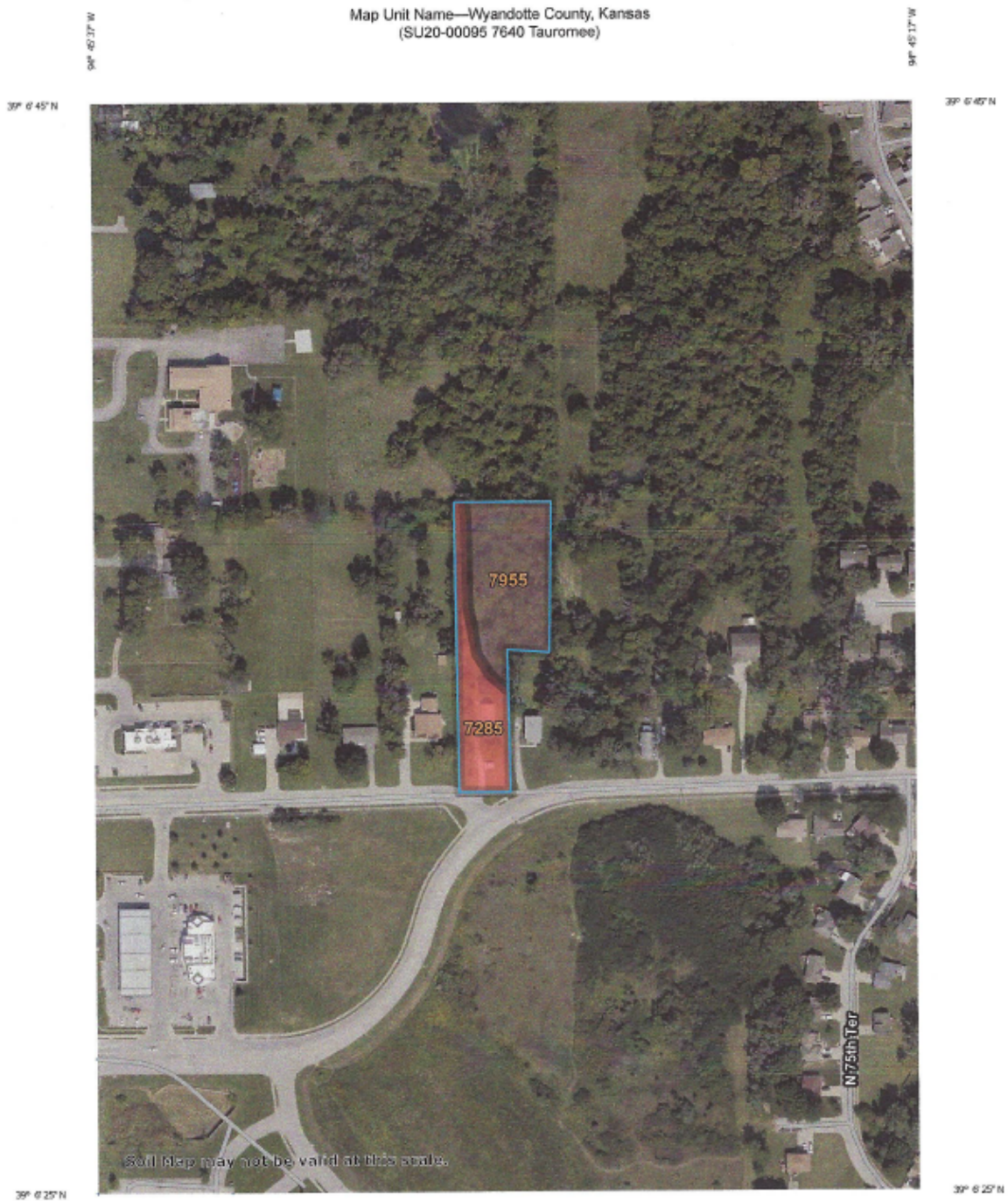
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

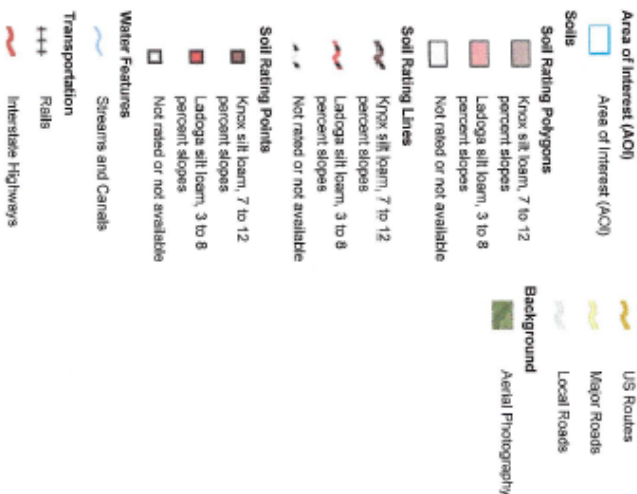
enclosures

Map Unit Name—Wyandotte County, Kansas
(SU20-00095 7640 Tauromee)



12/15/2020
Page 1 of 3

MAP LEGEND



MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.sc.egov.usda.gov>
 Coordinate System: Web Mercator (EPSG:3857)

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

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

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

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

Date(s) aerial images were photographed: Jul 16, 2019—Sep 23, 2019

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

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7285	Ladoga silt loam, 3 to 8 percent slopes	Ladoga silt loam, 3 to 8 percent slopes	0.7	39.3%
7955	Knox silt loam, 7 to 12 percent slopes	Knox silt loam, 7 to 12 percent slopes	1.0	60.7%
Totals for Area of Interest			1.7	100.0%

Description

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

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Manure and Food-Processing Waste—Wyandotte County, Kansas
(SU20-00095 7640 Tauromee)



MAP LEGEND

Area of Interest (AOI)
Area of Interest (AOI)
Background
Aerial Photography

Soils

Soil Rating Polygons

Very limited
Somewhat limited
Not limited
Not rated or not available

Soil Rating Lines

Very limited
Somewhat limited
Not limited
Not rated or not available

Soil Rating Points

Very limited
Somewhat limited
Not limited
Not rated or not available

Water Features

Streams and Canals

Transportation

+++ Rails
Interstate Highways
US Routes
Major Roads
Local Roads

MAP INFORMATION

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

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Web Soil Survey URL:
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Manure and Food-Processing Waste

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
7285	Ladoga silt loam, 3 to 8 percent slopes	Somewhat limited	Ladoga (80%)	Slow water movement (0.30)	0.7	39.3%
			Sharpsburg (10%)	Slow water movement (0.30)		
				Too acid (0.02)		
			Knox (10%)	Slope (0.16)		
7955	Knox silt loam, 7 to 12 percent slopes	Somewhat limited	Knox (80%)	Slope (0.16)	1.0	60.7%
			Armster, eroded (5%)	Depth to saturated zone (0.46)		
				Slow water movement (0.30)		
				Slope (0.16)		
				Too acid (0.08)		
			Welda (5%)	Slope (0.63)		
				Slow water movement (0.30)		
			Ladoga (5%)	Too acid (0.02)		
	Slow water movement (0.30)					
Totals for Area of Interest					1.7	100.0%

Rating	Acres in AOI	Percent of AOI
Somewhat limited	1.7	100.0%
Totals for Area of Interest	1.7	100.0%

Description

The application of manure and food-processing waste not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. Manure is the excrement of livestock and poultry, and food-processing waste is damaged fruit and vegetables and the peelings, stems, leaves, pits, and soil particles removed in food preparation. The manure and food-processing waste are solid, slurry, or liquid. Their nitrogen content varies. A high content of nitrogen limits the application rate. Toxic or otherwise dangerous wastes, such as those mixed with the lye used in food processing, are not considered in the ratings.

The ratings are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the waste is applied, and the method by which the waste is applied. The properties that affect absorption include saturated hydraulic conductivity (Ksat), depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, and available water capacity. The properties that affect plant growth and microbial activity include reaction, the sodium adsorption ratio, salinity, and bulk density. The wind erodibility group, soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of waste. Permanently frozen soils are unsuitable for waste treatment.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect agricultural waste management. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



Soil Features

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

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

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

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

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

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

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

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Kind	Restrictive Layer			Subsidence		Potential for frost action	Risk of corrosion	
		Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		Low-RV-High	Range		Low-High	Low-High			
		In	In		In	In			
7285—Ladoga silt loam, 3 to 8 percent slopes									
Ladoga		—	—		0	—	Moderate	Moderate	Moderate

Data Source Information

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

Neighborhood Letter:

12/16/2020

Beth Leon

7640 Tauromee Ave

Kansas City, Kansas 66112

Neighborhood meeting/ E-mail due to Covid 19

We have filed an application with the Department of Urban Planning and Land Use # SU20-00095 for the purpose of a special use permit.

The special use permit is for goats. After purchasing this house my husband and I released shortly after that most of the property is engulfed in poison ivy. In doing research to help eradicate the poison ivy I came upon a last resort of goats. I first tried many options such as chemicals, natural products, cutting the poison ivy, and we quickly came to the realization that we could not keep up with the growth of this weed. This brings me back to the special use permit for the goats. We found out that goats are recommended for this issue. It is especially hard to bag poison ivy leaves that have fallen or weeds we have cut to maintain the yard. This is where goats come in. Goats will eat any type of ivy with no ill affect to themselves this includes poison ivy. We looked into renting goats but as you may have guessed this can be quite costly and not ideal for the efficiency of keeping the poison ivy at bay enough for my son to not have poison ivy 8 months of the year. He is a wrestler and his skin is in constant friction on the mats. When he has so many outbreaks and is covered in poison ivy he is unable to train for the sport he loves. Also his quality of life is greatly affected due to constant itching. Jonathan enjoys being outside and playing in the yard and we enjoy watching him do so. He enjoys it so much that he has never played a video game a day in his life! Nor do we even have a television for him to be entertained all day. To conclude I am obtaining a special use permit for about 2-3 goats to help with the poison ivy and brush for the yard of 7640 Tauromee Ave Kansas City, Kansas 66112

You can Email me with any questions or concerns at Bethleon1991@gmail.com. I must receive your e-mail no later than the date of 12/28/2020. The purpose of the email is to explain the proposal and to answer any question or concerns you may have. I am happy to answer and explain in further detail and will respond to your email within 2 days of your questions or concerns.

I look forward to hearing from you via email at Bethleon1991@gmail.com. If you are unable to email me you can feel free to call me at 913-636-2655.

Sincerely

Beth Leon

Letter of Neighborhood Support:

Beth Leon,

We have no questions or concerns regarding your application to the Department of Urban Planning/Board of Zoning for a special use permit to keep goats on your property.

Since the back of your property adjoins ours at our west property line, we wanted to express our approval. The addition of goats to help eradicate the poison ivy problem so prevalent in this area is a much better, more environmentally sound solution than chemicals and poisons.

We will not be participating in the Zoom webinar, but wanted you and the City Planning Commission to know you have our total support in this matter.

Robert J. and Trudy G. Masden
7624 Tauromee Ave.
Kansas City KS 66112



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: **Petition #SU20-00096**

GENERAL INFORMATION

Applicant:
Blair Thedinger

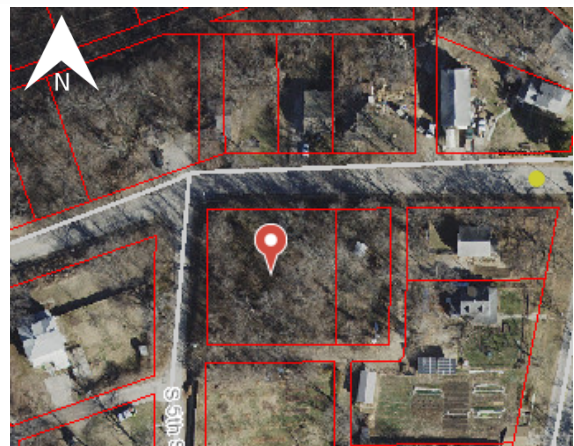
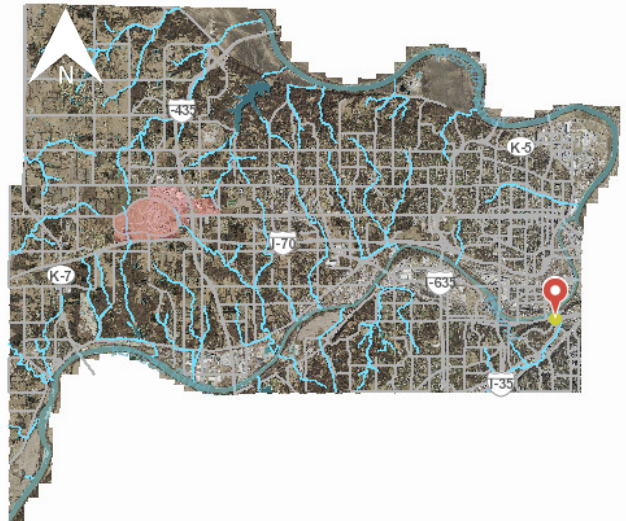
Status of Applicant:
Property Owner
411 and 415 Stine Avenue
Kansas City, Kansas 66103

Requested Action:
The approval of a Special Use Permit.

Date of Application:
November 30, 2020

Purpose:
To keep two (2) goats on the property.

Property Location:
411 and 415 Stine Avenue
Kansas City, Kansas 66103



Commission Districts:	Commissioner At Large: Tom Burroughs District #3 Commissioner: Christian Ramirez
Existing Zoning:	R-2(B) Two-Family District
Adjacent Zoning:	North: R-2(B) Two-Family District South: R-2(B) Two-Family District East: R-2(B) Two-Family District West: R-2(B) Two-Family District
Adjacent Uses:	North: Single Family Homes South: Undeveloped Land East: Single Family Homes West: Single Family Homes
Total Tract Size:	0.48 Acre
Master Plan Area:	This property is outside the boundaries of an Area Plan.
Master Plan Designation:	The City-Wide Master Plan designates this area as Low-Density Residential. Low-Density Residential allows for single-family detached residential development.
Major Street Plan:	The Major Street Plan classifies Stine Avenue as a Local Street.
Parking Requirements:	Section 27-457 states that in R-2(B) Two Family District, one (1) parking space for each dwelling unit shall be provided on the premises.
Advertisement:	<u>The Wyandotte Echo</u> – December 17, 2020 Letters to Property Owners – December 18, 2020 and January 20, 2021
Public Hearings:	January 11, 2021 and January 28, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blair Thedinger, is seeking the approval of a Special Use Permit to have two (2) goats on their properties at 411 and 415 Stine Avenue. This case is being heard in conjunction with #BOZA 2020-0046 for an accessory structure without a primary structure.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There has been one (1) Notice of Violation in 2010 at this property for weeds and trash.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, comprised of single-family homes and undeveloped land.

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

The zoning and uses are set out above. The proposed use is compatible if the animals are properly managed.

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

This property is suitable for use as a single-family or two-family home. The property could be suitable for the keeping of goats if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as noise, smell, and animal waste.

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

There is no record of a home existing on the property.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as Low-Density Residential. The proposed use does not conform to the Master Plan because the property is not being used for a single-family home.

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

The proposed use will not increase vehicular traffic because the proposed use is to have two (2) goats on the property.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not permanently injure the appropriate use, visual quality, or marketability of adjoining property because it is for the keeping of two (2) goats for up to two (2) years.

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

Vibration, and illumination are not expected to be issues with the proposed use. Noise and dust may be issues if the goats are loud and the ground cover isn't properly maintained.

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

The proposed use will may pollute the air, land, or water if animal waste is not properly disposed of.

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

The proposed use will not damage or destroy an irreplaceable natural resource if properly managed.

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. The applicant states that the goats will be used to provide milk. If denied, the landowner could not have goats on the property, but could construct a single-family home or duplex on the property or sell the property.

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

The proposed use will not create issues of overcrowding as it is for two (2) goats maximum. There is no proposed increase in population.

PREVIOUS ACTIONS

This case is currently being heard in conjunction with **#BOZA2020-0046**.

NEIGHBORHOOD MEETING

The applicant held an online neighborhood meeting via letter on December 12, 2020. This letter included contact information. No one responded.

KEY ISSUES

Noise
Animal Waste
Dust
Accessory Use Without Primary Structure

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit SU20-00096, subject to:

1. **BOZA 2020-0046 must be approved (approved by the Board of Zoning Appeals on January 11, 2021);**
2. **The maximum number of goats allowed is two (2);**
3. **A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process;**
4. **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;**
5. **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
6. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the**

renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SU20-00096** subject to all comments and suggestions outlined in the staff reports, and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Site Photographs Provided by Staff, Dated December 16, 2020
Conservation District Comments
Diagram
Plans
Site Photographs Provided by Applicant
Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 11, 2021	January 28, 2021
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SU20-00096** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SU20-00096** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

Hearing starts at 3:08:56:

SPECIAL USE PERMIT APPLICATION SU20-00096 – BLAIR THEDINGER –

SYNOPSIS: Special Use Permit to keep goats at 411 and 415 Stine Avenue. ***Detailed Outline of Requested Action:*** The applicant, Blair Thedinger, is seeking the approval of a Special Use Permit to have two (2) goats on their properties at 411 and 415 Stine Avenue. This case is being heard in conjunction with #BOZA 2020-0046 for an accessory structure without a primary structure. Code Enforcement History: There has been one (1) Notice of Violation in 2010 at this property for weeds and trash.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The testimony from the Board of Zoning Appeals meeting earlier this evening

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

Present in Support:

- Blair Thedinger, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:11:05: Planning Director Hand stated that this Special Use Permit for two (2) goats is associated with a Board of Zoning Appeals case that was approved earlier this evening for an accessory structure. One (1) of the

conditions was that an existing structure be removed. Staff recommends approval with the conditions in the staff report.

Motion and Vote starts at 3:12:05:

On motion by Ms. Armstrong, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SU20-00096**:

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

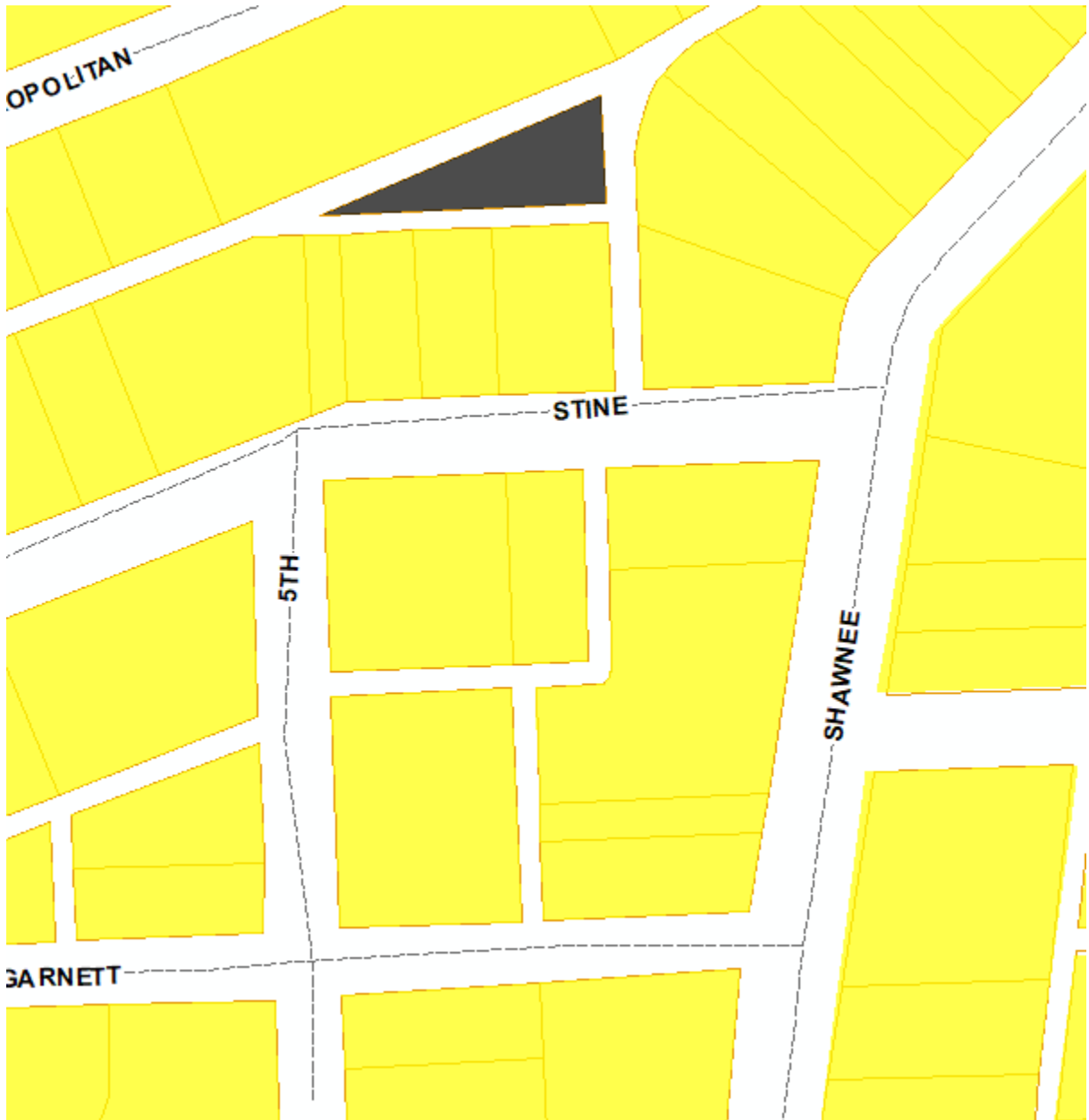
- 1) BOZA 2020-0046 must be approved (approved by the Board of Zoning Appeals on January 11, 2021);**
- 2) The maximum number of goats allowed is two (2);**
- 3) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process;**
- 4) 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;**
- 5) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 6) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration**

of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

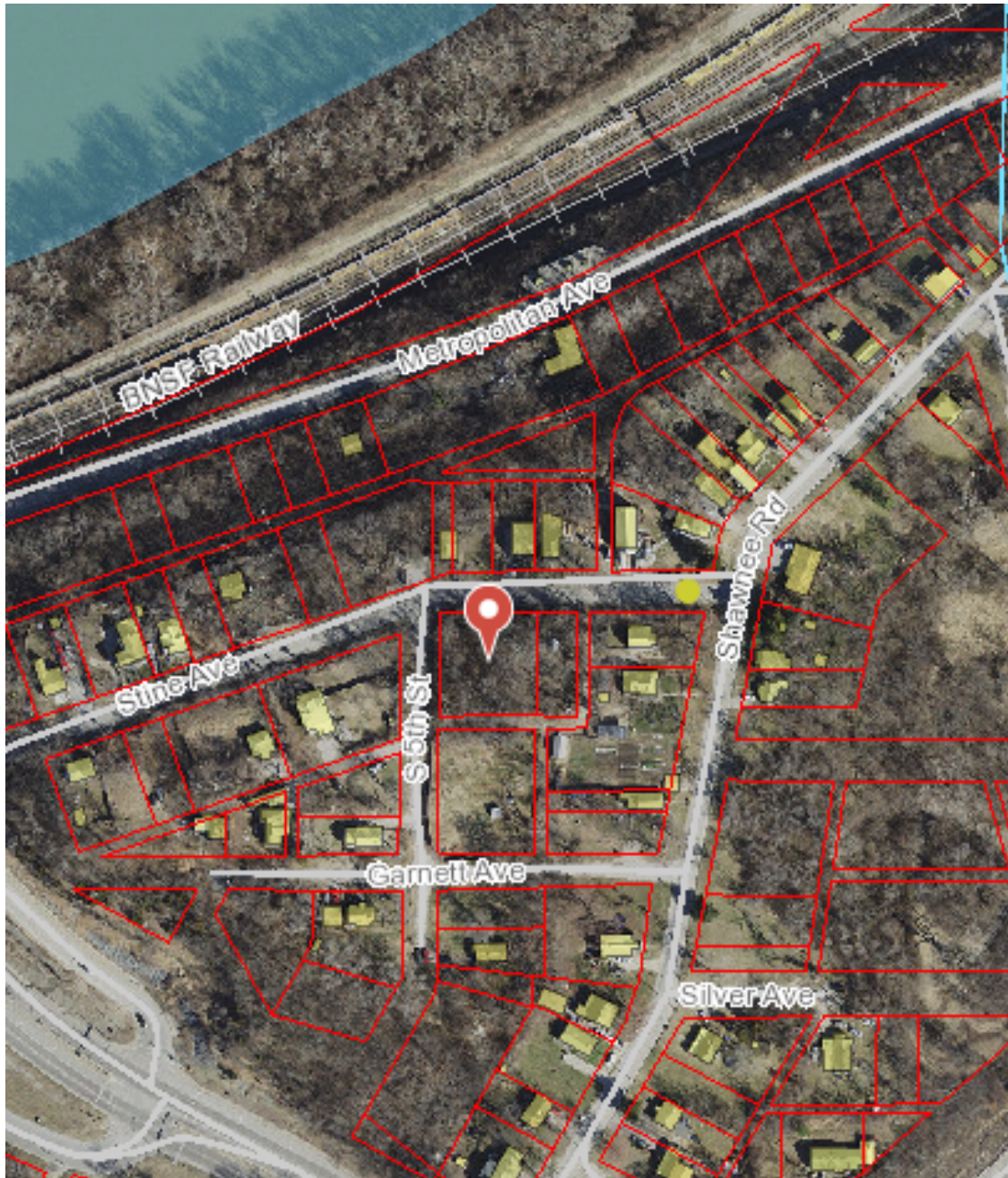
Zoning Map:



Land Use Map:



Aerial Map:



Site Photograph Provided by Staff, Dated December 16, 2020:



Conservation District Comments:



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

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

December 16, 2020

RE: SU20-00096 Blair Thedinger goats at 411 and 415 Stine Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the: SU20-00096 Blair Thedinger goats at 411 and 415 Stine Avenue

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

MAPS AND REPORTS

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

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

- There is one major soil type identified: Knox silt loam, 18 to 30 percent slopes. This soil type is considered very erodible when the surface is denuded of a protective cover.
- **This area is not a good location for any livestock, preparation needs to be done before any animals are located on the property.**
- **Trees and brush covering the area need to be cleared and thinned.**
- **Seeding and mulching then should take place, in order to establish ground cover. NO animals should be on the area until seeding has been established.**
- **There is little grass in the area which leads to soil erosion in the area.**
- **Livestock waste needs to be controlled so it is not causing a pollution problem. A livestock waste management plan is needed.**

- **In timber stands, livestock tend to compact the soil and destroy the ground cover so there is additional runoff from the area. Erosion and runoff are increased from the over use and decreased ground cover.**
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.

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

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

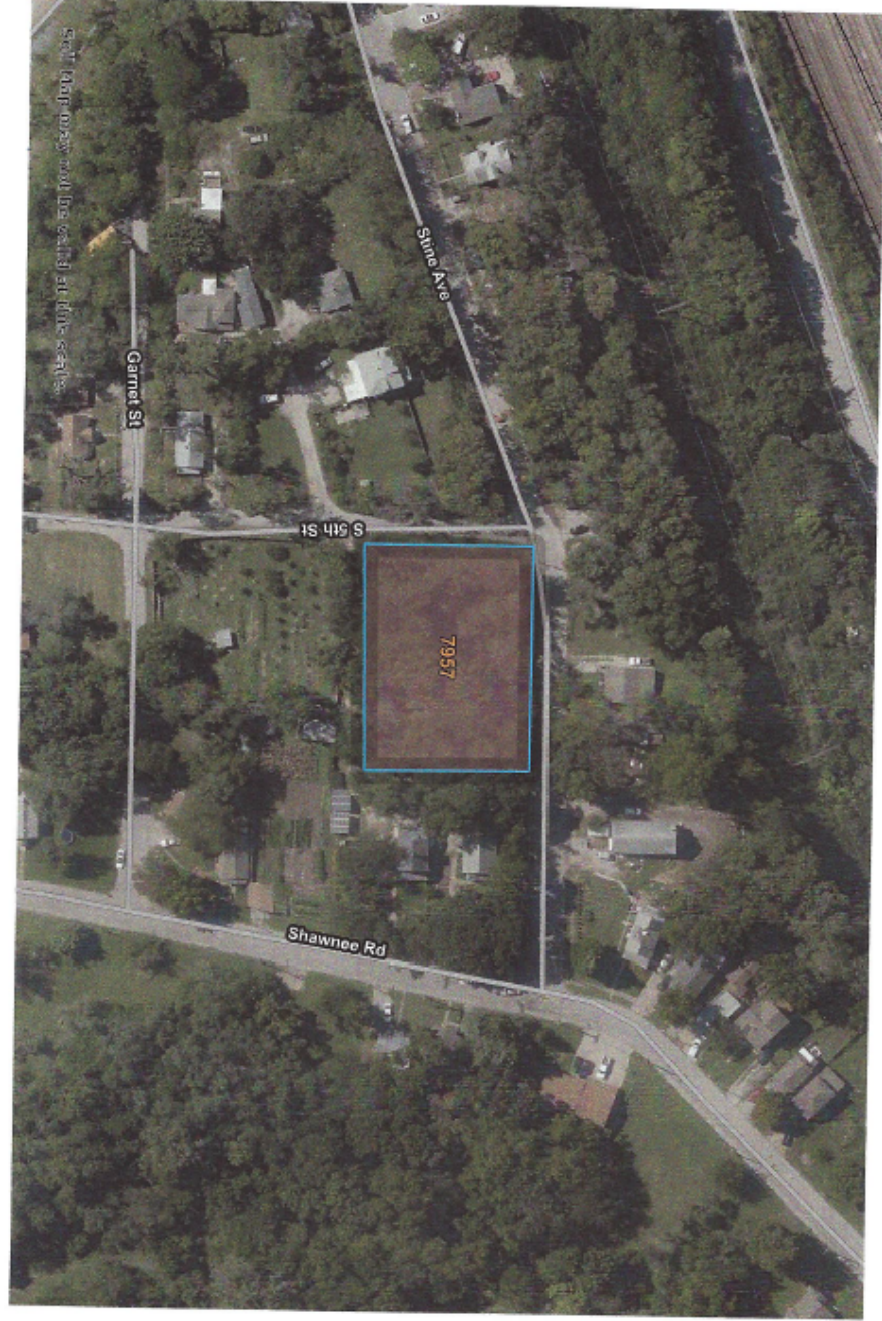
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

Map Unit Name—Wyandotte County, Kansas
(Su20000036 411 & 415 Sline Ave)



USDA
Natural Resources
Conservation Service
Web Soil Survey
National Cooperative Soil Survey
12/15/2020
Page 1 of 3

MAP LEGEND

- Area of Interest (AOI)**
 Area of Interest (AOI)
- Soils**
- Soil Rating Polygons**
 Knox complex, 18 to 30 percent slopes
 Not rated or not available
- Soil Rating Lines**
 Knox complex, 18 to 30 percent slopes
 Not rated or not available
- Soil Rating Points**
 Knox complex, 18 to 30 percent slopes
 Not rated or not available
- Water Features**
 Streams and Canals
- Transportation**
 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads
- Background**
 Aerial Photography

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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

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

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

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

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

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

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7957	Knox complex, 18 to 30 percent slopes	Knox complex, 18 to 30 percent slopes	0.6	100.0%
Totals for Area of Interest			0.6	100.0%

Description

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

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Map Unit Description (Brief, Generated)

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

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

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

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

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7957—Knox complex, 18 to 30 percent slopes

Component: Knox (65%)

The Knox component makes up 65 percent of the map unit. Slopes are 18 to 30 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna *Quercus Macrocarpa-quercus Alba/amorpha Canescens/schizachyrium Scoparium-dalea Candida Bur Oak-white Oak/leadplant/little Bluestem-white Prairie Clover*, Deep Loess Protected Backslope Woodland *Quercus Rubra-tilia Americana/asimina Triloba-elmus Rubra/carex Jamesii-sanguinaria Canadensis Northern Red Oak-american Basswood/pawpaw-slippery Elm/james' Sedge-bloodroot* ecological site. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

Component: Sogn (35%)

The Sogn component makes up 35 percent of the map unit. Slopes are 18 to 20 percent. This component is on hillslopes on uplands. The parent material consists of loamy residuum weathered from limestone. Depth to a root restrictive layer, bedrock, lithic, is 4 to 20 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107XY028KS Shallow Limy (pe 35-37) ecological site. This soil does not meet hydric criteria.

Data Source Information

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

Soil Features

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

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

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

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

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

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

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

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Kind	Restrictive Layer			Subsidence		Potential for frost action	Risk of corrosion	
		Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
7957—Knox complex, 18 to 30 percent slopes		Low-R/L-High	Range		Low-High	Low-High			
Knox		In	In		In	In			
		—	—		—	—	High	Moderate	Low
Sogn	Lithic bedrock	4-16-20	—	Indurated	0	—	Moderate	Moderate	Low

Data Source Information

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

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

Soil properties are important considerations in areas where soils are used as sites for the treatment and disposal of organic waste and wastewater. Selection of soils with properties that favor waste management can help to prevent environmental damage.

This table shows the degree and kind of soil limitations affecting the treatment of agricultural waste, including municipal and food-processing wastewater and effluent from lagoons or storage ponds. Municipal wastewater is the waste stream from a municipality. It contains domestic waste and may contain industrial waste. It may have received primary or secondary treatment. It is rarely untreated sewage. Food-processing wastewater results from the preparation of fruits, vegetables, milk, cheese, and meats for public consumption. In places it is high in content of sodium and chloride. In the context of this table, the effluent in lagoons and storage ponds is from facilities used to treat or store food-processing wastewater or domestic or animal waste. Domestic and food-processing wastewater is very dilute, and the effluent from the facilities that treat or store it commonly is very low in content of carbonaceous and nitrogenous material; the content of nitrogen commonly ranges from 10 to 30 milligrams per liter. The wastewater from animal waste treatment lagoons or storage ponds, however, has much higher concentrations of these materials, mainly because the manure has not been diluted as much as the domestic waste. The content of nitrogen in this wastewater generally ranges from 50 to 2,000 milligrams per liter. When wastewater is applied, checks should be made to ensure that nitrogen, heavy metals, and salts are not added in excessive amounts.

The ratings in the table are for waste management systems that not only dispose of and treat organic waste or wastewater but also are beneficial to crops. The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect agricultural waste management. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the tables indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Application of manure and food-processing waste not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. Manure is the excrement of livestock and poultry, and food-processing waste is damaged fruit and vegetables and the peelings, stems, leaves, pits, and soil particles removed in food preparation. The manure and food-processing waste are solid, slurry, or liquid. Their nitrogen content varies. A high content of nitrogen limits the application rate. Toxic or otherwise dangerous wastes, such as those mixed with the lye used in food processing, are not considered in the ratings.

The ratings are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the waste is applied, and the method by which the waste is applied. The properties that affect absorption include saturated hydraulic conductivity (Ksat), depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, and available water capacity. The properties that affect plant growth and microbial activity include reaction, the sodium adsorption ratio, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of waste. Permanently frozen soils are unsuitable for waste treatment.

Application of sewage sludge not only disposes of waste material but also can improve crop production by increasing the supply of nutrients in the soils where the material is applied. In the context of this table, sewage sludge is the residual product of the treatment of municipal sewage. The solid component consists mainly of cell mass, primarily bacteria cells that developed during secondary treatment and have incorporated soluble organics into their own bodies. The sludge has small amounts of sand, silt, and other solid debris. The content of nitrogen varies. Some sludge has constituents that are toxic to plants or hazardous to the food chain, such as heavy metals and exotic organic compounds, and should be analyzed chemically prior to use.

The content of water in the sludge ranges from about 98 percent to less than 40 percent. The sludge is considered liquid if it is more than about 90 percent water, slurry if it is about 50 to 90 percent water, and solid if it is less than about 50 percent water.

The ratings in the table are based on the soil properties that affect absorption, plant growth, microbial activity, erodibility, the rate at which the sludge is applied, and the method by which the sludge is applied. The properties that affect absorption, plant growth, and microbial activity include Ksat, depth to a water table, ponding, the sodium adsorption ratio, depth to bedrock or a cemented pan, available water capacity, reaction, salinity, and bulk density. The wind erodibility group, the soil erosion factor K, and slope are considered in estimating the likelihood that wind erosion or water erosion will transport the waste material from the application site. Stones, cobbles, a water table, ponding, and flooding can hinder the application of sludge. Permanently frozen soils are unsuitable for waste treatment.

Report—Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge

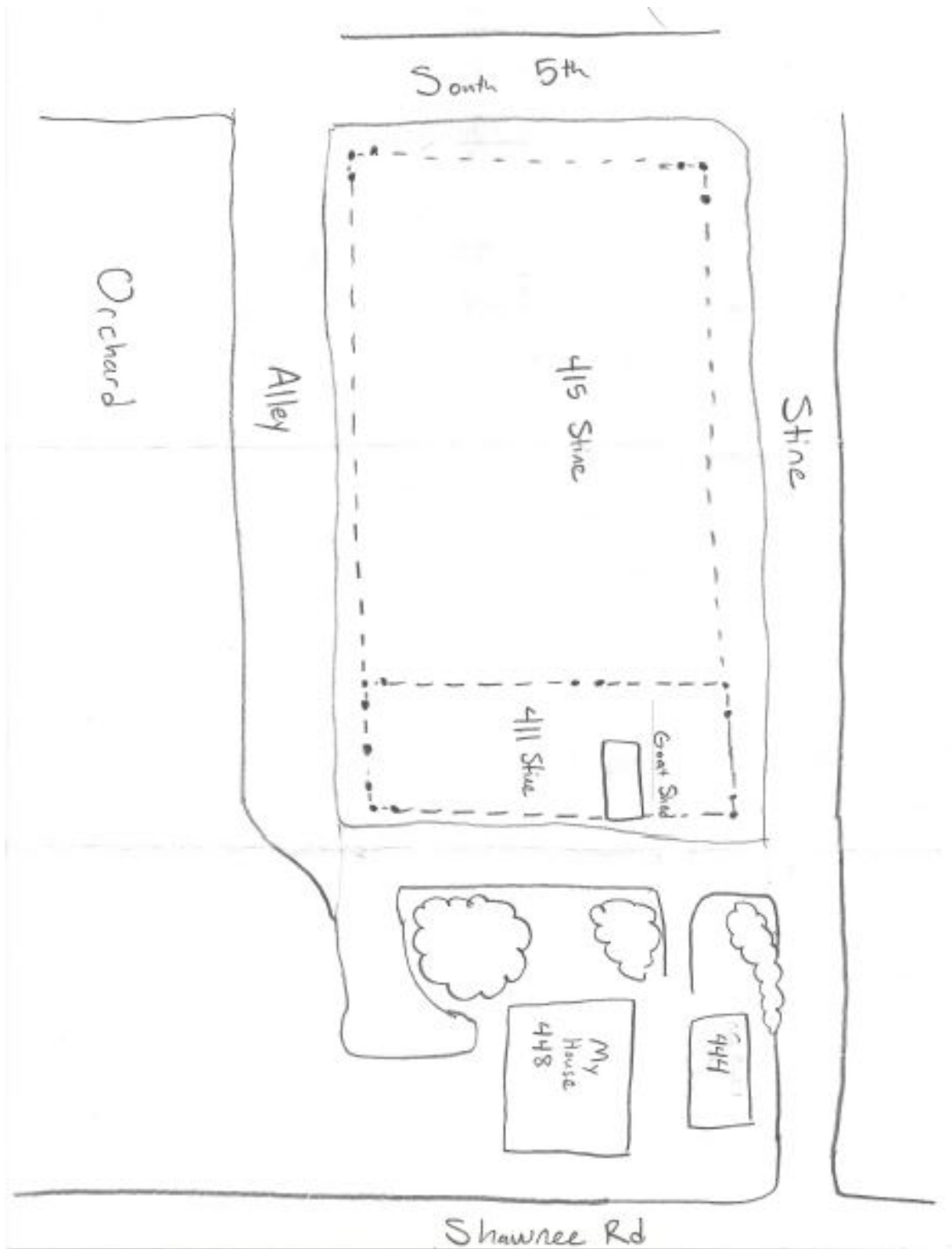
[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Agricultural Disposal of Manure, Food-Processing Waste, and Sewage Sludge—Wyandotte County, Kansas					
Map symbol and soil name	Pct. of map unit	Application of sewage sludge		Application of manure and food-processing waste	
		Rating class and limiting features	Value	Rating class and limiting features	Value
7957—Knox complex, 18 to 30 percent slopes					
Knox	65	Very limited		Very limited	
		Slope	1.00	Slope	1.00
Sogn	35	Very limited		Very limited	
		Depth to bedrock	1.00	Slope	1.00
		Slope	1.00	Slow water movement	1.00
		Slow water movement	1.00	Depth to bedrock	1.00
		Droughty	0.98	Droughty	0.98
				Runoff	0.40

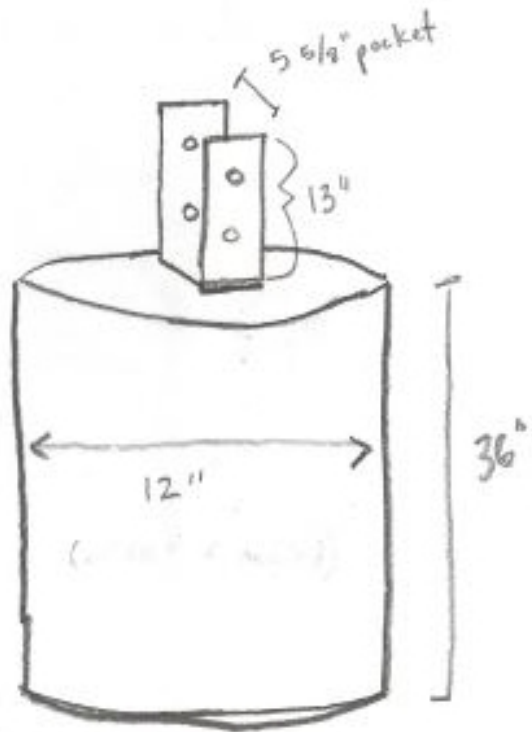
Data Source Information

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

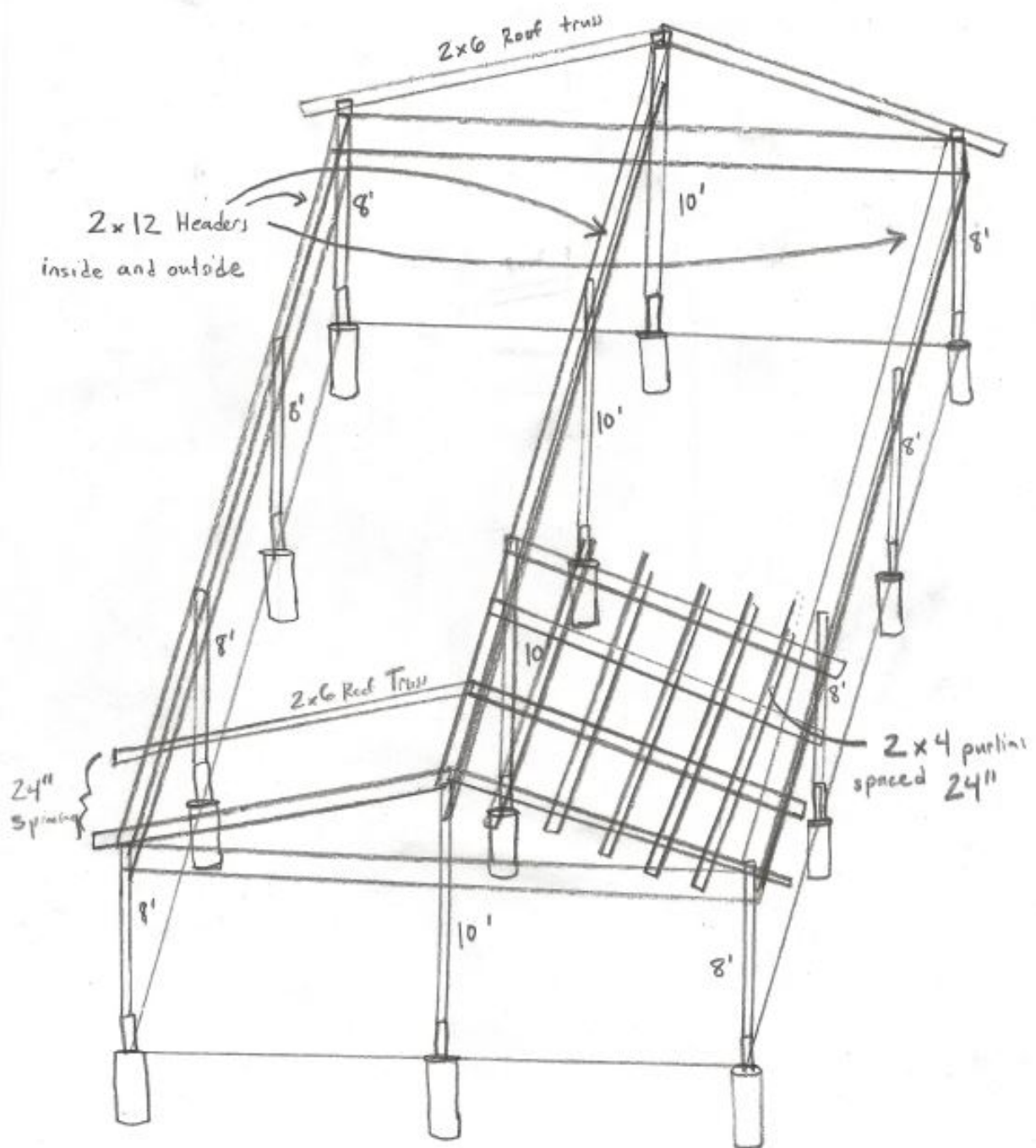
Diagram:



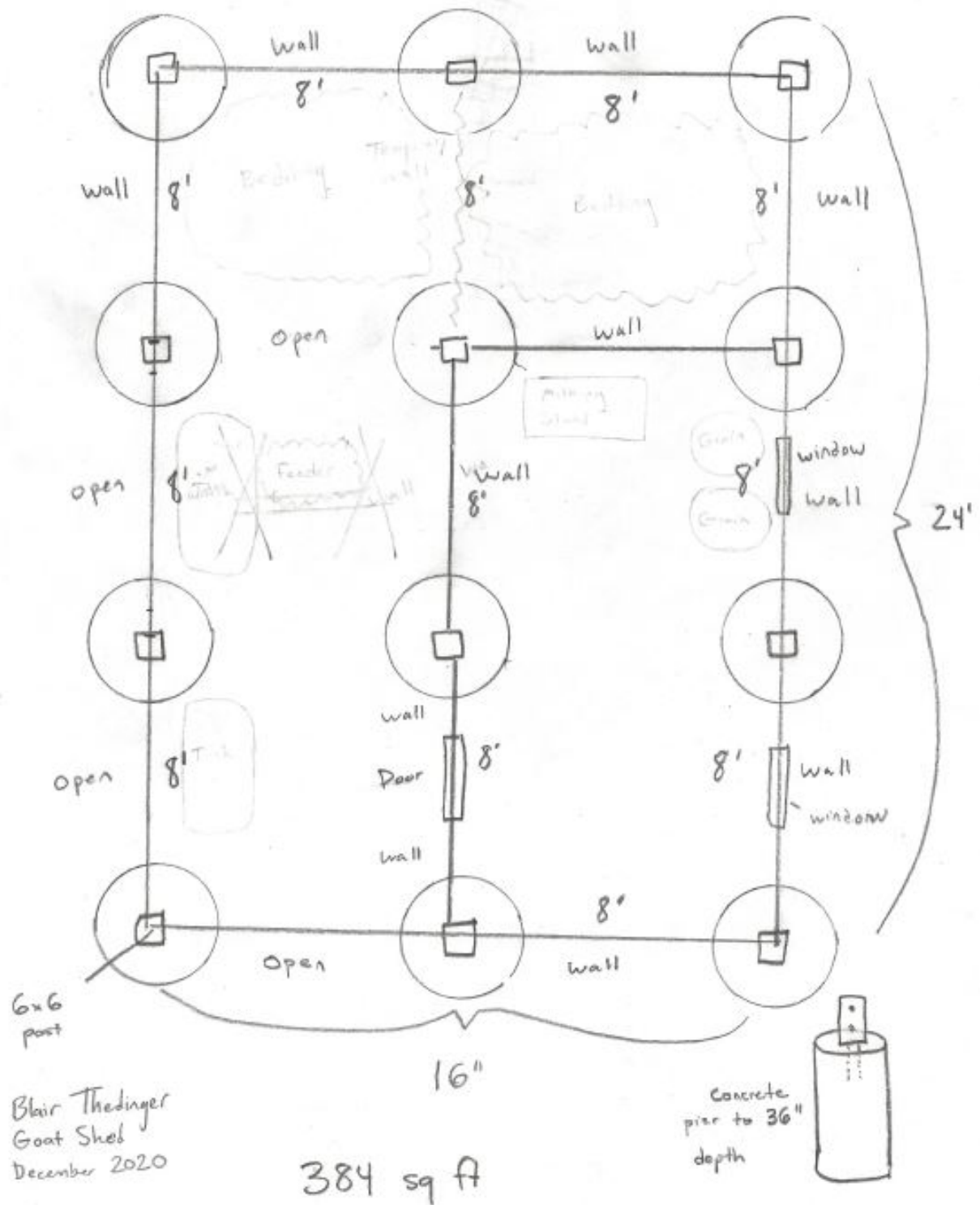
Plans:

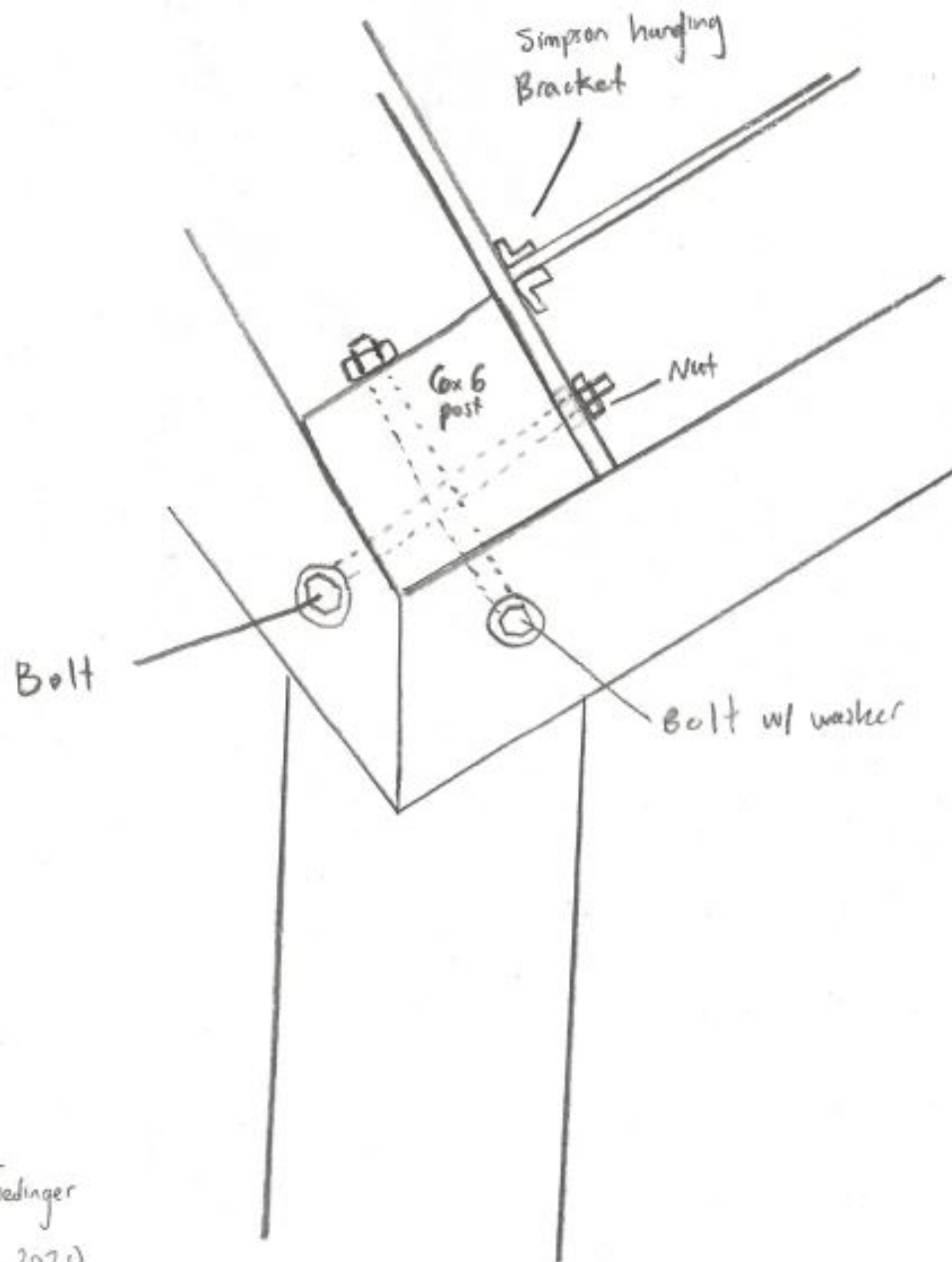


Blair Thedinger
Goat Shed
December 2020



Blair Thedinger
Goat Shed
December 2020





Blair Thedinger
Goat Shed
December 2020

Site Photographs Provided by Applicant:









Neighborhood Meeting Documentation:

Dear Neighbor,

I am writing to inform you of a couple things I am doing on my land. I live at 448 Shawnee Rd. I own the properties behind my home at 411 and 415 Stine Ave. I want to have two goats on that property. In order to have goats, I need to get a "special use permit" from the city. My family and I are not ready to get some goats. I am applying for this permit and there will be a meeting about this on January 11th. It will be a "zoom" meeting due to the pandemic. I am writing you to ask if you have any questions or objections to me having two goats on my land. Please know that the goats will be contained within a strong fence. They will be well cared for. The goats will be of a small and gentle breed. I have experience managing farm animals and I can promise that there will not be any objectionable odors or noise from the goats.

I am also requesting permission from the city to build a small shed for the goats. This shed will be on the property at 411 Stine. It would not be easily visible from the road. It will be an attractive building made from wood. It will be very similar to the shed I already built that you can see from the alley behind my house that comes off south 5th street and connects to Stine. I will be building the shed and will do so according to building code.

If you have any questions, comments, or objections, please contact me before December 28th. My cell phone is 816-225-9489. My email is thedingerblair@gmail.com

Thank you for your time,

Your Neighbor,

Blair Thedinger

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Blair Thedinger, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SU20-00096 + BOZAZ030-0046
2. That I conducted a neighborhood meeting on 12/12 - 12/29, ^{comment}
3. Attached are the minutes/summary of the meeting and a copy of the ^{period} notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Blair Thedinger
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.

My commission expires _____ of _____, 200_.

Notary Public



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: **Petition #SP-2020-98**

GENERAL INFORMATION

Applicant:
Darren Allen

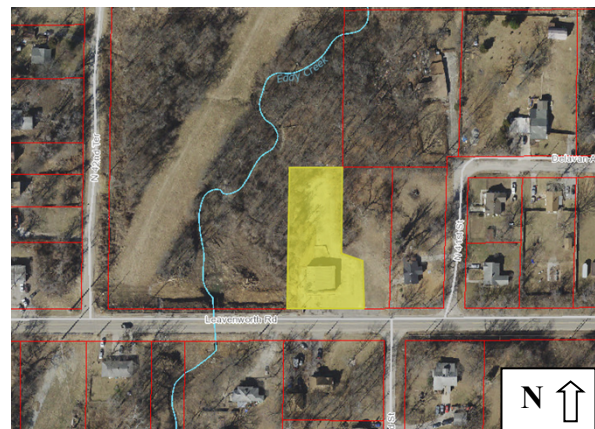
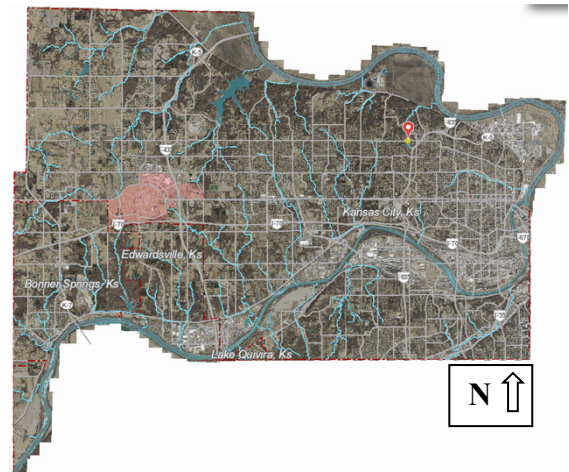
Status of Applicant:
Property Owner
4220 Leavenworth Road
Kansas City, Kansas 66104

Requested Action:
Renewal of a Special Use Permit for a
drinking establishment with live entertainment
(expired September 27, 2020).

Date of Application:
September 25, 2020

Purpose:
To continue to operate a drinking
establishment with live entertainment.

Property Location:
4220 Leavenworth Road
Kansas City, KS 66104



Commission Districts:	Commissioner At Large: Melissa Bynum District #1 Commissioner: Gayle E. Townsend
Existing Zoning:	C-1 Limited Business and R-1 Single Family Districts
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Wooded, vacant lot South: Single family home (across Leavenworth Road) East: Vacant property West: Wooded, vacant lot
Total Tract Size:	0.69 Acre
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The Master Plan designates this property as Low-Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks and open space.
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Boulevard/Parkway.
Required Parking:	Sec. 27-668(a)(12) One (1) space for each 50 square feet of seating area or assembly area plus one space for each remaining 200 square feet of total floor area. The live entertainment use does not require additional parking because this bar/tavern is a continuation of an existing use. Twenty-five (25) parking spaces are required based on the 1,472 interior square feet. Twenty-eight (28) parking spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – October 15, 2020 Letters to Property Owner – October 14, 2020, November 3, 2020, December 19, 2020 and January 21, 2021
Public Hearings:	January 11, 2021 and January 28, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Darren Allen, applied for a special use permit to operate an existing drinking establishment with the continuation of live entertainment at 4220 Leavenworth Road. Mr. Allen is taking over the establishment from Mr. Timothy Drummer, Rhythm and Blues Lounge, the original applicant in 2014, renewals in 2016 and 2018.

City Ordinance Requirements: 27-592 through 27-606

Zoning Enforcement Action: There are no Notice of Violations for this property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This neighborhood is comprised of large lot single family homes. There are numerous vacant wooded lots surrounding 4220 Leavenworth Road.

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

There are sporadic commercial uses nearby this property, however the majority of lots are zoned and used for residential use. The proposed use is not entirely compatible, but it is a continuation of a bar that has existed on the property for prior to 2014.

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

The property is suitable for a bar with live entertainment. As mentioned above, it is a continuation of a bar that has existed on the property for some time. Removal of the restrictions will continue to not detrimentally affect nearby property. An establishment is permitted to have four (4) live entertainment events per year without the need of a Special Use Permit.

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

The property is not vacant. A drinking establishment has been operating on this property since 2013.

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

Special Use Permits are not addressed in the Master Plan. Low Density Residential designation allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks and open space.

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

The proposed use has the potential to increase vehicular traffic to the point (depending on upgrades and popularity of live music options), however, it will not exceed the capacity of Leavenworth Road to accommodate it.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public. The proposed use, if properly managed, will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property. There is potential for an establishment such as this to injure the marketability of adjoining property in the future, should the surrounding land be platted for denser residential development.

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

The noise that would normally be associated with such use could potentially create problems for near-by property should the establishment not be managed properly. This Special Use Permit, however, is for the continuation of an establishment that has existed on the property for some time and has not caused noise issues in the past.

Illumination from lights, on the building or vehicles in the parking lot have not been a problem in the past under previous ownership.

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

The proposed use will not pollute the air, land, or water as the proposed use is conducted within the existing, permitted building.

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

Eddy Creek is located downhill, northwest of the site, on an abutting property, but the proposed use will not damage or destroy an irreplaceable natural resource as it is conducted within the existing building in a built-out area.

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

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

application is denied, the applicant will have to find an alternate location and subsequently apply for another special use permit for a bar and live entertainment.

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

The proposed use will not result in overcrowding of land in the parking lot or cause undue concentrations of population in the building. The property in question is large enough to handle the expected number of patrons and is surrounded by large lots (mostly vacant) that will not be impacted by an influx of population.

PREVIOUS ACTIONS

- Special Use Permit (#SP-2018-66) was approved by the Board of Commissioners for two (2) years on September 27, 2018.
- Special Use Permit (#SP-2016-1) approved in 2016, renewal for live entertainment for two (2) years.
- Special Use Permit (#SP-2014-8) approved in 2014 for live entertainment for two (2) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 21, 2020 by in-person – at 4220 Leavenworth Road. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Lighting
Noise
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit #SP-2020-98, subject to:

1. **Per the applicant – the updated security plan will basically be the same plan we have used since the lounge opened. Two (2) security outside no more allowed in their car in the parking lot over two (2) minutes. Come in or you are asked to leave. No standing around before or after. No loud music, and park where directed. Everyone that enters will be searched and at this time, temperatures are taken. Inside there is one (1) security personnel at the door, one (1) controlling the flow of people and one (1) monitoring all**

- other areas. At the end of the night, all security members start from a designated area moving people to the exit and then out to their vehicles;
2. All special events must comply with local, state and federal regulations addressing or responding to COVID-19, including, but not limited to, crowd numbers, social distancing, cleaning, and proper use of masks;
 3. Any and all signs posted must conform with the Sign Code, and must satisfactorily receive a sign permit, if required;
 4. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 5. All exterior lighting on the building or in the parking lot shall 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;
 6. Build a trash enclosure to screen the dumpster from public view. The enclosure shall be comprised of wood with masonry columns on the corner and shall remain closed at all times when not in service;
 7. Doors and windows will remain closed when entertainment is provided in order to mitigate noise;
 8. No outside noise, amplified music, projected sound;
 9. Applicant shall employ a card scanner for live entertainment events;
 10. Sec. 27-464(c)(9) Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 AM and 1:00 AM of the following day. The business shall close at 1:00 AM;
 - a. Hours of operation shall be Friday and Saturday from 8:00 PM to 1:00 AM, and every third Thursday of the month for the KC Blue and Jazz Society;
 11. The business must maintain a current occupation tax application, drinking establishment license and entertainment license;
 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) 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. 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,
 14. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and

approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **#SP-2020-98** subject to all comments and suggestions outlined in the staff reports, and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Floor Plan
Site Photographs Provided by Staff dated on October 8, 2020.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	January 11, 2021	January 28, 2021
Special Use	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#SP-2020-98** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#SP-2020-98**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

Hearing starts at 3:30:08:

SPECIAL USE PERMIT APPLICATION #SP-2020-98 – DARREN ALLEN WITH LOUNGE 42 LLC - SYNOPSIS: Renewal of a Special Use Permit (#SP-2018-66 – expired 9/27/2020) for a drinking establishment with live entertainment at 4220 Leavenworth Road. **Detailed Outline of Requested Action:** The applicant, Darren Allen, applied for a special use permit to operate an existing drinking establishment with the continuation of live entertainment at 4220 Leavenworth Road. Mr. Allen is taking over the establishment from Mr. Timothy Drummer, Rhythm and Blues Lounge, the original applicant in 2014, renewals in 2016 and 2018. Zoning Enforcement Action: There are no Notice of Violations for this property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Darren Allen, applicant, 10005 West 50th Terrace, Merriam, Kansas 66203

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:33:10: Planning Director Hand stated that this is the third renewal for this Special Use Permit for live entertainment at this location. Staff has not received any letters of support or opposition. He further stated that there have not been any Notices of Violation on this property. Staff carried over the conditions from the previous approval and added some additional conditions. The applicant is

requesting a five (5) year extension and staff is agreeable subject to the conditions in the staff report.

Motion and Vote starts at 3:35:28:

On motion by Mr. Ernst, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2020-98 for five (5) years:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

- 1. Per the applicant – the updated security plan will basically be the same plan we have used since the lounge opened. Two (2) security outside no more allowed in their car in the parking lot over two (2) minutes. Come in or you are asked to leave. No standing around before or after. No loud music, and park where directed. Everyone that enters will be searched and at this time, temperatures are taken. Inside there is one (1) security personnel at the door, one (1) controlling the flow of people and one (1) monitoring all other areas. At the end of the night, all security members start from a designated area moving people to the exit and then out to their vehicles;**
- 2. All special events must comply with local, state and federal regulations addressing or responding to COVID-19, including, but not limited to, crowd numbers, social distancing, cleaning, and proper use of masks;**
- 3. Any and all signs posted must conform with the Sign Code, and must satisfactorily receive a sign permit, if required;**
- 4. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
- 5. All exterior lighting on the building or in the parking lot shall 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;**
- 6. Build a trash enclosure to screen the dumpster from public view. The enclosure shall be comprised of wood with masonry columns on the corner and shall remained closed at all times when not in service;**
- 7. Doors and windows will remain closed when entertainment is provided in order to mitigate noise;**
- 8. No outside noise, amplified music, projected sound;**
- 9. Applicant shall employ a card scanner for live entertainment events;**

10. **Sec. 27-464(c)(9) Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 AM and 1:00 AM of the following day. The business shall close at 1:00 AM;**
 - a. **Hours of operation shall be Friday and Saturday from 8:00 PM to 1:00 AM, and every third Thursday of the month for the KC Blue and Jazz Society;**
11. **The business must maintain a current occupation tax application, drinking establishment license and entertainment license;**
12. **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) 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. **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,**
14. **The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

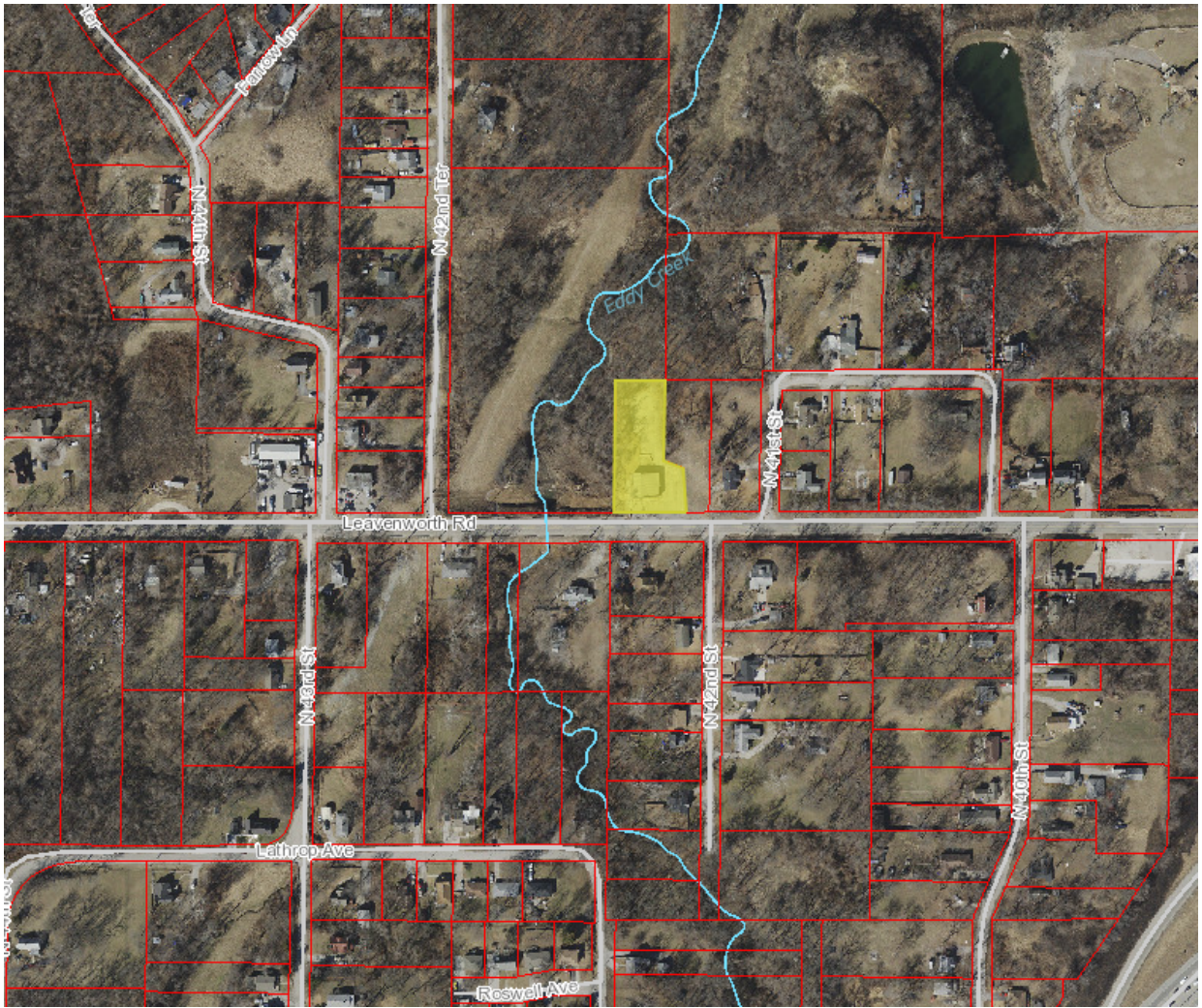


Figure 1. Aerial Map of 4220 Leavenworth Road as outlined in yellow (provided by UG Maps).

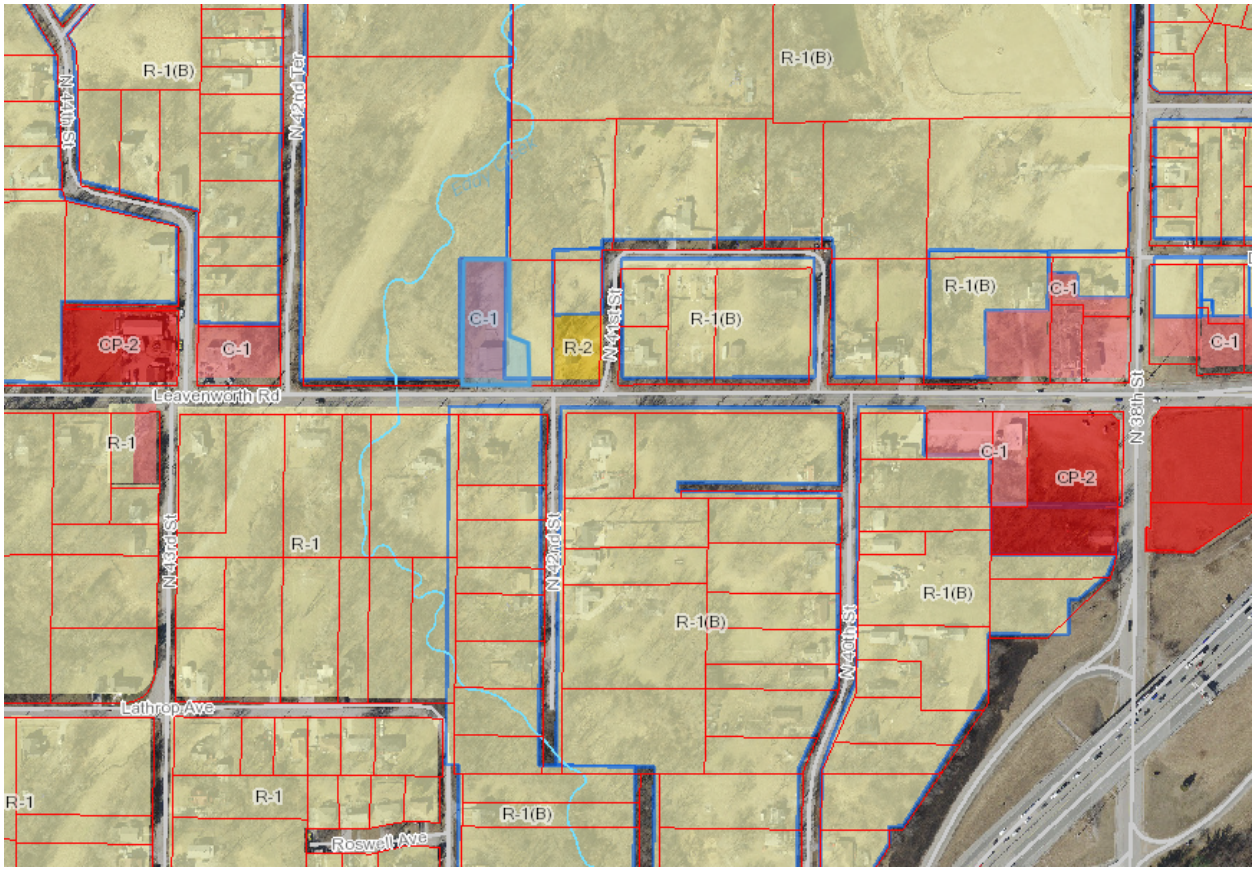


Figure 2. Zoning Map of 4220 Leavenworth Road as outlined in blue (provided by UG Maps).



STAFF COMMENTS AND SUGGESTIONS

1. All ready submitted
2. NO CALLS HAVE BEEN MADE TO KCKPD OR KCKFD SINCE OWNERSHIP
3. NO OWNERSHIP REMAINS THE SAME NO CHANGE
4. Updated security plan will basically be the same plan that hasn't failed us since opening of the lounge 2 security outside no one allowed in their car in the parking lot over 2min come in or your asked to leave, no standing around before or after ,no loud music, and park where directed ,everyone that enters will be searched and at this time temperatures taken, inside security one at door ,one controlling flow of people, one monitoring all other areas ,at the end of the night all security members start from a designated area moving people to the exit and then out to vehicles
5. Scaled floor plan submitted , no stipulations from previous special use permit
6. Doors and windows always remain closed to mitigate noise
7. Card scanner
8. FRI-SATURDAYS 8PM TO 1PM,EVERY 3RD THURSDAY OF THE MONTH for the KC BLUE AND JAZZ SOCIETY
9. BLUES AND JAZZ BANDS
10. We always comply
11. YES

Meeting Minutes

10/21/2020

SP-20402-00083

Ref- SP-2020-98

Lounge 42

4220 Beaumont Rd

Kansas City, KS 64102

Meeting was held at Lounge 42 located at 4220 Beaumont Rd. Kansas City, KS 64102

Meeting came to order at 6:45 p.m. Only 2 in attendance which includes Alfie Carter owner and Denise Davis Beaumont Road Association. He discussed the purpose of a special use permit, the plans for Lounge 42 moving forward and discussed the purpose of the vacant lot just east of lounge's 42 parking lot (which is currently owned by Landbank).

Minutes taken by: Alfie Carter

Meeting Adjourned: 7:15 p.m.

LOUNGE 42

10-21-20

SPECIAL USE PERMIT

SP-20402-00083 (Ref: SP-2020-98)

NEIGHBORHOOD MEETING SIGN IN SHEET

ALFIE CARTER

Denise DAVIS

9/8
CRA

R

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas }
COUNTY OF Wyandotte } SS:

Comes now Alfie Carter, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-20402-00083
2. That I conducted a neighborhood meeting on 10/21/2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 22 day of October, ~~200~~ ^{T.W.} 2020

My commission expires ~~10th~~ ^{T.W.} of Feb, ~~2020~~ ^{T.W.}

TWYANA NICHOLE WASHINGTON
Notary Public - State of Kansas
My Appointment Expires 2/10/2021

Notary Public





Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: **Change of Zone Petition #COZ-0004 and Plan Review Petition #PR2020-33 and Master Plan Amendment #MPL2020-014**

GENERAL INFORMATION

Applicant:
Bob Becker

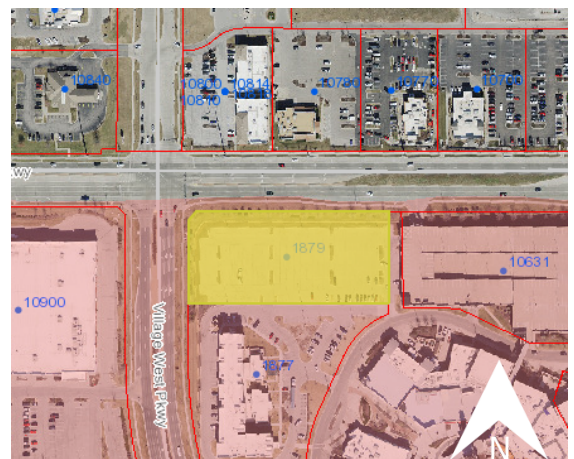
Status of Applicant:
Representative
Legends 267, LLC.

Requested Actions:
Change of Zone from CP-2 Planned
General Business District to RP-6
Planned High Rise Apartment
District.

Preliminary and Final Plan Review.

A Master Plan Amendment from Planned
Commercial (Prairie Delaware Piper Master
Plan) to High Density Residential (City-Wide
Master Plan).

Date of Application:
November 30, 2020



#COZ-0004, #PR2020-33, and #MPL-2020-014

January 28, 2021

Purpose: To rezone and plat one (1) multi-family residential lot to build 267 apartment units.

Property Location: 1879 Village West Parkway
Kansas City, Kansas 66111

Commissioner Districts: Commissioner At Large: Tom Burroughs
District #7 Commissioner: James F. (Jim) Walters

Existing Zoning: CP-2 Planned General Business District

Adjacent Zoning: **North:** CP-2 Planned General Business District
 South: CP-2 Planned General Business District
 East: CP-2 Planned General Business District
 West: CP-2 Planned General Business District

Adjacent Uses: **North:** Commercial Businesses
 South: Commercial Businesses
 East: Commercial Businesses/The Legends Mall
 West: Commercial Businesses

Total Tract Size: 2.45 Acres

Master Plan Area: Prairie Delaware Piper Master Plan

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this area as Planned Commercial District. This allows for a variety of commercial uses.

Major Street Plan: The Major Street Plan classifies Parallel Parkway as a Class A Thoroughfare and Village West Parkway as a Class B Thoroughfare.

Parking Requirement: Section 27-466 requires that in uses in CP-2 Planned Commercial Districts require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building.

Section 27-461 states that in RP-6 Planned High Rise Apartment District, one (1) parking space shall be provided for each dwelling unit that has one (1) bedroom or less; provided, however, that buildings designed solely for senior and retired persons need provide no more than one (1) parking space for each three (3) dwelling units. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more; provided, however, that buildings designed solely for senior and retired persons shall provide parking as required by the planning commission.

One (1) out of every 25 parking spaces must be ADA Compliant. One (1) out of every six (6) ADA spaces must be van accessible.

The proposed plan designates 350 units of parking will be designated for public use and 285 are designated for private residential use.

Advertisement: The Wyandotte Echo – Change of Zone/Master Plan – December 17, 2020
Letters to Property Owners – December 16, 2020 and January 20, 2021

Public Hearings: January 11, 2021 and January 28, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bob Becker with Legends 267, LLC, is requesting a Change of Zone from CP-2 Planned General Business District to RP-6 Planned High Rise Apartment District, a Preliminary and Final Plan Review, and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to High Density Residential (City-Wide Master Plan) to develop a 267 unit apartment building. A designation in the Prairie Delaware Piper Master Plan needs to be determined. The building will have three (3) stories of parking and five (5) stories of residential space.

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

Code Enforcement History: There is no Code Enforcement History on this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is commercial in nature, with several retail businesses and professional offices along major thoroughfares. The Legends mall is to the East. The proposed development site is currently a surface parking lot.

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

The zoning and uses of nearby properties are set out above. If the proposal is approved, the property will be changed from CP-2 Planned Commercial Business to RP-6 High Rise Apartment District and the Master Plan Land Use will become High-Density Residential. The proposed use is compatible with this designation because it is for a 267-unit apartment building.

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

The removal of the restrictions should not detrimentally affect nearby property but should benefit them. Developing residential units near the commercial and retail has the potential to increase business at these locations and raise property values. The proposed development will increase traffic to and from the area but will not exceed the capacity of the Class A and Class B Thoroughfares to accommodate it. The proposal will include parking for residents as well as for the public. T

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

The property is not vacant. It is currently being used as a public surface parking lot that serves the Legends Mall.

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

The proposed use provides a benefit to the public in the form of housing and amenities. It will provide residential uses within walking distance of the Legends Mall and other adjacent uses. The proposed use will not injure the appropriate use, visual quality, or marketability of nearby properties, but rather enhance them.

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

The proposed use will increase traffic along Parallel Parkway, Village West Parkway, State Avenue, and North 110th Street. The Traffic Impact Study will be analyzed by Planning Engineering and Public Works regarding road capacity.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan. A Master Plan Amendment has been filed and is part of this application. The proposed use does conform to the proposed Master Plan Amendment to High Density Residential (City-Wide Master Plan).

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

The proposed use should not cause environmental harm because if development is designed to meet City Code. The proposal includes a plan to implement landscaping in the area, which will enhance the environment.

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

a. *Water service*

Municipal water service is provided.

b. *Sanitary sewer service*

To be designed to meet City Code.

c. *Storm water control*

Municipal storm water control is provided.

d. *Police*

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

e. *Fire*

Fire service is provided by Station #12.

f. *Transit*

KCATA provides transportation to this location on the 116 West Parallel line. The nearest stop is on Village West Parkway.

g. *Schools*

Public Education is Provided by Piper USD 203.

h. *Streets*

See item #6 above.

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

The proposed use will provide an economic benefit to the community. The site is currently being used as a surface parking lot. The proposed use will create 267 living units within walking distance of nearby business establishments.

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

The proposed use is capable of meeting ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied the owners will still have property that is able to be developed, however, not in the form they originally intended.

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

The development can be used safely without danger to health, flood, erosion, or excessive noise if developed properly.

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

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

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

Buildings and streets are so arranged as to afford adequate light, and open space to facilitate fire protection and to provide for long-term sustained real estate values.

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

The site is currently being used as a paved surface parking lot. The proposal includes a plan for landscaping the area.

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

Amenities are provided for the residents only within the complex, including a fitness center, a bocce ball court, pool, outdoor kitchen, club rooms, and a sky lounge.

PREVIOUS ACTIONS

COZ #2583

NEIGHBORHOOD MEETING

Applicant held an online neighborhood meeting via Zoom on December 22, 2020. No one attended other than the development team. Documentation is attached below.

KEY ISSUES

Multi-Family Design Guidelines
Pedestrian Access and Scale
Auto-Oriented Design of Floors One (1) and Two (2)
Landscaping/Screening
Active Ground Floor

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2020-014, Change of Zone COZ-0004, and Plan Review PR2020-33, subject to:

- 1) **Must have pedestrian access to Parallel Parkway, Village West Parkway, and to the Legends Outlet Mall;**
- 2) **Must add sidewalks and crosswalks to the Legends Mall;**
- 3) **Building materials and landscaping along the garage façade should screen the garage use.**
- 4) **Must provide a site plan that shows all public improvements including sidewalks;**
- 5) **All amenities shall be built within the first phase of the development;**
- 6) **Forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco;**
- 7) **Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public;**
- 8) **Trees are required at not less than one (1) per 4,500 square feet of site area;**
- 9) **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;**
- 10) **All landscaping shall be irrigated;**

- 11) 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 (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;
- 12) 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;
- 13) All electrical meter banks, typically on the side of the building shall be screened from public view;
- 14) 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;
- 15) 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;
- 16) Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
- 17) No sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process; and,
- 18) 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Change of Zone Petition **COZ-0004**, Plan Review **PR2020-33** and Master Plan Amendment **MPL2020-014** subject to all comments and suggestions outlined in the staff reports and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Site Photographs Provided by Staff, Dated December 16, 2020
Site Photographs Provided by Applicant
Landscape Plan
Plans
Elevations
Conservation District Comments
Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Rezoning	January 11, 2021 Approval	January 28, 2021
Public Hearing Plan Review	January 11, 2021 Approval	January 28, 2021
Public Hearing Master Plan	January 11, 2021 Approval	January 28, 2021

STAFF CONTACT: Shana Shanteau
 sshanteau@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Master Plan Amendment **MPL-2020-014**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report.

OR

I move the Unified Government Board of Commissioners **DENY** Master Plan Amendment **MPL-2020-014** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ-0004** as meeting all the requirements of the City code and being in the interest of the public

health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ-0004**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2020-33**, as meeting all the requirements of the City code and being in the interest of the public health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2020-33** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

Hearing starts at 2:18:28:

MASTER PLAN AMENDMENT MPL2020-014 – BOB BECKER WITH LEGENDS 267, LLC – SYNOPSIS: Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to High Density Residential (City-Wide Master Plan) at 1879 Village West Parkway.

CHANGE OF ZONE APPLICATION COZ-0004 – BOB BECKER WITH LEGENDS

267, LLC – SYNOPSIS: Change of Zone from CP-2 Planned Limited Business District to RP-6 Planned High Rise Apartment District for 267 apartment units at 1879 Village West Parkway.

PLAN REVIEW APPLICATION PR2020-33 – BOB BECKER WITH LEGENDS 267,

LLC - SYNOPSIS: Preliminary and Final Plan Review for 267 apartment units at 1879 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Bob Becker with Legends 267, LLC, is requesting a Change of Zone from CP-2 Planned General Business District to RP-6 Planned High Rise Apartment District, a Preliminary and Final Plan Review, and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to High Density Residential (City-Wide Master Plan) to develop a 267 unit apartment building. A designation in the Prairie Delaware Piper Master Plan needs to be determined. The building will have three (3) stories of parking and five (5) stories of residential space. **Code Enforcement History:** There is no Code Enforcement History on this property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Change of Zone Application and Master Plan Amendment; and,
7. The Notices to property owners.

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

Present in Support:

- Aaron March, attorney representing the applicant, Rouse Frets White Goss, 4510 Belleview Avenue, Suite 300, Kansas City, Missouri 64111
- Ben Mahala, Rosemann Associates
- Bob Becker, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:34:15: Planning Director Hand stated that staff worked with the applicant on the Multi-Family Design Guidelines, and the applicant was receptive to the staff's recommendations. It was very important to staff to create pedestrian access across the site and create a direct pedestrian connection to The

Legends. The hotel to the south of this project is building a sidewalk and walkway over to The Legends, and that project must link to this public improvement and create its own crosswalk connection. Staff is still looking for clarity on the pedestrian access to The Legends (he showed the Commission on the map.) Staff understands the constraints of this site as they have just enough room for the sidewalk but has conditional approval to include a crosswalk to The Legends. Staff is encouraged by this project as it sets a precedent for the transformation of The Legends Outlet Mall into a mixed-use, walkable district. He stated that staff recommends approval subject to the conditions in the staff report. He further stated that in looking at the two (2) proposed changes to the conditions by the applicant, staff can work with the applicant on any changes.

Chairman Carson asked if there is enough room for the crosswalk to The Legends. Director Hand stated yes. Chairman Carson asked about the two (2) changes that the applicant is proposing. Director Hand stated that conditions 3 and 7 are basically discussing the parking garage so condition 7 can be stricken. He further stated that he does not want to tie condition 3 to their PowerPoint presentation. Staff would recommend revising condition 3 to the following: **Building materials and landscaping along the garage façade should screen the garage use.** Mr. March stated that they are in agreement.

Motion and Vote starts at 2:43:37:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment MPL2020-014:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ-0004:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

- 1) Must have pedestrian access to Parallel Parkway, Village West Parkway, and to the Legends Outlet Mall;**
- 2) Must add sidewalks and crosswalks to the Legends Mall;**
- 3) Building materials and landscaping along the garage façade should screen the garage use.**
- 4) Must provide a site plan that shows all public improvements including sidewalks;**
- 5) All amenities shall be built within the first phase of the development;**
- 6) Forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco;**
- 7) Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public;**
- 8) Trees are required at not less than one (1) per 4,500 square feet of site area;**
- 9) 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;**
- 10) All landscaping shall be irrigated;**
- 11) 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 (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;**
- 12) 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;**
- 13) All electrical meter banks, typically on the side of the building shall be screened from public view;**
- 14) 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;**
- 15) 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;**
- 16) Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;**

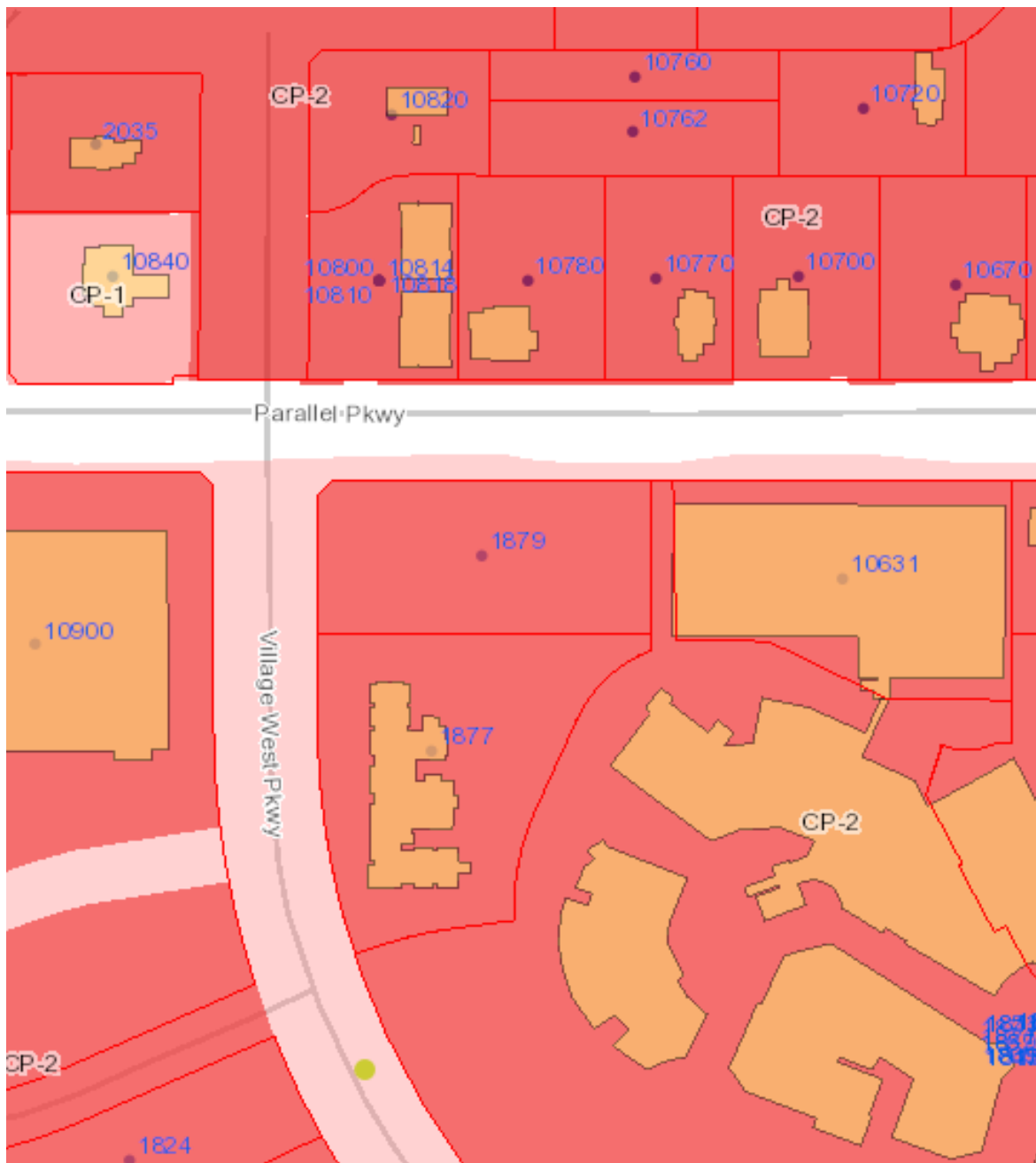
- 17) No sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process; and,
- 18) 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.

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of **Plan Review Application PR2020-33**:

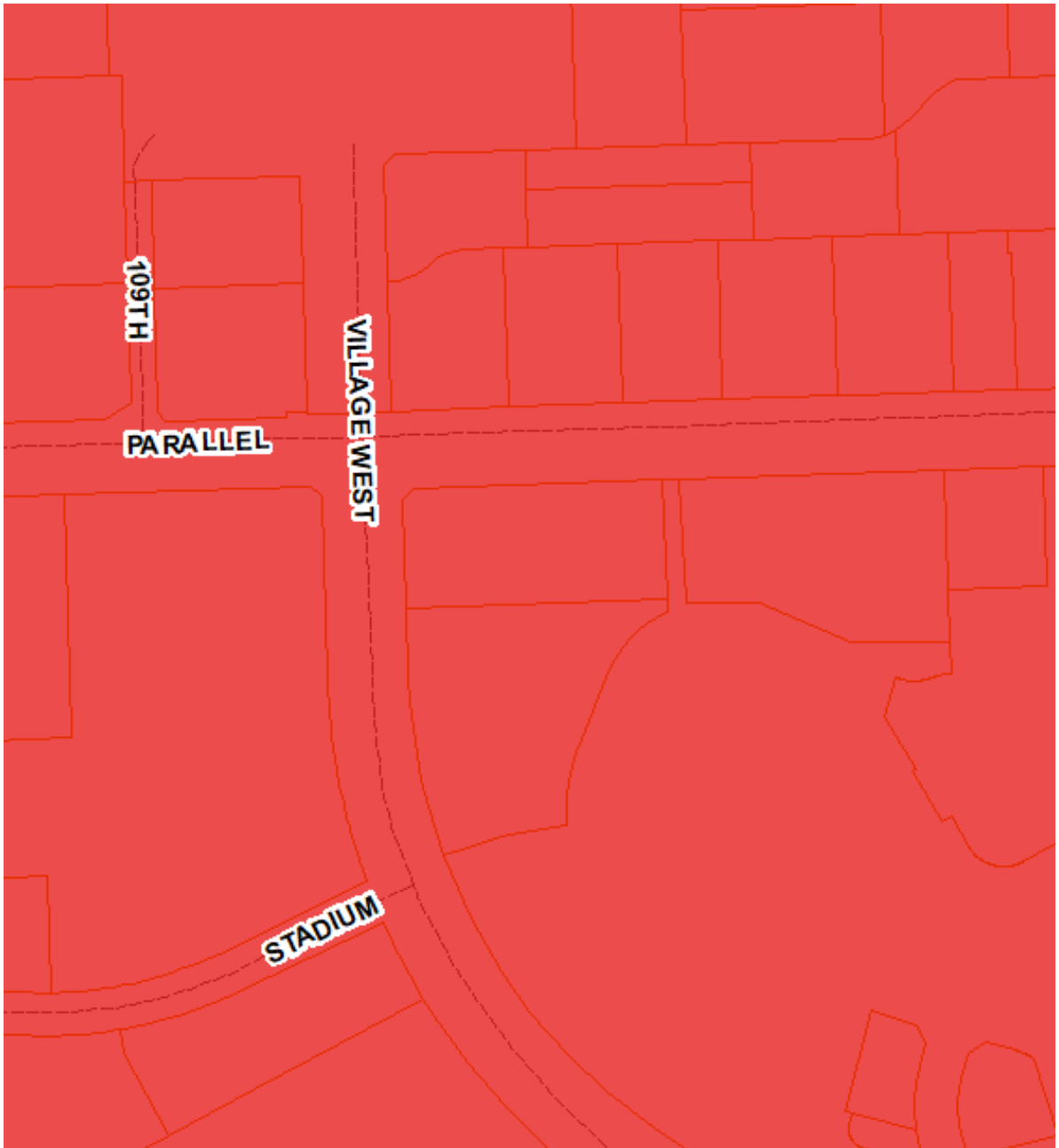
Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Not Present

Motion to recommend APPROVAL Passed: 7 to 0
Subject to the above conditions.

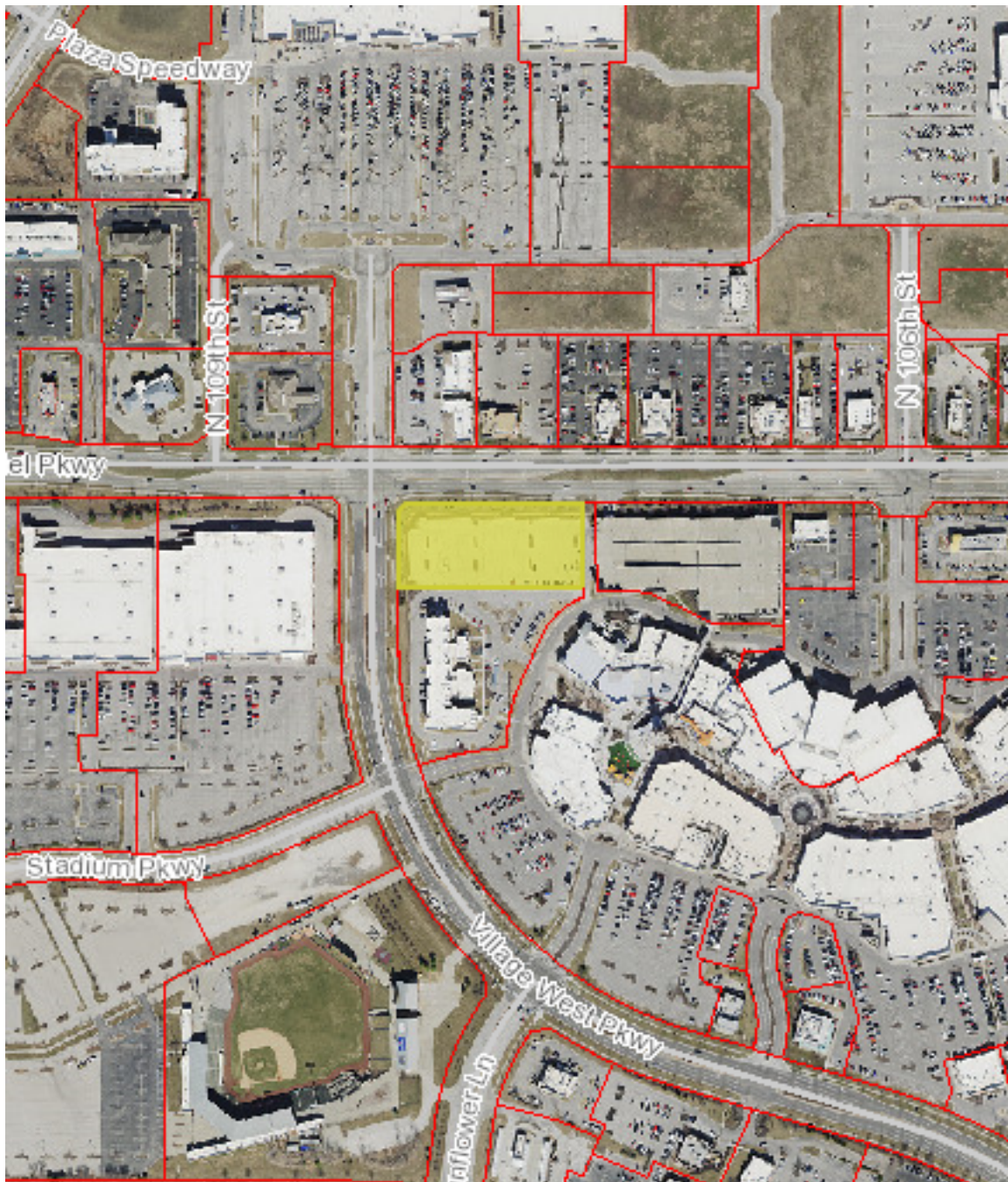
Zoning Map:



Land Use Map:



Aerial Map:



Site Photographs Provided by Staff, Dated December 16, 2020:



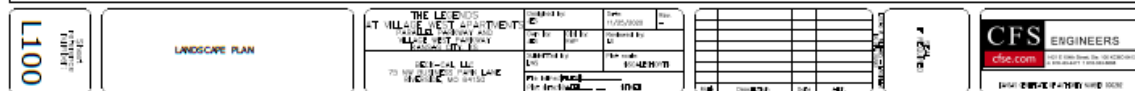
Site Photographs Provided by Applicant:





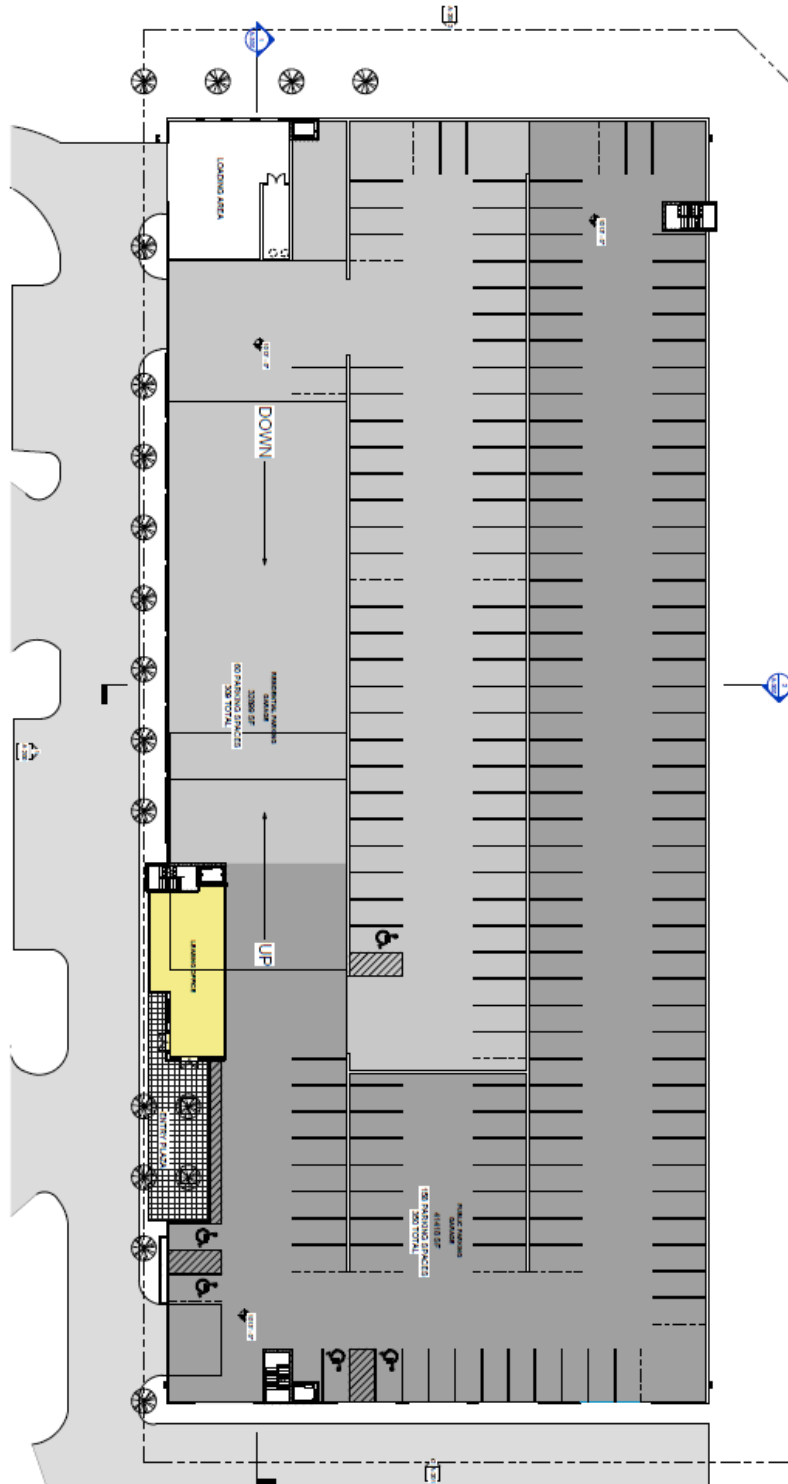


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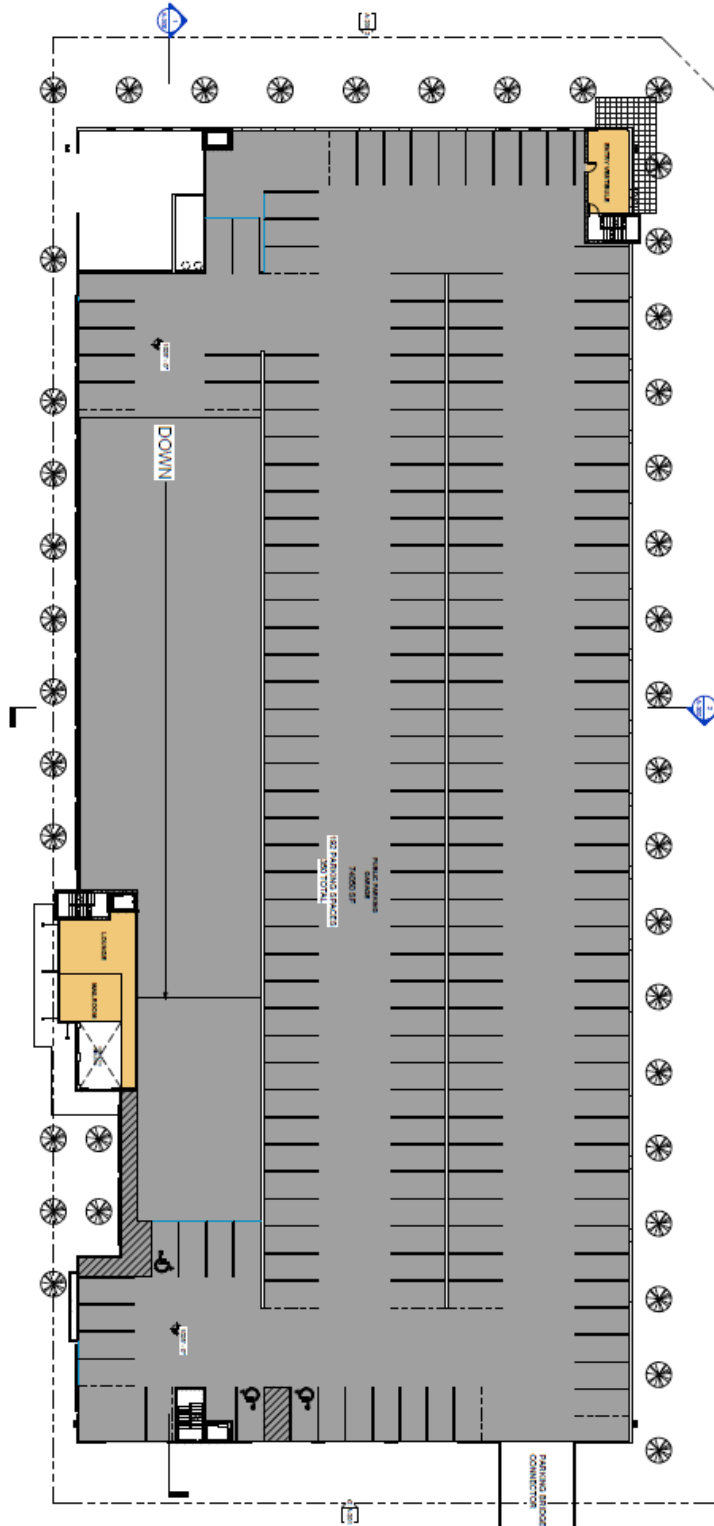
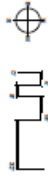


A-110

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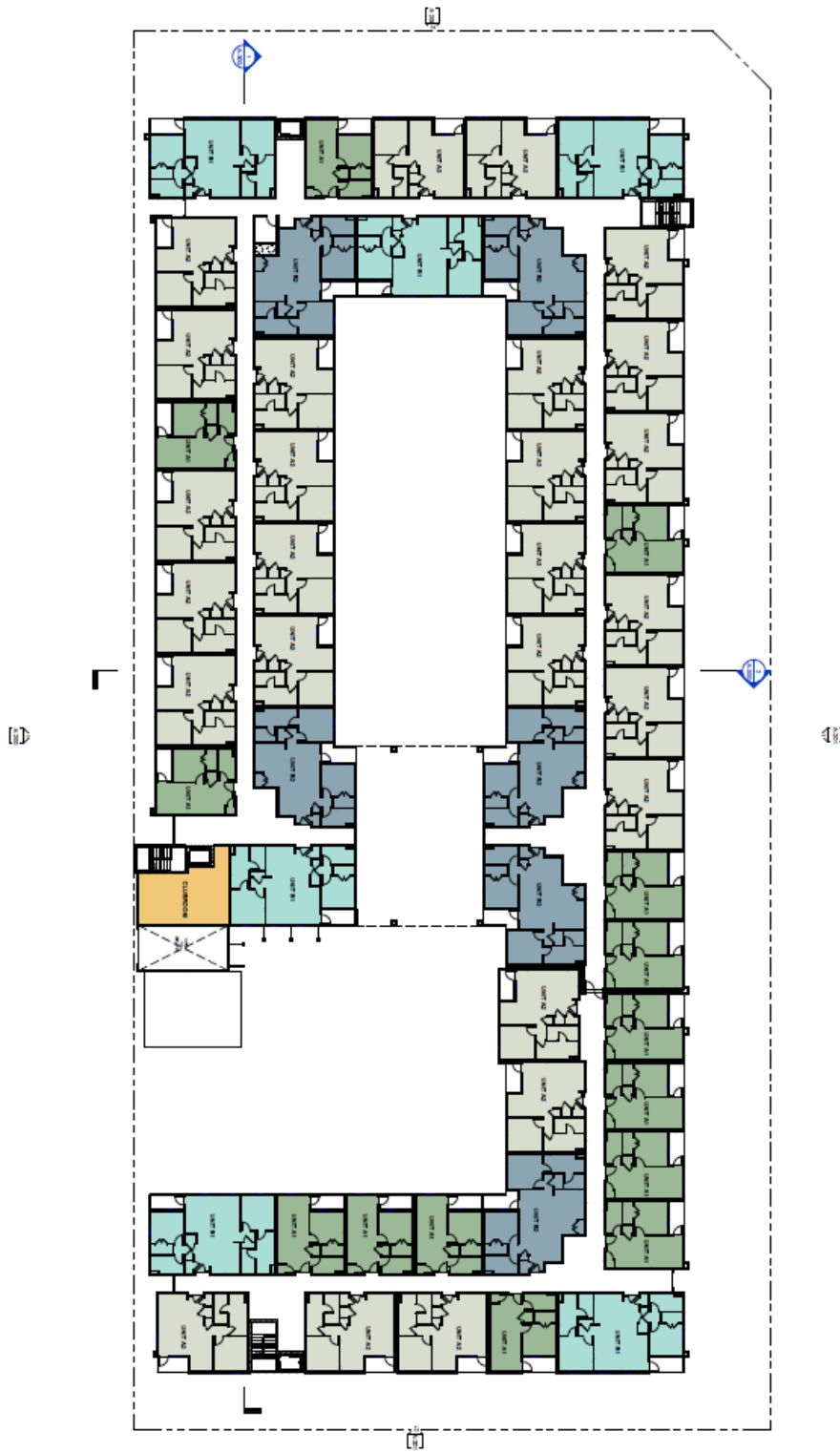


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1/28/2020 11:11 AM
 1/28/2020 11:11 AM



A-140

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 Revision: 1/28/2021
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41



41

A-150

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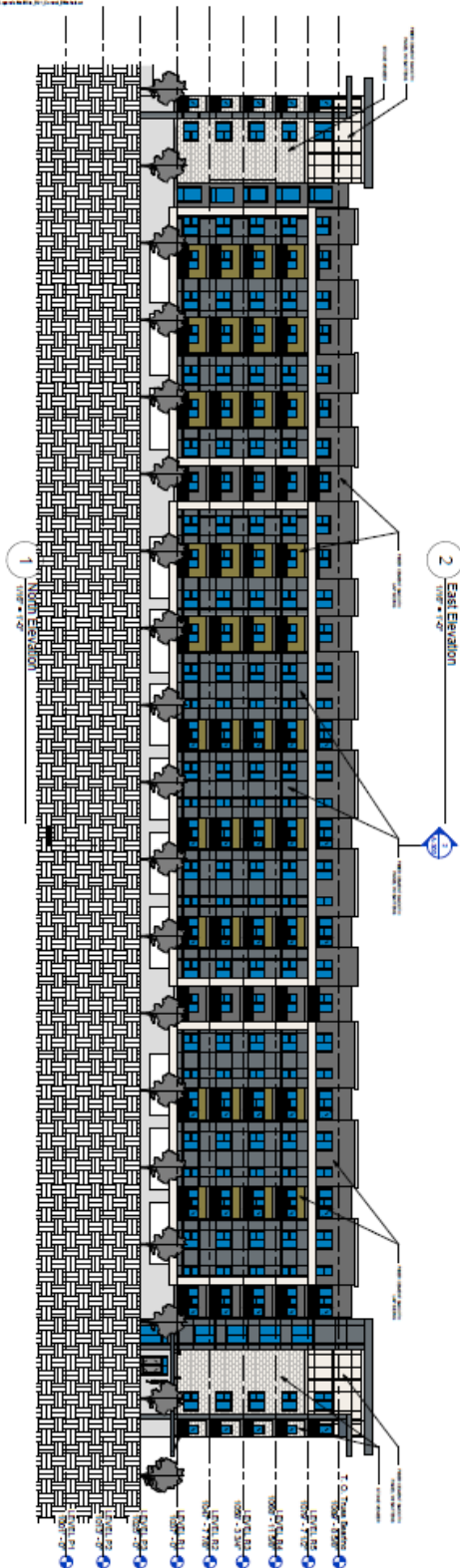
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Abstract

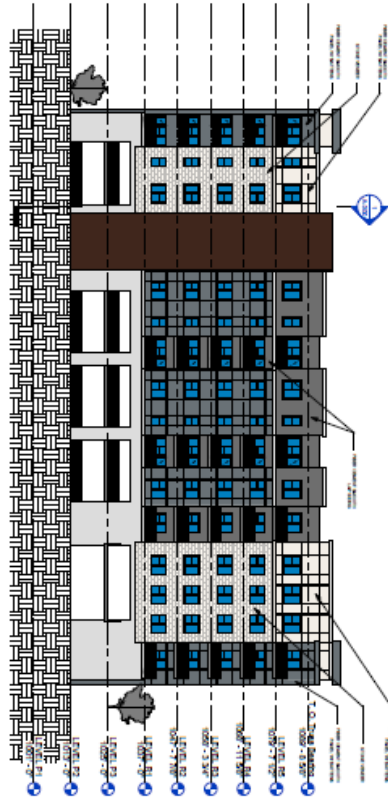


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A-201

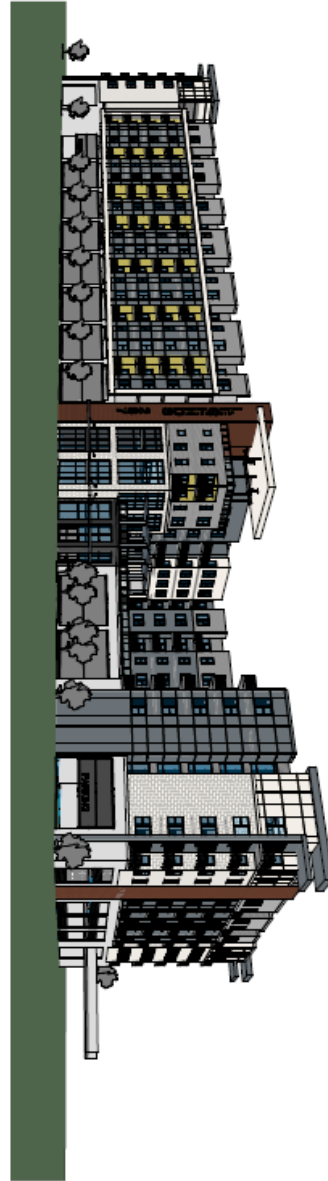
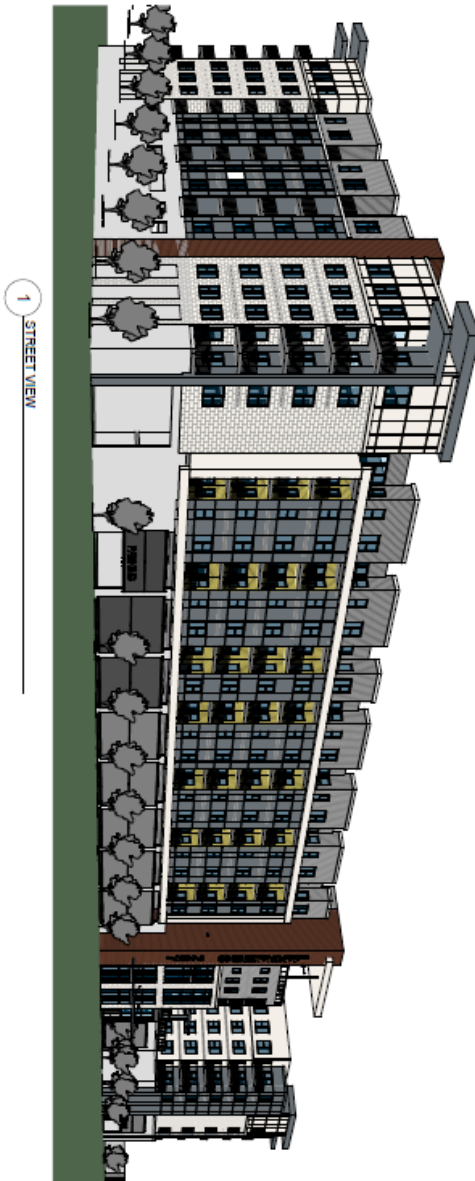
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1/1/2020



A-202

REPORT TITLE
PROJECT LOCATION
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ARCHITECT
KANSAS CITY, MISSOURI

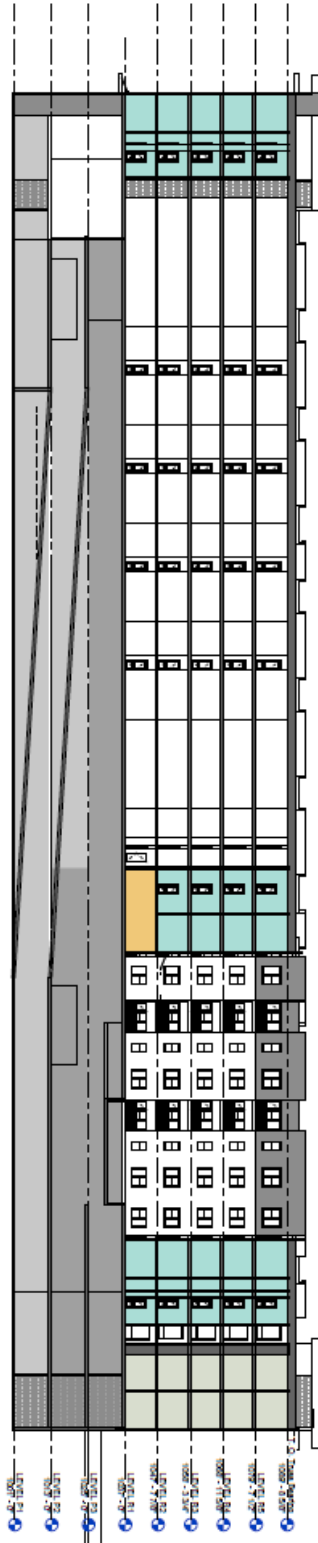
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ARCHITECT
KANSAS CITY, MISSOURI

1
 BUILDING SECTION 1
 1/8" = 1'-0"

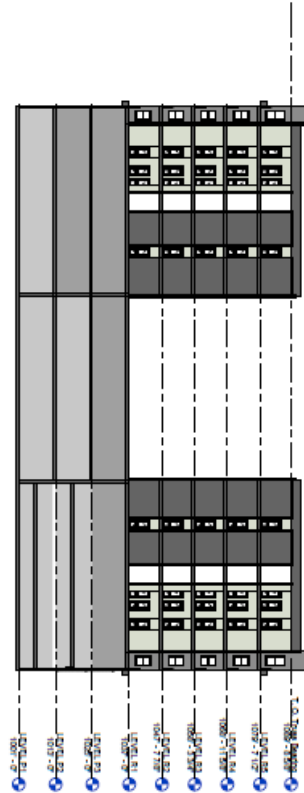


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A-300

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2
 BUILDING SECTION 2
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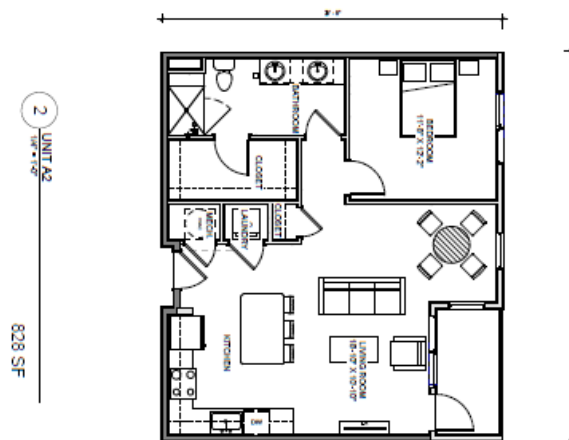
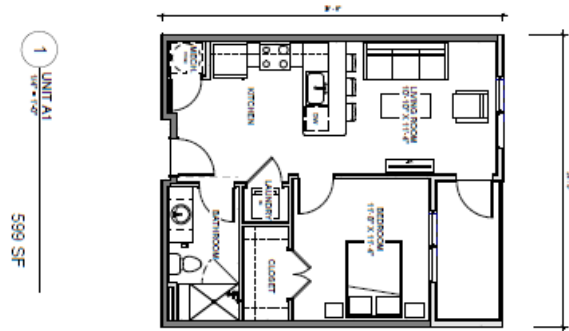


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Floor Plans:

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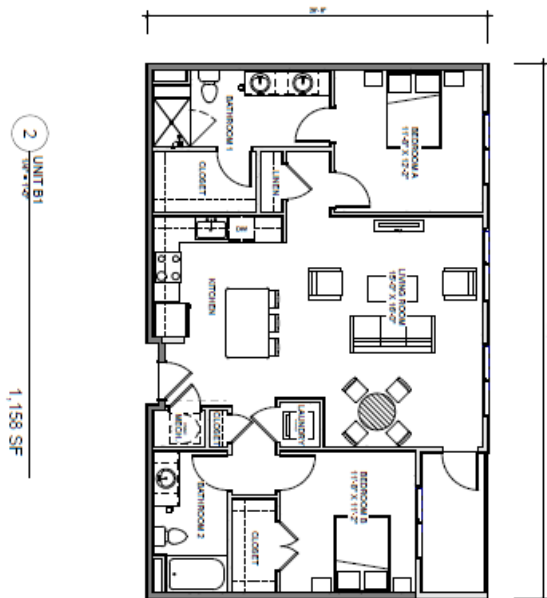
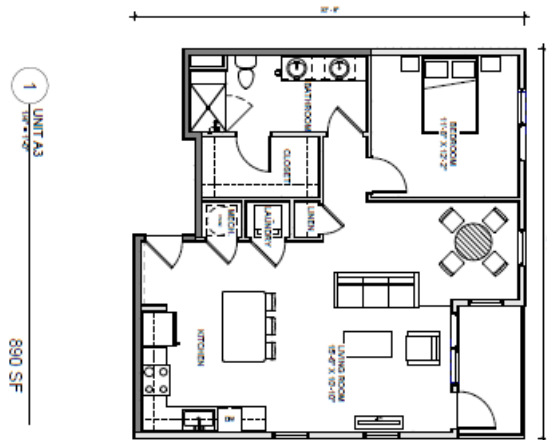


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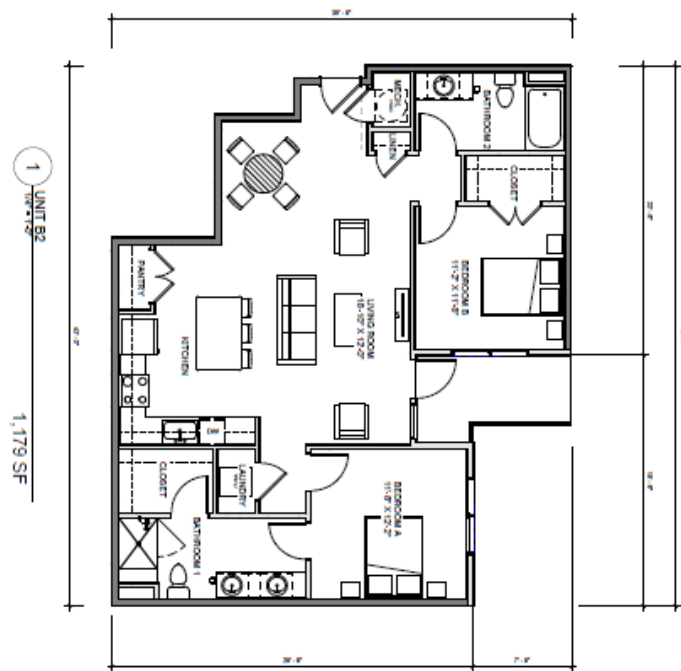


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Project No. 11-2020
Revision No. 11-2020

Conservation District Comments:



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

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

December 16, 2020

RE: COZ-0004 Bob Becker with Legends 267, LLC, CP-2 to RP-6 Plat for 267
Apartment units at 1879 Village West Parkway

Dear Mr. Hand:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the: COZ-0004 Bob Becker with Legends 267, LLC, CP-2 to RP-6 Plat for 267 Apartment units at 1879 Village West Parkway.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwelling and Small Commercial Buildings
Soil Features

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

- There are three major soil types identified: Pawnee clay loam, 4 to 8 percent slopes, eroded, Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded and Sharpsburg silty clay loam, 1 to 4 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- **The erosion control plan that is in the report is very limited.**
- **The construction entrance is at the lowest part of the development. It should be moved to the northeast corner.**
- **It appears that there is going to be a berm around the site. This will need to have sod or erosion control blanket installed on the berm when completed.**

- It appears that there is quite a bit of soil to be removed which will leave a hole.
- A plan needs to also be made for controlling and directing the water leaving the project site.
- The Best Management Practices in this report can be used to solve any erosion control problems.

The following Best Management Practices are recommended for this plat:

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

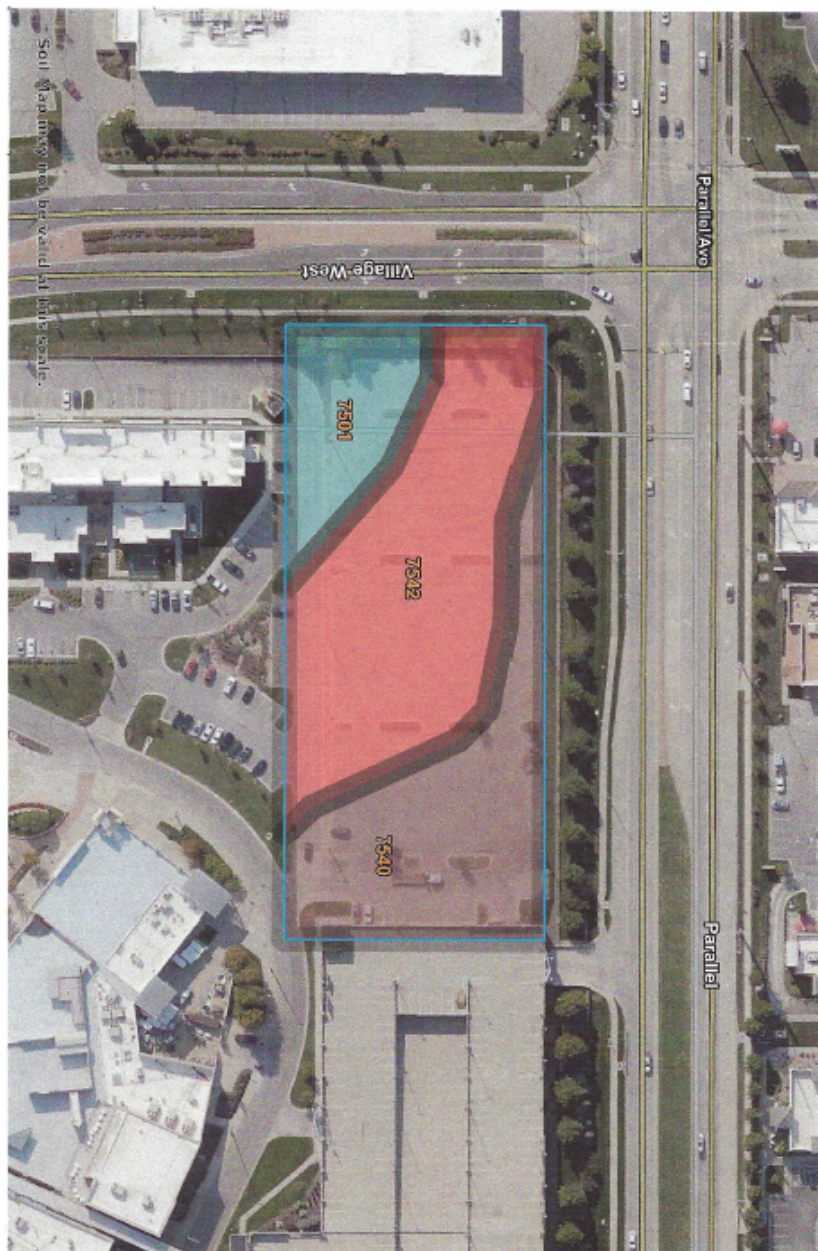
W 105 49 49 45

Map Unit Name—Wyandotte County, Kansas
(COZ-0004 PR2020-33 1879 Village West Parkway)

M 12 49 49 45

39° 7' 44" N

39° 7' 44" N



39° 7' 37" N

39° 7' 37" N

M 105 49 49 45

M 105 49 49 45

Map Scale: 1:1,500 (printed on A landscape (11" x 8.5") sheet).

0 20 40 80 120 Feet

0 50 100 200 300 Meters

Map projection: Web Mercator Corner coordinates: WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

12/10/2020
Page 1 of 3

MAP LEGEND

 Area of Interest (AOI)	 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded
 Area of Interest (AOI)	 Not rated or not available
Soils	Water Features
 Pawnee clay loam, 4 to 8 percent slopes, eroded	 Streams and Canals
 Sharpsburg silty clay loam, 1 to 4 percent slopes	 Transportation
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Rte
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Interstate Highways
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 US Routes
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Major Roads
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Local Roads
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Aerial Photography
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Background
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Aerial Photography
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Aerial Photography
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Aerial Photography
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Aerial Photography
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Aerial Photography
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Aerial Photography
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Aerial Photography
 Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	 Aerial Photography

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.sc.egov.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

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

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

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

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

Date(s) aerial images were photographed: Jul 16, 2019—Sep 23, 2019

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

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7501	Pawnee clay loam, 4 to 8 percent slopes, eroded	Pawnee clay loam, 4 to 8 percent slopes, eroded	0.4	15.0%
7540	Sharpsburg silty clay loam, 1 to 4 percent slopes	Sharpsburg silty clay loam, 1 to 4 percent slopes	1.0	35.7%
7542	Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	1.3	48.3%
Totals for Area of Interest			2.7	100.0%

Description

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

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



Soil Features

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

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

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

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

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

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

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

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Kind	Restrictive Layer			Subsidence		Potential for frost action	Risk of corrosion	
		Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		Low-RV-High	Range		Low-High	Low-High			
		In	In		In	In			
7501—Pawnee clay loam, 4 to 8 percent slopes, eroded									
Pawnee, eroded	—	—			0	0	Moderate	High	Moderate
7540—Sharnsburg silty clay loam, 1 to 4 percent slopes									
Sharnsburg	—	—			0	0	Moderate	High	Low
7542—Sharnsburg silty clay loam, 4 to 8 percent slopes, eroded									
Sharnsburg, eroded	—	—			0	0	Moderate	High	Low

Data Source Information

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

Dwellings and Small Commercial Buildings

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. This table shows the degree and kind of soil limitations that affect dwellings and small commercial buildings.

The ratings in the table are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the table indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Small commercial buildings are structures that are less than three stories high and do not have basements. The foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (which is inferred from the Unified classification). The properties that affect the ease and amount of excavation include flooding, depth to a water table, ponding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Information in this table is intended for land use planning, for evaluating land use alternatives, and for planning site investigations prior to design and construction. The information, however, has limitations. For example, estimates and other data generally apply only to that part of the soil between the surface and a depth of 5 to 7 feet. Because of the map scale, small areas of different soils may be included within the mapped areas of a specific soil.

The information is not site specific and does not eliminate the need for onsite investigation of the soils or for testing and analysis by personnel experienced in the design and construction of engineering works.

Government ordinances and regulations that restrict certain land uses or impose specific design criteria were not considered in preparing the information in this table. Local ordinances and regulations should be considered in planning, in site selection, and in design.

Report—Dwellings and Small Commercial Buildings

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Dwellings and Small Commercial Buildings—Wyandotte County, Kansas							
Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7501—Pawnee clay loam, 4 to 8 percent slopes, eroded							
Pawnee, eroded	85	Very limited		Very limited		Very limited	
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Depth to saturated zone	1.00
		Shrink-swell	1.00	Shrink-swell	1.00	Shrink-swell	1.00
						Slope	0.52

Dwellings and Small Commercial Buildings—Wyandotte County, Kansas							
Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7540—Sharpsburg silty clay loam, 1 to 4 percent slopes							
Sharpsburg	85	Very limited		Very limited		Very limited	
		Shrink-swell	1.00	Shrink-swell	1.00	Shrink-swell	1.00
				Depth to saturated zone	0.65		
7542—Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded							
Sharpsburg, eroded	85	Very limited		Very limited		Very limited	
		Shrink-swell	1.00	Shrink-swell	1.00	Shrink-swell	1.00
				Depth to saturated zone	0.65	Slope	0.52

Data Source Information

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



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

12/10/2020
Page 3 of 3

Map Unit Description (Brief, Generated)

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

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

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

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

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7501—Pawnee clay loam, 4 to 8 percent slopes, eroded

Component: Pawnee, eroded (85%)

The Pawnee, eroded component makes up 85 percent of the map unit. Slopes are 4 to 8 percent. This component is on hillslopes on uplands. The parent material consists of till. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 14 inches during March, April, May. Organic matter content in the surface horizon is about 2 percent. This component is in the R106XY074NE Clayey Upland ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 1 percent. There are no saline horizons within 30 inches of the soil surface.

Component: Morrill, eroded (5%)

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

Component: Shelby, eroded (4%)

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

Component: Grundy, eroded (3%)

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

Component: Wymore, eroded (2%)

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

Component: Typic epiaquoll (1%)

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

Map Unit: 7540—Sharpsburg silty clay loam, 1 to 4 percent slopes**Component: Sharpsburg (85%)**

The Sharpsburg component makes up 85 percent of the map unit. Slopes are 1 to 4 percent. This component is on hillslopes on uplands. The parent material consists of loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 47 inches during February, March, April, May. Organic matter content in the surface horizon is about 3 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 2e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Component: Sarcoxie (5%)

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

Component: Wymore (5%)

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

Component: Pawnee (5%)

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

Map Unit: 7542—Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded**Component: Sharpsburg, eroded (85%)**

The Sharpsburg, eroded component makes up 85 percent of the map unit. Slopes are 4 to 8 percent. This component is on hillslopes on uplands. The parent material consists of loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 47 inches during February, March, April, May. Organic matter content in the surface horizon is about 3 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 3e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Component: Sarcoxie, eroded (8%)

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

Component: Shelby, eroded (5%)

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

Component: Grundy, eroded (2%)

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

Data Source Information

Soil Survey Area: Wyandotte County, Kansas

Survey Area Data: Version 14, Jun 10, 2020

Neighborhood Meeting Documentation:

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

Comes now Aaron G. March, Esq, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # COZ-0004 & PR2020-33.
2. That I conducted a neighborhood meeting on December 22, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Aaron G. March
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23rd day of Dec, 2020.
My commission expires 28th of Feb, 2023.



KATHY A. BURRISON
My Commission Expires
February 28, 2023
Jackson County
Commission #13920164

Kathy A. Burrison
Notary Public

Case # COZ-0004 and PR2020-33: 1879 Village West Pkwy - Legends Village West Apartments
Neighborhood Meeting
Tuesday, December 22, 2020
Held via Zoom

Attendees:

- Brian McDermott, Luke Draily Construction Company
- Luke Becker, Legends 267, L.L.C.
- Lance Scott, CFS Engineers
- Scott M. Rosemann, Rosemann & Associates
- Ben Mahala, Rosemann & Associates
- Aaron March, Rouse Frets White Goss Gentile Rhodes, P.C.
- Steven Lucas, Rouse Frets White Goss Gentile Rhodes, P.C.
- Kellee Madinger, Paralegal with Rouse Frets White Goss Gentile Rhodes, P.C.

Zoom Meeting began at 5:00

Meeting adjourned at 5:10 as the only attendees were part of the development team.

Minutes taken by Kellee Madinger, Paralegal

December 10, 2020

VIA U.S. MAIL

Adjacent Neighbors

Re: Legends at Village West Apartments - Neighborhood Meeting

Dear Adjacent Neighbors:

We represent Legends 267, L.L.C., concerning the apartment project and parking garage proposed to be built at 1879 Village West Parkway, Kansas City, Kansas, generally located on the southeast corner of Parallel Parkway and Village West Parkway.

We have filed applications with the Department of Urban Planning and Land Use of the Unified Government of Wyandotte County and Kansas City, Kansas, Case #COZ-0004 and PR2020-33, to: 1) amend the proposed land use from Planned Commercial to High Density Residential, 2) rezone from CP-2, planned general business district, to RP-6, planned high-rise apartment district, and 3) approve a final site plan to allow for high-density multifamily residential and a parking garage.

The applications to approve the land use amendment, rezoning and final site plan will be heard by the Planning Commission on January 11, 2021. A copy of the site plan is enclosed.

We are holding a neighborhood meeting on Tuesday, December 22, 2020 at 5 p.m. to be held via Zoom to answer any questions you might have. Join the Zoom Meeting at <https://zoom.us/join> using the following information:

Meeting ID: 810 3873 4127

Passcode: 469517

Or dial: 312-626-6799

The purpose of this meeting is for you to learn more about the proposal and to answer any questions/concerns you may have.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address below or phone number listed above.

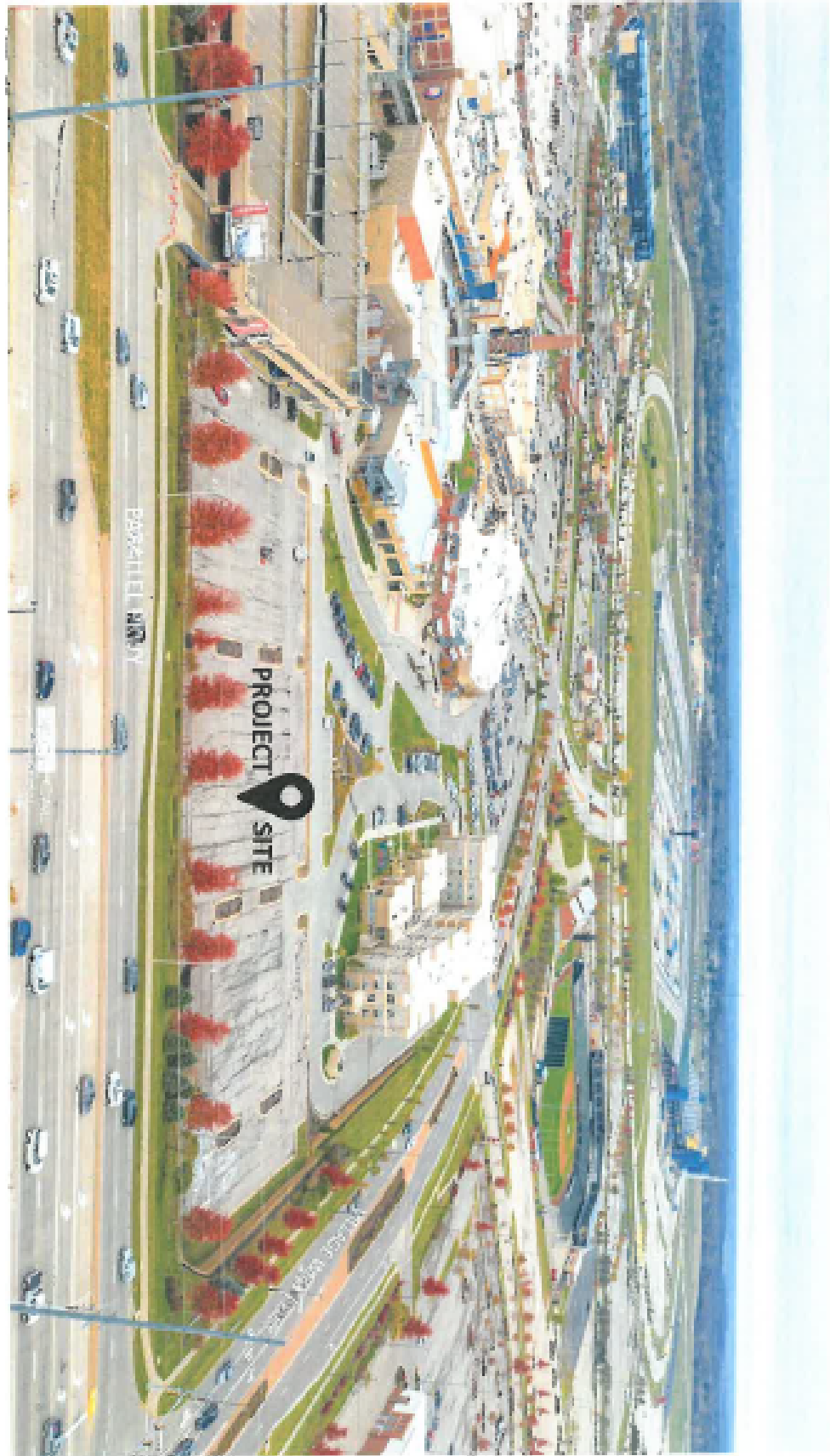
Very truly yours,



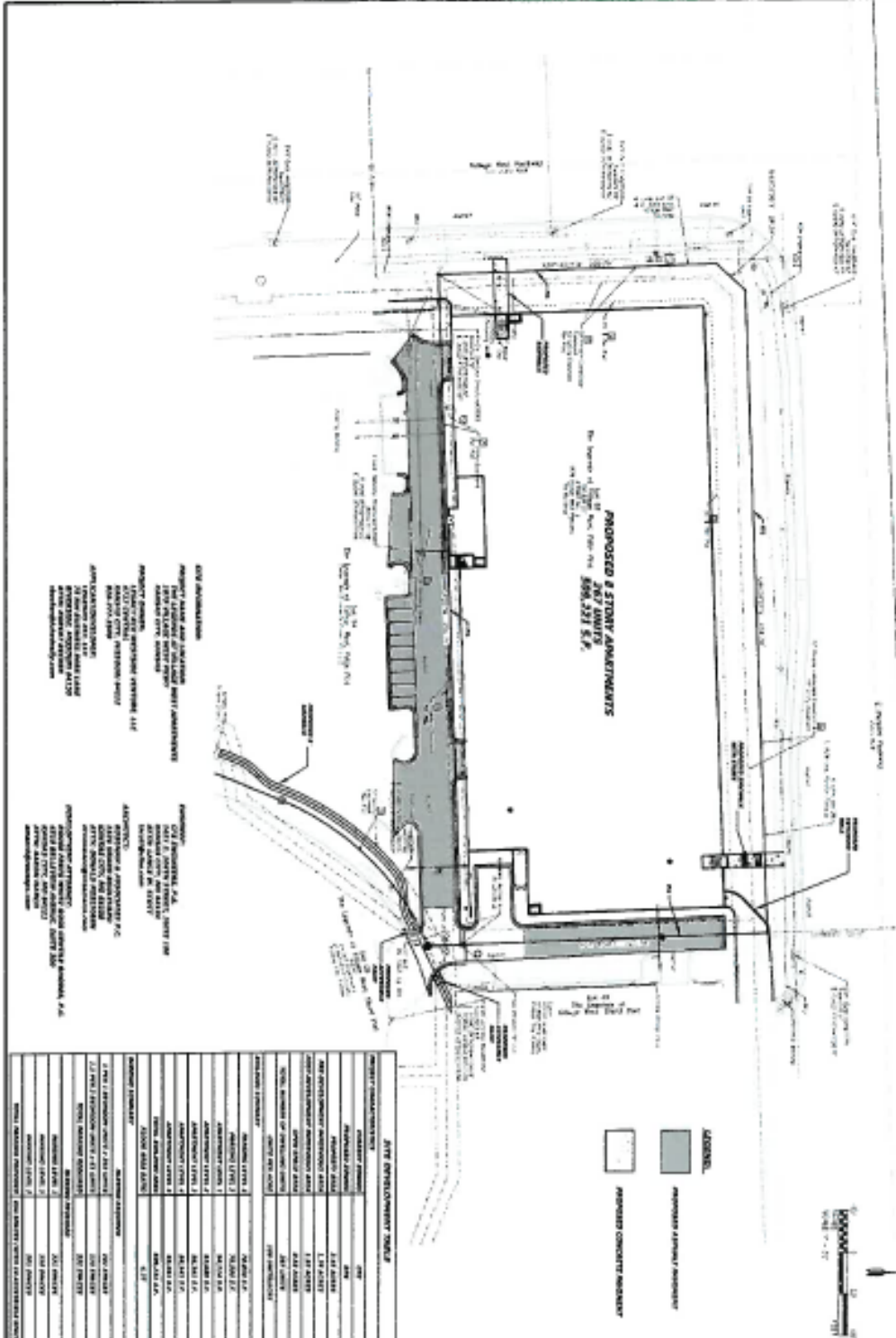
Aaron G. March

AGM:krm
Enclosures

cc: Commissioner Jim Walters, w/ encl.
Commissioner Tom Burroughs, w/ encl.
Legends 267, LLC (Bob Becker), w/ encl.
Rubenstein Real Estate, w/ encl.
MS 0555, w/ encl.
Chick-Fil-A Inc, w/ encl.
CLNM Holdings, LLC, w/ encl.
CMT Speedway LLC, w/ encl.
Walton Street Capital LLC, w/ encl.
Legacy KCK Westside Venture, LLC, w/ encl.
Paradigm Tax Group, w/ encl.
Property Tax Dept TPN-0950, w/ encl.
Rainbow Texas Tom LLC, w/ encl.
Target Corporation, w/ encl.
W-LD Legends Owner VII, L.L.C., w/ encl.
Wal Mart Real Estate Business Trust
Ms. Shana Shanteau, via e-mail sshanteau@wycokck.org, w/ encl.
Ms. Janet Parker, via e-mail jparker@wycokck.org, w/encl.
Urban Planning and Land Use Dept., via e-mail Planninginfo@wycokck.org, w/ encl.
Steven M. Lucas, Esq., via e-mail, w/ encl.
Ms. Kellee R. Madinger, via e-mail, w/ encl.



THE LEGENDS AT VILLAGE WEST APARTMENTS PRELIMINARY/FINAL DEVELOPMENT PLAN



PROPOSED 8 STORY APARTMENTS 2ND FLOOR 3RD FLOOR 4TH FLOOR 5TH FLOOR 6TH FLOOR 7TH FLOOR 8TH FLOOR 9TH FLOOR 10TH FLOOR 11TH FLOOR 12TH FLOOR 13TH FLOOR 14TH FLOOR 15TH FLOOR 16TH FLOOR 17TH FLOOR 18TH FLOOR 19TH FLOOR 20TH FLOOR 21ST FLOOR 22ND FLOOR 23RD FLOOR 24TH FLOOR 25TH FLOOR 26TH FLOOR 27TH FLOOR 28TH FLOOR 29TH FLOOR 30TH FLOOR 31ST FLOOR 32ND FLOOR 33RD FLOOR 34TH FLOOR 35TH FLOOR 36TH FLOOR 37TH FLOOR 38TH FLOOR 39TH FLOOR 40TH FLOOR 41ST FLOOR 42ND FLOOR 43RD FLOOR 44TH FLOOR 45TH FLOOR 46TH FLOOR 47TH FLOOR 48TH FLOOR 49TH FLOOR 50TH FLOOR 51ST FLOOR 52ND FLOOR 53RD FLOOR 54TH FLOOR 55TH FLOOR 56TH FLOOR 57TH FLOOR 58TH FLOOR 59TH FLOOR 60TH FLOOR 61ST FLOOR 62ND FLOOR 63RD FLOOR 64TH FLOOR 65TH FLOOR 66TH FLOOR 67TH FLOOR 68TH FLOOR 69TH FLOOR 70TH FLOOR 71ST FLOOR 72ND FLOOR 73RD FLOOR 74TH FLOOR 75TH FLOOR 76TH FLOOR 77TH FLOOR 78TH FLOOR 79TH FLOOR 80TH FLOOR 81ST FLOOR 82ND FLOOR 83RD FLOOR 84TH FLOOR 85TH FLOOR 86TH FLOOR 87TH FLOOR 88TH FLOOR 89TH FLOOR 90TH FLOOR 91ST FLOOR 92ND FLOOR 93RD FLOOR 94TH FLOOR 95TH FLOOR 96TH FLOOR 97TH FLOOR 98TH FLOOR 99TH FLOOR 100TH FLOOR		PROPOSED EXISTING IMPROVEMENT DASHED LINE		PROPOSED CONCRETE IMPROVEMENT SOLID LINE		PROPOSED 8 STORY APARTMENTS 2ND FLOOR 3RD FLOOR 4TH FLOOR 5TH FLOOR 6TH FLOOR 7TH FLOOR 8TH FLOOR 9TH FLOOR 10TH FLOOR 11TH FLOOR 12TH FLOOR 13TH FLOOR 14TH FLOOR 15TH FLOOR 16TH FLOOR 17TH FLOOR 18TH FLOOR 19TH FLOOR 20TH FLOOR 21ST FLOOR 22ND FLOOR 23RD FLOOR 24TH FLOOR 25TH FLOOR 26TH FLOOR 27TH FLOOR 28TH FLOOR 29TH FLOOR 30TH FLOOR 31ST FLOOR 32ND FLOOR 33RD FLOOR 34TH FLOOR 35TH FLOOR 36TH FLOOR 37TH FLOOR 38TH FLOOR 39TH FLOOR 40TH FLOOR 41ST FLOOR 42ND FLOOR 43RD FLOOR 44TH FLOOR 45TH FLOOR 46TH FLOOR 47TH FLOOR 48TH FLOOR 49TH FLOOR 50TH FLOOR 51ST FLOOR 52ND FLOOR 53RD FLOOR 54TH FLOOR 55TH FLOOR 56TH FLOOR 57TH FLOOR 58TH FLOOR 59TH FLOOR 60TH FLOOR 61ST FLOOR 62ND FLOOR 63RD FLOOR 64TH FLOOR 65TH FLOOR 66TH FLOOR 67TH FLOOR 68TH FLOOR 69TH FLOOR 70TH FLOOR 71ST FLOOR 72ND FLOOR 73RD FLOOR 74TH FLOOR 75TH FLOOR 76TH FLOOR 77TH FLOOR 78TH FLOOR 79TH FLOOR 80TH FLOOR 81ST FLOOR 82ND FLOOR 83RD FLOOR 84TH FLOOR 85TH FLOOR 86TH FLOOR 87TH FLOOR 88TH FLOOR 89TH FLOOR 90TH FLOOR 91ST FLOOR 92ND FLOOR 93RD FLOOR 94TH FLOOR 95TH FLOOR 96TH FLOOR 97TH FLOOR 98TH FLOOR 99TH FLOOR 100TH FLOOR	
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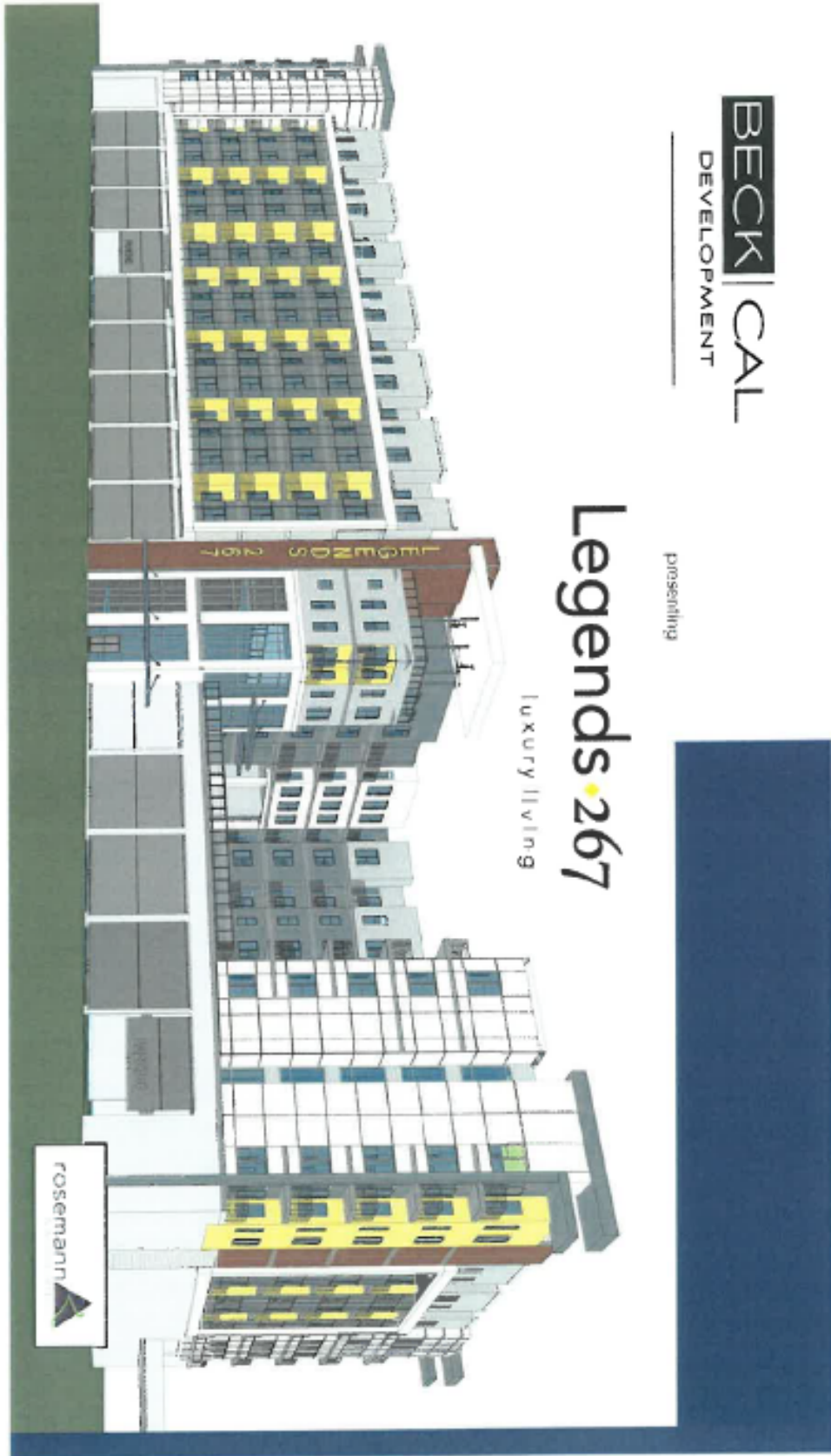


BECK | CAL
DEVELOPMENT

presenting

Legends 267

luxury living



PROJECT DESCRIPTION

Legends 267

PROJECT

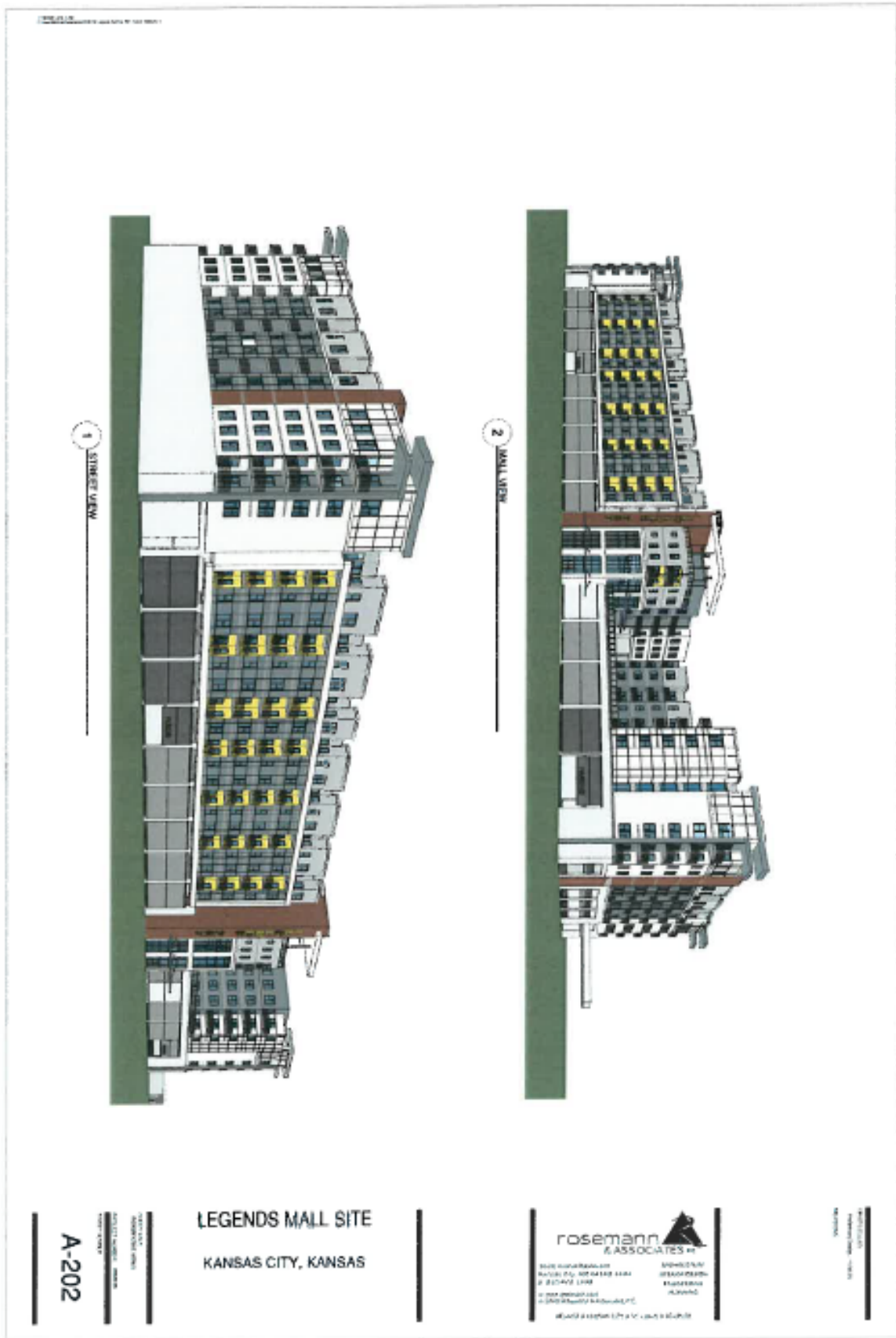
- 267 Units of Class A Urban Style Luxury Apartments
- One & Two Bedroom High End Market Units
- Parking Garage – Fully Covered



AMENITIES

- Clubhouse with coffee bar
- Zero Entry Pool – Cabanas
- Firepits
- Grill Stations
- Bar and Sky Lounge
- Gym Facility
- Yoga Studio & Sauna
- Poolside TVs
- Cross-courtyard indoor / outdoor entertainment area
- Pet Park and wash station
- Conference / Study workspace
- Outdoor Courtyard Games Space







Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: **Change of Zone Petition COZ-0010 and Master Plan Amendment MP2020-15**

GENERAL INFORMATION

Applicant:
NP Turner Industrial, LLC

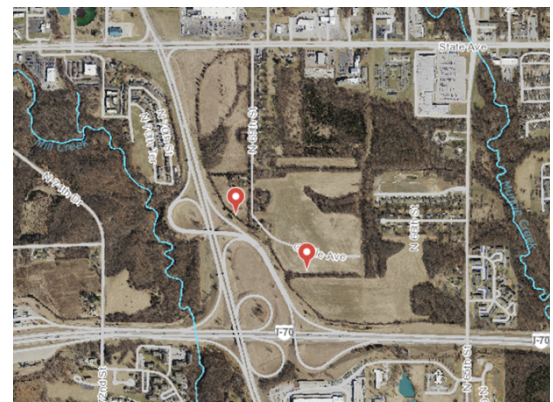
Status of Applicant:
Representative
Continental Consulting Engineers, Inc.
4825 NW 41st Street
Riverside, MO 64150

Requested Actions:
Change of Zone from
None (former KDOT right-of-way) to MP-2
Planned General Business District.

Master Plan Amendment from None (former
KDOT right-of-way) to Industrial (City-Wide
Master Plan).

Date of Application:
November 30, 2020

Purpose:
To rezone and designate a portion of right-of-
way, formerly owned by the Kansas



Transportation Authority (KTA) into Lot 1, Turner Logistics Center Fourth Plat.

Property Location: 615 North 69th Street

Commission Districts: Commissioner At Large: Melissa Bynum
District #8 Commissioner: Jane Winkler Philbrook

Existing Zoning: None

Adjacent Zoning: **North:** MP-2 Planned General Industrial District
South: None (Interstate 70)
East: MP-2 Planned General Industrial District
West: None (Turner Diagonal right-of-way)

Adjacent Uses: **North:** Industrial warehouse and distribution building (under construction)
South: Interstate 70 right-of-way
East: Industrial warehouse and distribution building
West: Interstate 70 right-of-way

Total Tract Size: 3.59 Acres

Master Plan Area: City-Wide Master Plan

Master Plan Designation: The City-Wide Master Plan has no designation for this area because it was formerly owned by the Kansas Transportation Authority (KTA).

Major Street Plan: The Major Street Plan classifies I-70 Highway as a freeway, State Avenue as a Class A Thoroughfare, North 72nd Street (College Parkway) as a Class C Thoroughfare, and North 69th Street as a Local Street.

Advertisement: The Wyandotte Echo – December 17, 2020
Letters to Property Owners – December 16, 2020 and January 20, 2021

Public Hearings: January 11, 2021 and January 28, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, NP Turner Industrial, LLC has requested a change of zone from an unzoned portion of land (formerly owned by the Kansas Transportation Authority (KTA) to MP-2 Planned Industrial District and

designate to Industrial (City-Wide Master Plan) and incorporate the former right-of-way into Turner Logistics Center Fourth Plat, Lot 1.

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

Code Enforcement History: There are no Notice of Violations on this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This project spans a large area with several uses. This portion of the site is undeveloped with existing tree stands and fields and will remain so as it is incorporated into Lot 1, Turner Logistics Center Fourth Plat. Commercial uses exist along State Avenue to the north of the project site. This location is also adjacent to several major roadways; I-70 to the south and west and Orville Avenue to the north.

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

The zoning and uses of properties nearby are compatible because this portion of existing right-of-way is already incorporated into Lot 1, Turner Logistics Center Fourth Plat and open space is already incorporated with the previously approved plans of Building 3.

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

The property is not suitable for the uses to which it has been restricted because the property is not zoned. Establishing a zoning district will establish the restrictions, which will not detrimentally affect property nearby because the zoning sought matches the existing and adjacent zoning in this business park development.

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

This portion of land is not zoned and was formerly owned by KTA. The right-of-way was KTA's property since the construction of Interstate 70 in the 1950s but has since been transferred to Northpoint Development when it became excess property during the interchange reconfiguration.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public because there is no direct benefit to them and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property because the surrounding properties are within the Turner Logistics Center, an industrial business park for warehousing and distribution.

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

The proposed use will not increase the traffic or parking demand in ways that will not adversely affect the road capacity, safety, or create parking problems because this portion of the property that is incorporated into Lot 1, Turner Logistics Center Fourth Plat will be open space.

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

The Master Plan Amendment establishes a designation, as this was KTA right-of-way, there is no current designation.

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

The portion of existing right-of-way will not cause environmental harm enhance the environment, even though this area will remain as open space for the approved Building 3 site.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

Designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District #221.

e. *Fire*

Fire service is provided by Station #11.

f. Transit

Kansas City ATA will provide a new transit stop along College Parkway/Turner Diagonal, Route #114 and State Avenue, Route #101.

g. Schools

Public education is provided by Turner USD 202.

h. Streets

The street network will not be affected by the incorporation of the right-of-way into the development because the addition of the area will be open space.

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

The proposed use will have a minimal economic impact on the community. This portion of land will be taxable industrial land, whereas previously it was not eligible to be on the tax roll.

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

The proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal because adding the existing right-of-way into the development because there is no substantial benefit to the public; however, the residences will be screened from the development, so there is an immediate benefit. If the application is denied, the portion of land is prohibited from having any development on as it will remain unzoned.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 21, 2020 by virtual meeting (via Zoom).

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2020-015 and Change of Zone COZ-0010, subject to:

1. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable; and,
2. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ-0010** and Master Plan Amendment **MP2020-15** subject to all comments and suggestions outlined in the staff reports and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Photography
Applicant Response Letter
Neighborhood Meeting Minutes
Building 3 Site Plan
Turner Logistics Center Fourth Plat
Right-of-Way Exhibit
Site Photographs taken by Planning Staff on December 16, 2020

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	January 11, 2021	January 28, 2021
Rezoning	Approval	
Public Hearing	January 11, 2021	January 28, 2021
Master Plan	Approval	
Amendment		

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MP2020-15** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report:

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MP2020-15**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ-0010** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ-0010**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

Hearing starts at 2:56:00:

MASTER PLAN AMENDMENT MPL2020-015 – NP TURNER INDUSTRIAL, LLC – SYNOPSIS: Master Plan Amendment from Public/Semi Public to Business Park at 615 North 69th Street.

CHANGE OF ZONE APPLICATION COZ-0010 – NP TURNER INDUSTRIAL, LLC – SYNOPSIS: Change of Zone from “No Zoning – Right-Of-Way” to MP-2 Planned General Industrial District for continuation of Turner Logistics Center for warehousing, distribution and light manufacturing businesses at 615 North 69th Street.

Detailed Outline of Requested Action: The applicant, NP Turner Industrial, LLC has requested a change of zone from an unzoned portion of land (formerly owned by the Kansas Transportation Authority (KTA) to MP-2 Planned Industrial District and designate to Industrial (City-Wide Master Plan) and incorporate the former right-of-way into Turner Logistics Center Fourth Plat, Lot 1. **Code Enforcement History:** There are no Notice of Violations on this property.

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

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- James Kratz, representing the applicant, 4825 Northwest Street, Suite 500, Riverside, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:01:45: Planning Director Hand stated that this request is turning formerly public right-of-way property to private property as a result of the Turner Diagonal/I-70 intersection improvements. The zoning category is consistent with the approved project. Staff recommends approval subject to the conditions in the staff report.

Motion and Vote starts at 3:02:28:

On motion by Ms. Armstrong, seconded by Mr. Connelly, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment MPL2020-015**:

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

On motion by Ms. Pauley, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ-0010**:

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

1. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable; and,
2. 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.

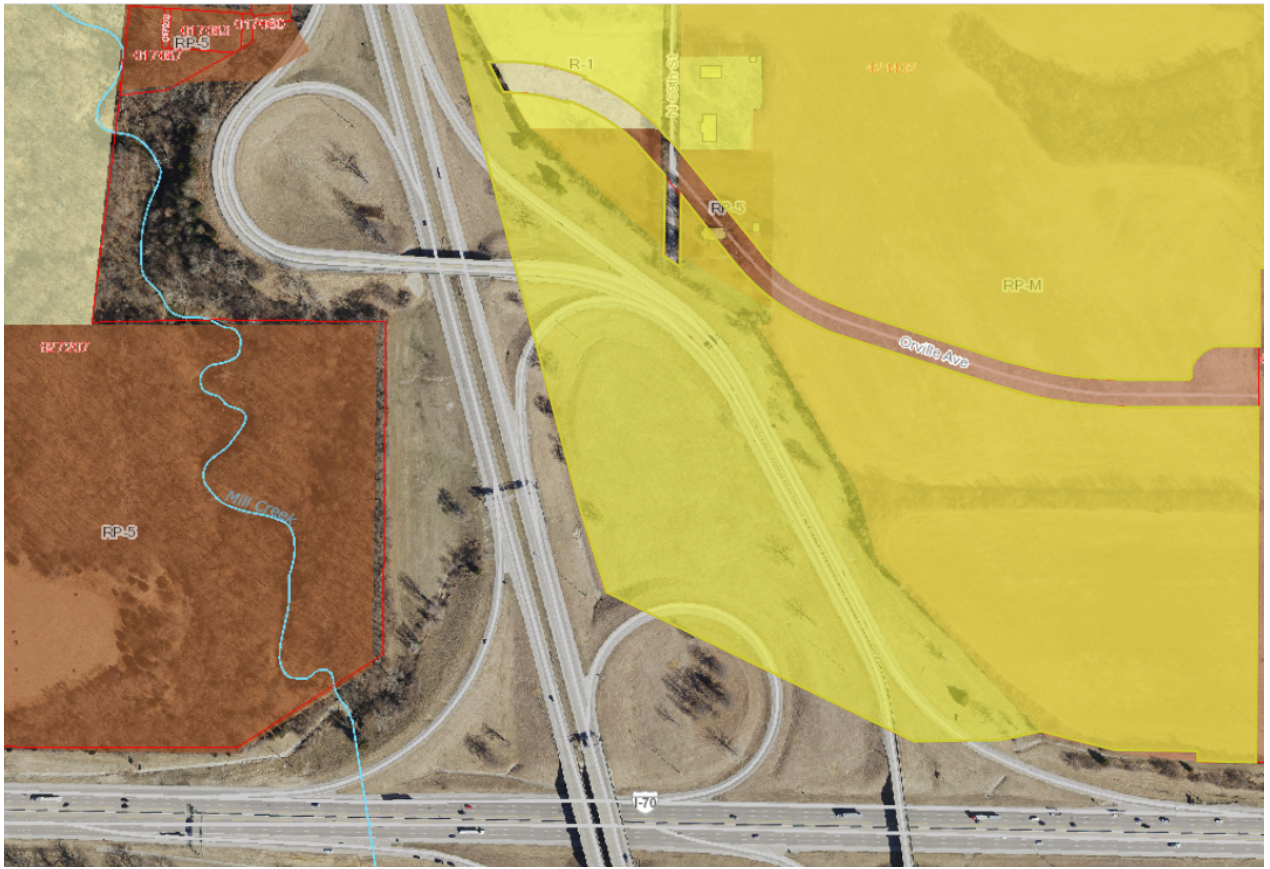


Figure 1. Zoning Map of Turner Logistics Center (provided by UG Maps).

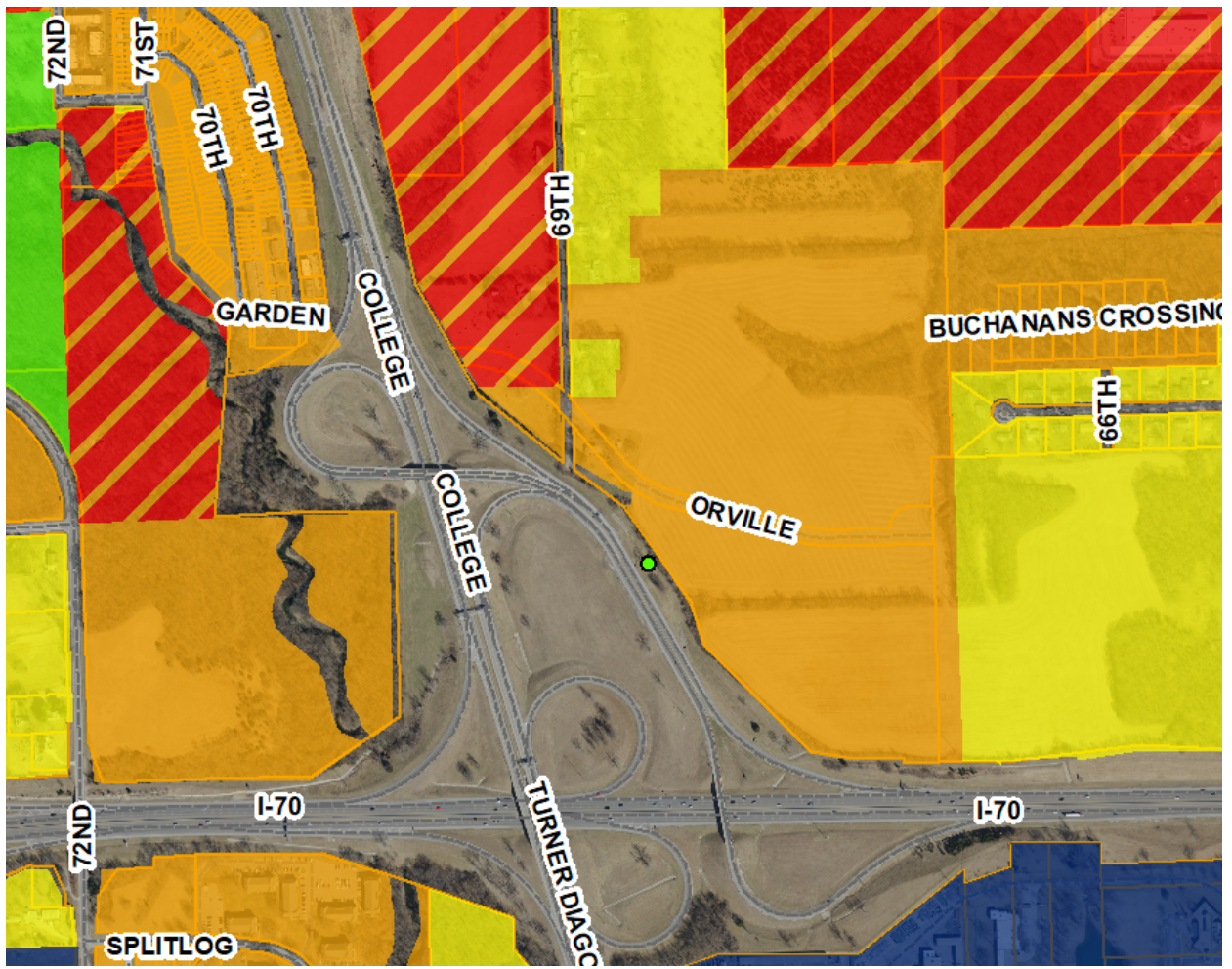


Figure 2. City-Wide Master Plan Land Use Map of Turner Logistics Center (provided by ArcMap).

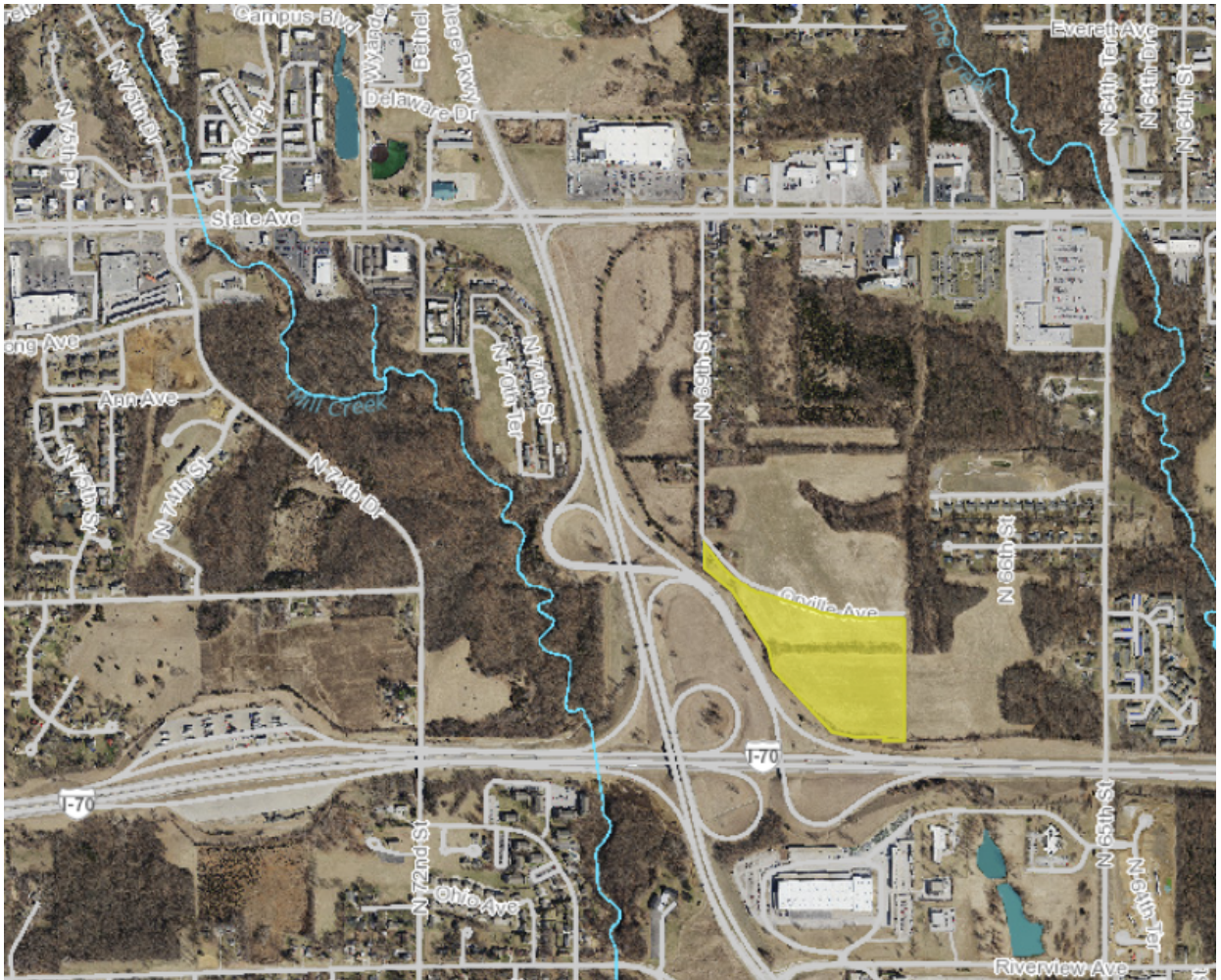


Figure 3. Aerial Photograph of 615 North 69th Street (indicated by yellow shaded box). Existing right-of-way is south of the shaded yellow box (provided by UG Maps).

Turner Logistics Center East
747 N. 69th Street
Kansas City, Kansas 66109

COZ #0010, Master Plan Amendment MP-2021-2

Responses to staff comments can be found below in red.

Urban Planning and Land Use Comments

1. The proposed rezoning is to create a zoning district and designate a master land use designation to Industrial from the former KTA right-of-way, now owned by the applicant. The portion of right-of-way is already incorporated into Lot 1, Turner Logistics Center Fourth Plat, and will remain as open space as part of Building 3 site development.
2. Provide a site plan to illustrate the former right-of-way that is now included in the Building 3 site.
The Building 3 site plan has been included in the resubmittal package.

Planning Engineering

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

Notice of neighborhood meeting:

Application numbers: COZ-008, COZ-0010, MP20201-1

Meeting date: 21 December, 2020; 6-8 pm

We conducted a neighborhood meeting via Zoom. We had one attendee, Crystal Pihl, 6632 Tauromee Avenue. We reviewed the plans and discussed the existing development, the proposed changes, and screening as indicated on the plans. Her comments and questions are listed below along with our response.

She had the following comments/questions regarding the proposed rezoning:

- None

She had the following general comments/questions.

1. Comment: Rainwater Runoff from the building 1 site affected the neighbors "across the street from her" with water in their yards.

Response:

We noted that we had been notified of this concern by another neighbor at the time and addressed it shortly after notification. We note that this occurred in the process of grading the site; prior to the construction of the berm, installation of the landscaping and grass, and before the final swale was in place. Now that it is complete, we don't expect an issue in the future.

2. Comment: Building 1 is closer to the neighborhood than the plan she saw at the last meeting.

Response:

We determined that she attended the public meeting held on 10 October 2019 regarding our Clean Water Action Section 404 permit application for the project. She did not attend the Neighborhood meeting held on 30 December 2019 regarding the project. The plans used during the COE meeting were preliminary in nature and adjustments were made prior to FDP submission and prior to the Neighborhood meeting for Building 1. Building 1 on our current plan reflects the location as approved with the Final Development Plan for Building 1.

3. Comment: The workers started early in the morning, around 5:00.

Response:

We indicated that we did have contractors that were starting earlier than 7. We had been in contact with one of her neighbors at the time of the concern and believe the concern that she had identified had been addressed at that time. We told her to contact us if she experiences any issues.

4. Comment: Early in the construction there was dust from the site but it has improved.

Response:

Similar to other concerns we had been contacted by one of her neighbors at the time of the occurrence. We addressed the issues and followed up with the neighbor to verify they were content with the outcome. Crystal agreed that it hadn't been an issue since the early stages of the project.

5. Comment/Question. The lights on the building are visible. Is there anything that we can do to make them not so bright.

Response:

The parking lot lights have shields on the house side but we cannot do that with the lights on the building. We noted the light levels are likely negligible on the lot line but acknowledged the lights on the building are visible and let her know we are looking into potential solutions.

We were contacted by Ben Bortnick on 16 December. He called and requested that we send him information about our project and stated that he would not attend our meeting. Subsequent to the request and prior to the Neighborhood meeting we sent him the plans from our rezoning submittal. We followed up with Ben on 23 December. We discussed how although he owns it, he has a contract for deed on the property. We also discussed the distance from the house to building 4, 574' and 886' to building 5. We also discussed that if we were not able to purchase that we would likely amend our plan in the future to make building 5 longer.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)

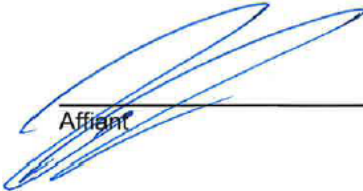
) SS:

COUNTY OF PLATTE)

Comes now James Kraatz, NorthPoint Development, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ-008, COZ-0010, & MP2-2-1-1.
2. That I conducted a neighborhood meeting on 21 December, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of December, 2020.

My commission expires 14 of November, 2021

ANNAMARIE THOMPSON
Notary Public - Notary Seal
STATE OF MISSOURI
Commissioned for Jackson County
My Commission Expires: November 4, 2023
ID #19865946



Notary Public



REZONING DESCRIPTION

All that part of the Southwest Quarter of Section 10, Township 11 South, Range 24 East, in the City of Kansas City, Wyandotte County, Kansas being more particularly described as follows: commencing at the northeast corner of the Southwest Quarter of said Section 10, thence South 00 degrees 08 minutes 49 seconds West, with the east line of the Southwest Quarter of said Section 10, a distance of 1044.97 feet to a point on the north right-of-way line of Interstate 70; thence North 89 degrees 14 minutes 41 seconds West, with the north right-of-way line of Interstate 70, a distance of 226.12 feet; thence North 00 degrees 43 minutes 51 seconds East, with the north right-of-way line of Interstate 70, a distance of 25.25 feet; thence North 89 degrees 06 minutes 45 seconds West, continuing with the north right-of-way line of Interstate 70, a distance of 200.00 feet; thence North 76 degrees 49 minutes 07 seconds West, continuing with the north right-of-way line of Interstate 70, a distance of 187.88 feet; thence South 77 degrees 46 minutes 30 seconds West, continuing with the north right-of-way line of Interstate 70, a distance of 18.72 feet to the point of beginning; thence continuing South 77 degrees 46 minutes 30 seconds West, with the north right-of-way line of Interstate 70, a distance of 83.18 feet; thence South 88 degrees 48 minutes 32 seconds West, continuing with the north right-of-way line of Interstate 70, a distance of 210.45 feet; thence North 64 degrees 32 minutes 03 seconds West, continuing with the north right-of-way line of Interstate 70, a distance of 836.92 feet to a point on the east right-of-way line of College Parkway; thence North 17 degrees 48 minutes 35 seconds West, with the east right-of-way line of College Parkway, a distance of 210.06 feet; thence South 64 degrees 32 minutes 03 seconds East, and no longer with the east right-of-way line of College Parkway, a distance of 1234.86 feet to the point of beginning. The above described tract contains 136.343 square feet, or 3.39 acres. The basis of bearing for the above real property description is the Kansas Regional Coordinate System, Zone 11.

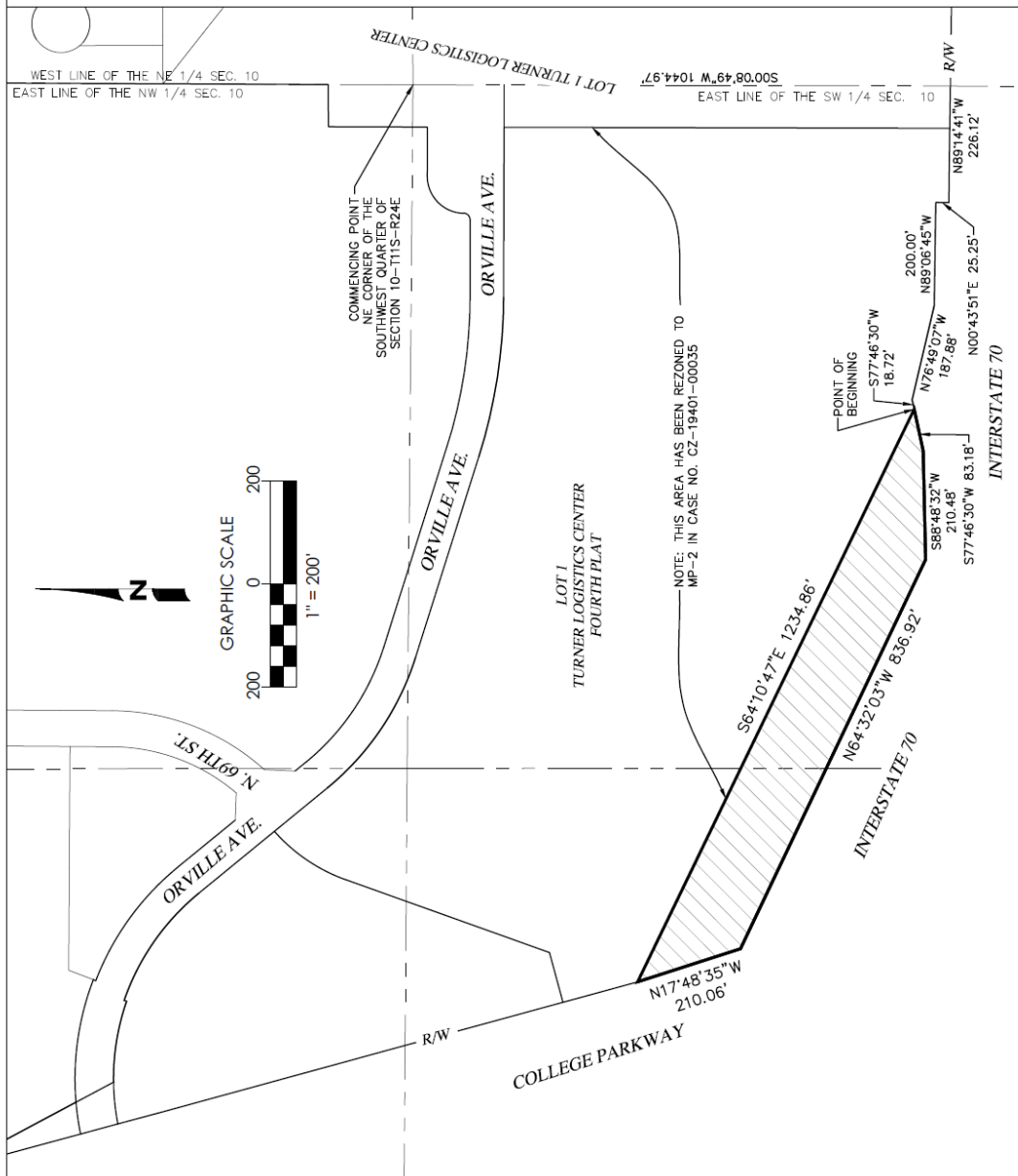




Figure 4. Site photograph of Turner Logistics Center looking east on Turner Diagonal (provided by Planning Staff).



Figure 5. Site photograph of Turner Logistics Center looking east on Turner Diagonal (provided by Planning Staff).



Figure 6. Site photograph of Turner Logistics Center looking north on I-70 East ramp (provided by Planning Staff).



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: **Change of Zone Petition #COZ-0004 and Plan Review Petition #PR2020-33 and Master Plan Amendment #MPL2020-014**

GENERAL INFORMATION

Applicant:
Bob Becker

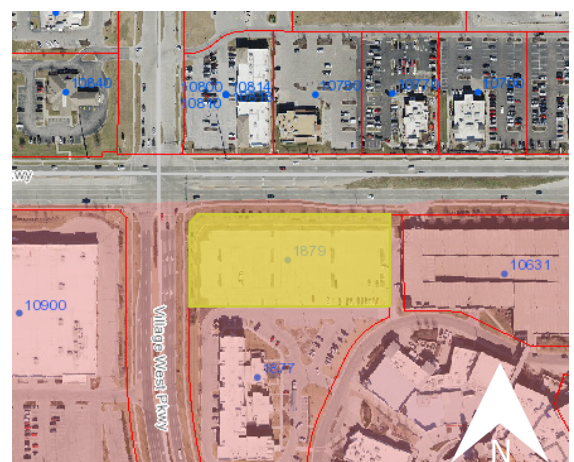
Status of Applicant:
Representative
Legends 267, LLC.

Requested Actions:
Change of Zone from CP-2 Planned
General Business District to RP-6
Planned High Rise Apartment
District.

Preliminary and Final Plan Review.

A Master Plan Amendment from Planned
Commercial (Prairie Delaware Piper Master
Plan) to High Density Residential (City-Wide
Master Plan).

Date of Application:
November 30, 2020



#COZ-0004, #PR2020-33, and #MPL-2020-014

January 28, 2021

Purpose: To rezone and plat one (1) multi-family residential lot to build 267 apartment units.

Property Location: 1879 Village West Parkway
Kansas City, Kansas 66111

Commissioner Districts: Commissioner At Large: Tom Burroughs
District #7 Commissioner: James F. (Jim) Walters

Existing Zoning: CP-2 Planned General Business District

Adjacent Zoning: **North:** CP-2 Planned General Business District
 South: CP-2 Planned General Business District
 East: CP-2 Planned General Business District
 West: CP-2 Planned General Business District

Adjacent Uses: **North:** Commercial Businesses
 South: Commercial Businesses
 East: Commercial Businesses/The Legends Mall
 West: Commercial Businesses

Total Tract Size: 2.45 Acres

Master Plan Area: Prairie Delaware Piper Master Plan

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this area as Planned Commercial District. This allows for a variety of commercial uses.

Major Street Plan: The Major Street Plan classifies Parallel Parkway as a Class A Thoroughfare and Village West Parkway as a Class B Thoroughfare.

Parking Requirement: Section 27-466 requires that in uses in CP-2 Planned Commercial Districts require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building.

Section 27-461 states that in RP-6 Planned High Rise Apartment District, one (1) parking space shall be provided for each dwelling unit that has one (1) bedroom or less; provided, however, that buildings designed solely for senior and retired persons need provide no more than one (1) parking space for each three (3) dwelling units. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more; provided, however, that buildings designed solely for senior and retired persons shall provide parking as required by the planning commission.

One (1) out of every 25 parking spaces must be ADA Compliant. One (1) out of every six (6) ADA spaces must be van accessible.

The proposed plan designates 350 units of parking will be designated for public use and 285 are designated for private residential use.

Advertisement: The Wyandotte Echo – Change of Zone/Master Plan – December 17, 2020
Letters to Property Owners – December 16, 2020 and January 20, 2021

Public Hearings: January 11, 2021 and January 28, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Bob Becker with Legends 267, LLC, is requesting a Change of Zone from CP-2 Planned General Business District to RP-6 Planned High Rise Apartment District, a Preliminary and Final Plan Review, and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to High Density Residential (City-Wide Master Plan) to develop a 267 unit apartment building. A designation in the Prairie Delaware Piper Master Plan needs to be determined. The building will have three (3) stories of parking and five (5) stories of residential space.

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

Code Enforcement History: There is no Code Enforcement History on this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is commercial in nature, with several retail businesses and professional offices along major thoroughfares. The Legends mall is to the East. The proposed development site is currently a surface parking lot.

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

The zoning and uses of nearby properties are set out above. If the proposal is approved, the property will be changed from CP-2 Planned Commercial Business to RP-6 High Rise Apartment District and the Master Plan Land Use will become High-Density Residential. The proposed use is compatible with this designation because it is for a 267-unit apartment building.

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

The removal of the restrictions should not detrimentally affect nearby property but should benefit them. Developing residential units near the commercial and retail has the potential to increase business at these locations and raise property values. The proposed development will increase traffic to and from the area but will not exceed the capacity of the Class A and Class B Thoroughfares to accommodate it. The proposal will include parking for residents as well as for the public. T

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

The property is not vacant. It is currently being used as a public surface parking lot that serves the Legends Mall.

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

The proposed use provides a benefit to the public in the form of housing and amenities. It will provide residential uses within walking distance of the Legends Mall and other adjacent uses. The proposed use will not injure the appropriate use, visual quality, or marketability of nearby properties, but rather enhance them.

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

The proposed use will increase traffic along Parallel Parkway, Village West Parkway, State Avenue, and North 110th Street. The Traffic Impact Study will be analyzed by Planning Engineering and Public Works regarding road capacity.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan. A Master Plan Amendment has been filed and is part of this application. The proposed use does conform to the proposed Master Plan Amendment to High Density Residential (City-Wide Master Plan).

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

The proposed use should not cause environmental harm because if development is designed to meet City Code. The proposal includes a plan to implement landscaping in the area, which will enhance the environment.

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

a. *Water service*

Municipal water service is provided.

b. *Sanitary sewer service*

To be designed to meet City Code.

c. *Storm water control*

Municipal storm water control is provided.

d. *Police*

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

e. *Fire*

Fire service is provided by Station #12.

f. *Transit*

KCATA provides transportation to this location on the 116 West Parallel line. The nearest stop is on Village West Parkway.

g. *Schools*

Public Education is Provided by Piper USD 203.

h. *Streets*

See item #6 above.

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

The proposed use will provide an economic benefit to the community. The site is currently being used as a surface parking lot. The proposed use will create 267 living units within walking distance of nearby business establishments.

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

The proposed use is capable of meeting ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied the owners will still have property that is able to be developed, however, not in the form they originally intended.

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

The development can be used safely without danger to health, flood, erosion, or excessive noise if developed properly.

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

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

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

Buildings and streets are so arranged as to afford adequate light, and open space to facilitate fire protection and to provide for long-term sustained real estate values.

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

The site is currently being used as a paved surface parking lot. The proposal includes a plan for landscaping the area.

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

Amenities are provided for the residents only within the complex, including a fitness center, a bocce ball court, pool, outdoor kitchen, club rooms, and a sky lounge.

PREVIOUS ACTIONS

COZ #2583

NEIGHBORHOOD MEETING

Applicant held an online neighborhood meeting via Zoom on December 22, 2020. No one attended other than the development team. Documentation is attached below.

KEY ISSUES

Multi-Family Design Guidelines
Pedestrian Access and Scale
Auto-Oriented Design of Floors One (1) and Two (2)
Landscaping/Screening
Active Ground Floor

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2020-014, Change of Zone COZ-0004, and Plan Review PR2020-33, subject to:

- 1) **Must have pedestrian access to Parallel Parkway, Village West Parkway, and to the Legends Outlet Mall;**
- 2) **Must add sidewalks and crosswalks to the Legends Mall;**
- 3) **Building materials and landscaping along the garage façade should screen the garage use.**
- 4) **Must provide a site plan that shows all public improvements including sidewalks;**
- 5) **All amenities shall be built within the first phase of the development;**
- 6) **Forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco;**
- 7) **Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public;**
- 8) **Trees are required at not less than one (1) per 4,500 square feet of site area;**
- 9) **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;**
- 10) **All landscaping shall be irrigated;**

- 11) 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 (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;
- 12) 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;
- 13) All electrical meter banks, typically on the side of the building shall be screened from public view;
- 14) 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;
- 15) 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;
- 16) Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
- 17) No sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process; and,
- 18) 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Change of Zone Petition **COZ-0004**, Plan Review **PR2020-33** and Master Plan Amendment **MPL2020-014** subject to all comments and suggestions outlined in the staff reports and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Zoning Map
Land Use Map
Aerial Map
Site Photographs Provided by Staff, Dated December 16, 2020
Site Photographs Provided by Applicant
Landscape Plan
Plans
Elevations
Conservation District Comments
Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Rezoning	January 11, 2021 Approval	January 28, 2021
Public Hearing Plan Review	January 11, 2021 Approval	January 28, 2021
Public Hearing Master Plan	January 11, 2021 Approval	January 28, 2021

STAFF CONTACT: Shana Shanteau
 sshanteau@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Master Plan Amendment **MPL-2020-014**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report.

OR

I move the Unified Government Board of Commissioners **DENY** Master Plan Amendment **MPL-2020-014** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ-0004** as meeting all the requirements of the City code and being in the interest of the public

health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ-0004**, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Plan Review Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2020-33**, as meeting all the requirements of the City code and being in the interest of the public health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2020-33** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

Hearing starts at 2:18:28:

MASTER PLAN AMENDMENT MPL2020-014 – BOB BECKER WITH LEGENDS 267, LLC – SYNOPSIS: Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to High Density Residential (City-Wide Master Plan) at 1879 Village West Parkway.

CHANGE OF ZONE APPLICATION COZ-0004 – BOB BECKER WITH LEGENDS

267, LLC – SYNOPSIS: Change of Zone from CP-2 Planned Limited Business District to RP-6 Planned High Rise Apartment District for 267 apartment units at 1879 Village West Parkway.

PLAN REVIEW APPLICATION PR2020-33 – BOB BECKER WITH LEGENDS 267,

LLC - SYNOPSIS: Preliminary and Final Plan Review for 267 apartment units at 1879 Village West Parkway.

Detailed Outline of Requested Action: The applicant, Bob Becker with Legends 267, LLC, is requesting a Change of Zone from CP-2 Planned General Business District to RP-6 Planned High Rise Apartment District, a Preliminary and Final Plan Review, and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to High Density Residential (City-Wide Master Plan) to develop a 267 unit apartment building. A designation in the Prairie Delaware Piper Master Plan needs to be determined. The building will have three (3) stories of parking and five (5) stories of residential space. **Code Enforcement History:** There is no Code Enforcement History on this property.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Change of Zone Application and Master Plan Amendment; and,
7. The Notices to property owners.

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

Present in Support:

- Aaron March, attorney representing the applicant, Rouse Frets White Goss, 4510 Belleview Avenue, Suite 300, Kansas City, Missouri 64111
- Ben Mahala, Rosemann Associates
- Bob Becker, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:34:15: Planning Director Hand stated that staff worked with the applicant on the Multi-Family Design Guidelines, and the applicant was receptive to the staff's recommendations. It was very important to staff to create pedestrian access across the site and create a direct pedestrian connection to The

Legends. The hotel to the south of this project is building a sidewalk and walkway over to The Legends, and that project must link to this public improvement and create its own crosswalk connection. Staff is still looking for clarity on the pedestrian access to The Legends (he showed the Commission on the map.) Staff understands the constraints of this site as they have just enough room for the sidewalk but has conditional approval to include a crosswalk to The Legends. Staff is encouraged by this project as it sets a precedent for the transformation of The Legends Outlet Mall into a mixed-use, walkable district. He stated that staff recommends approval subject to the conditions in the staff report. He further stated that in looking at the two (2) proposed changes to the conditions by the applicant, staff can work with the applicant on any changes.

Chairman Carson asked if there is enough room for the crosswalk to The Legends. Director Hand stated yes. Chairman Carson asked about the two (2) changes that the applicant is proposing. Director Hand stated that conditions 3 and 7 are basically discussing the parking garage so condition 7 can be stricken. He further stated that he does not want to tie condition 3 to their PowerPoint presentation. Staff would recommend revising condition 3 to the following: **Building materials and landscaping along the garage façade should screen the garage use.** Mr. March stated that they are in agreement.

Motion and Vote starts at 2:43:37:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment MPL2020-014:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application COZ-0004:**

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

Motion to RECOMMEND APPROVAL Passed: 7 to 0

Subject to:

- 1) Must have pedestrian access to Parallel Parkway, Village West Parkway, and to the Legends Outlet Mall;**
- 2) Must add sidewalks and crosswalks to the Legends Mall;**
- 3) Building materials and landscaping along the garage façade should screen the garage use.**
- 4) Must provide a site plan that shows all public improvements including sidewalks;**
- 5) All amenities shall be built within the first phase of the development;**
- 6) Forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco;**
- 7) Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public;**
- 8) Trees are required at not less than one (1) per 4,500 square feet of site area;**
- 9) 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;**
- 10) All landscaping shall be irrigated;**
- 11) 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 (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;**
- 12) 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;**
- 13) All electrical meter banks, typically on the side of the building shall be screened from public view;**
- 14) 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;**
- 15) 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;**
- 16) Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;**

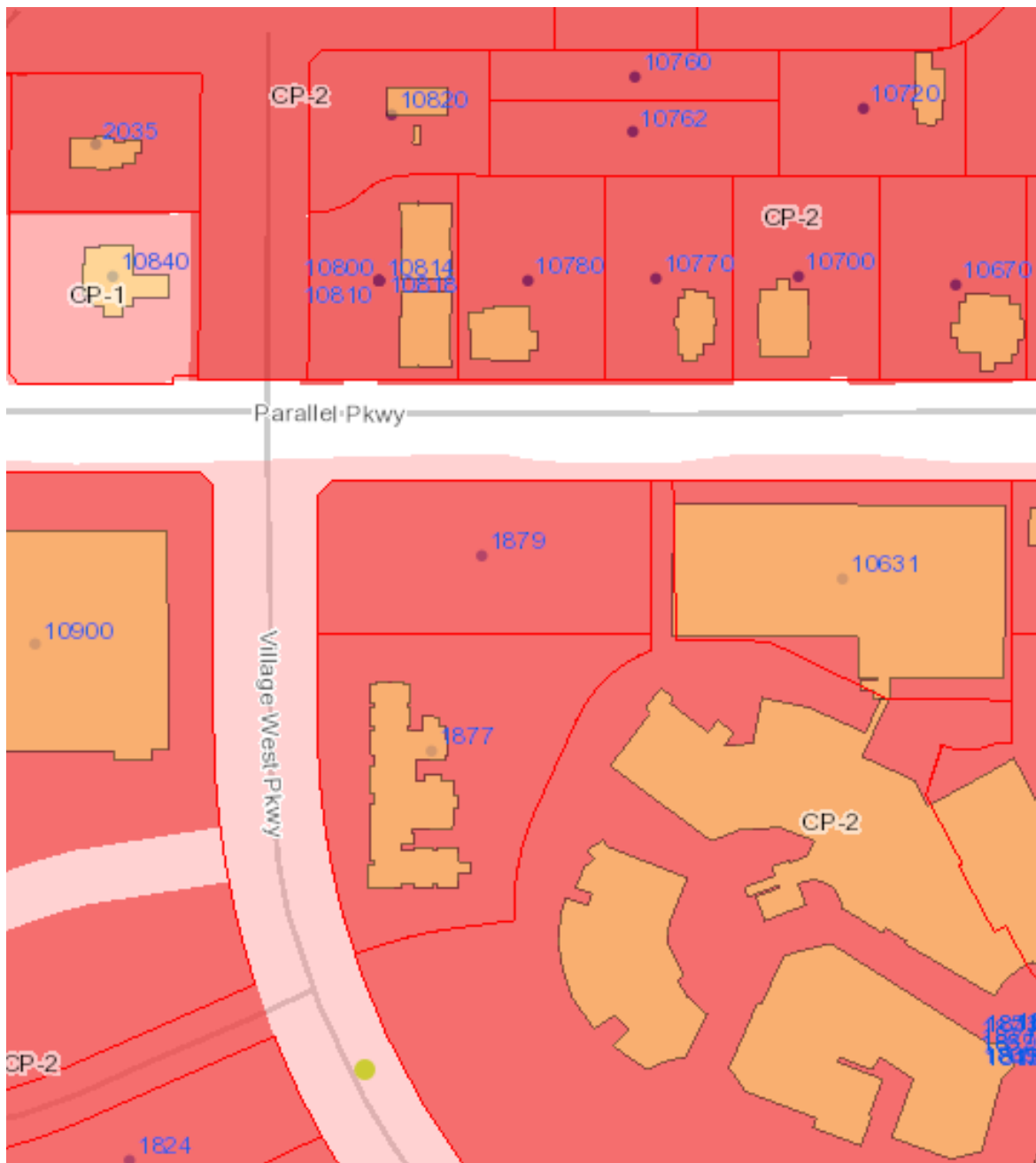
- 17) No sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process; and,
- 18) 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.

On motion by Mrs. Jones, seconded by Ms. Pauley, the Planning Commission voted as follows to recommend **APPROVAL** of **Plan Review Application PR2020-33**:

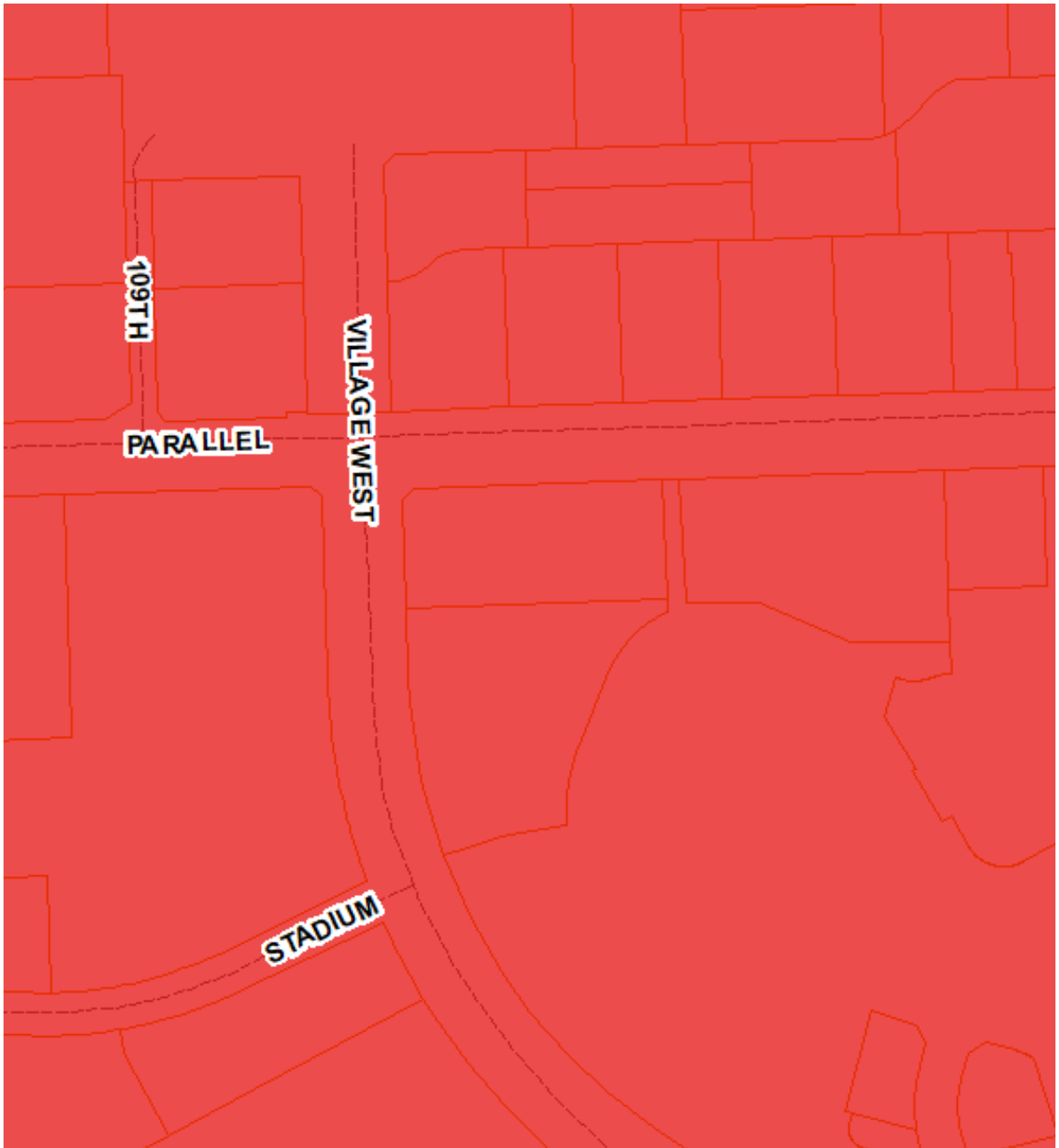
Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	Not Present

Motion to recommend APPROVAL Passed: 7 to 0
Subject to the above conditions.

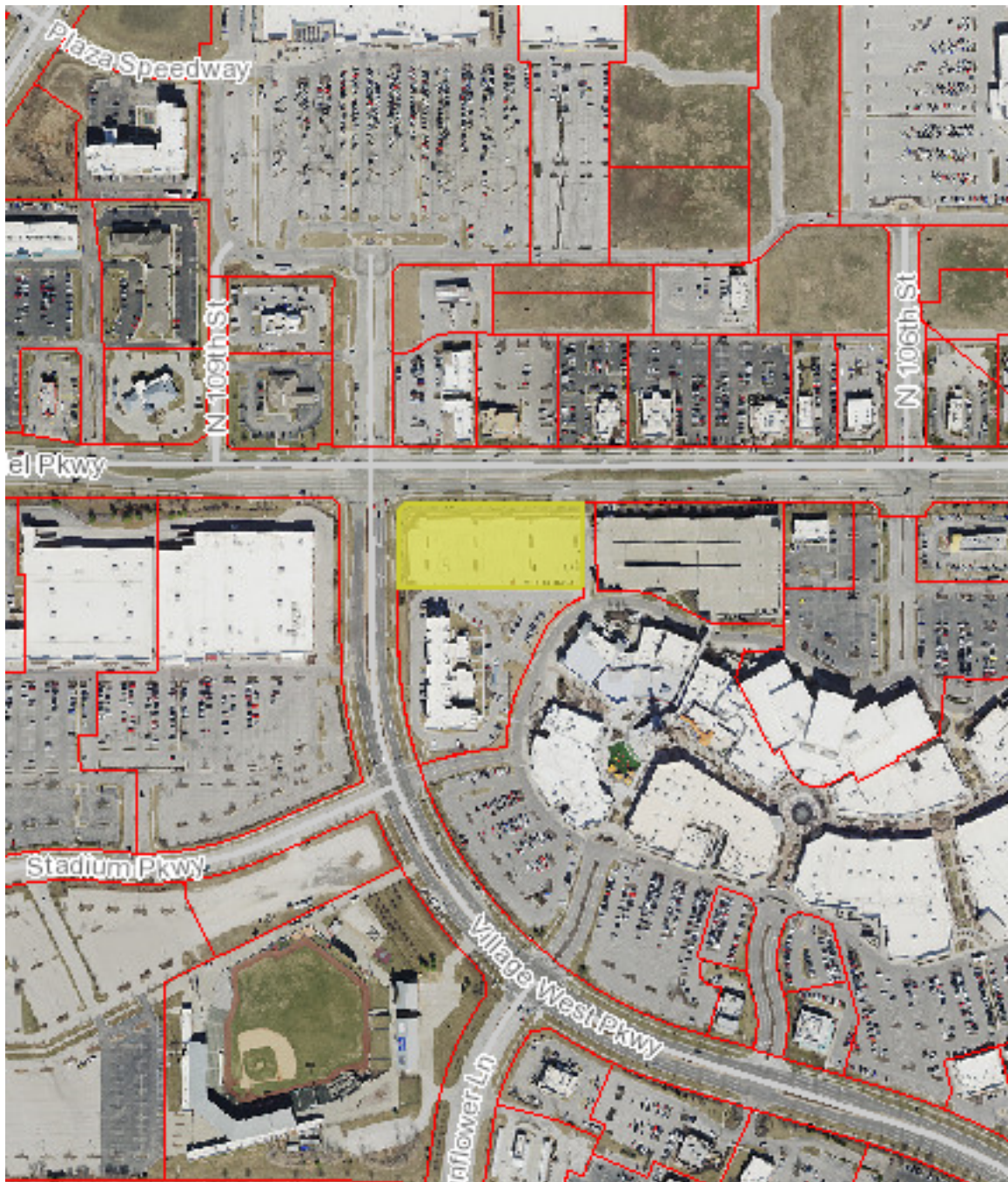
Zoning Map:



Land Use Map:



Aerial Map:



Site Photographs Provided by Staff, Dated December 16, 2020:



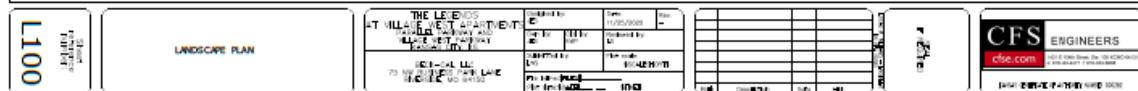
Site Photographs Provided by Applicant:





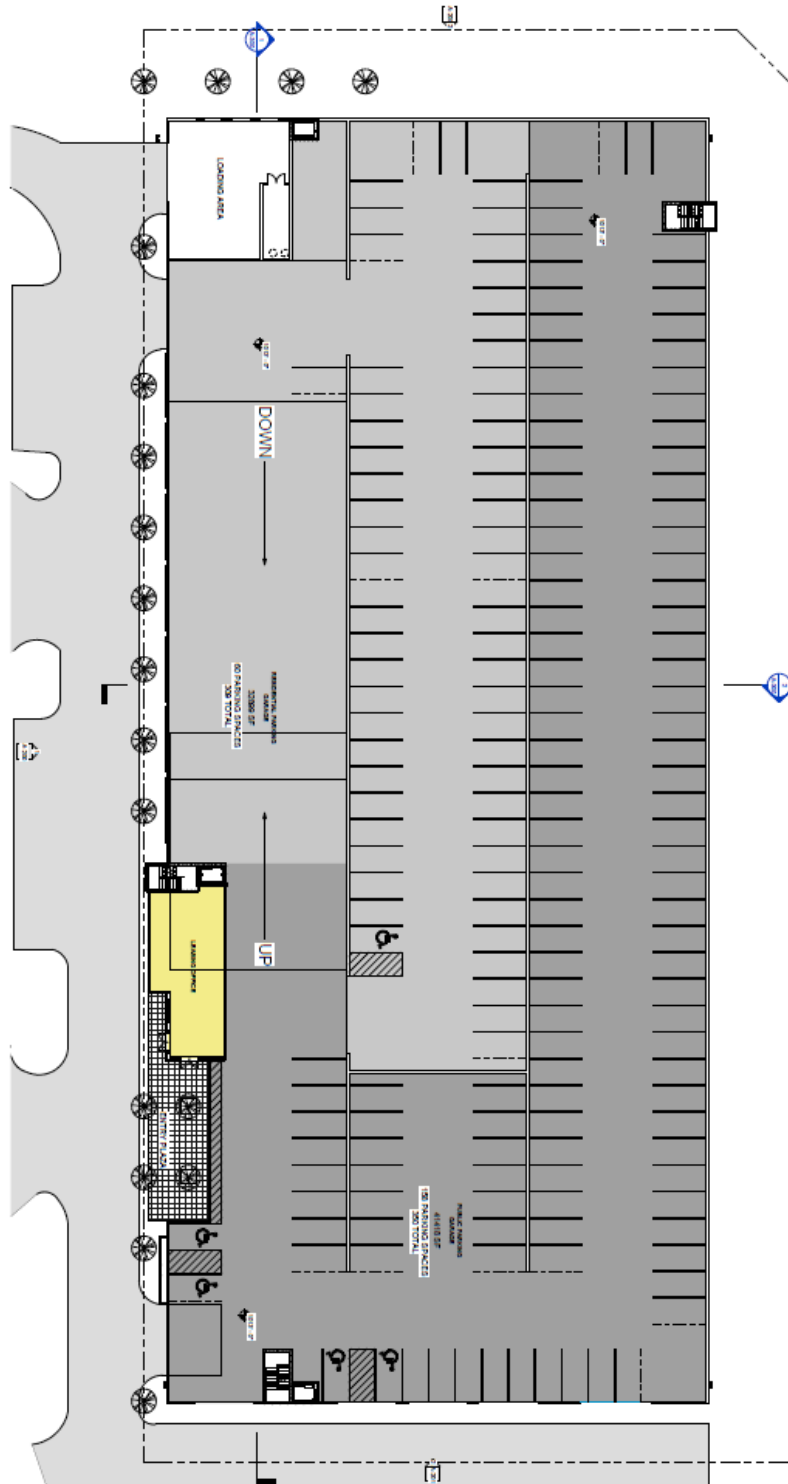


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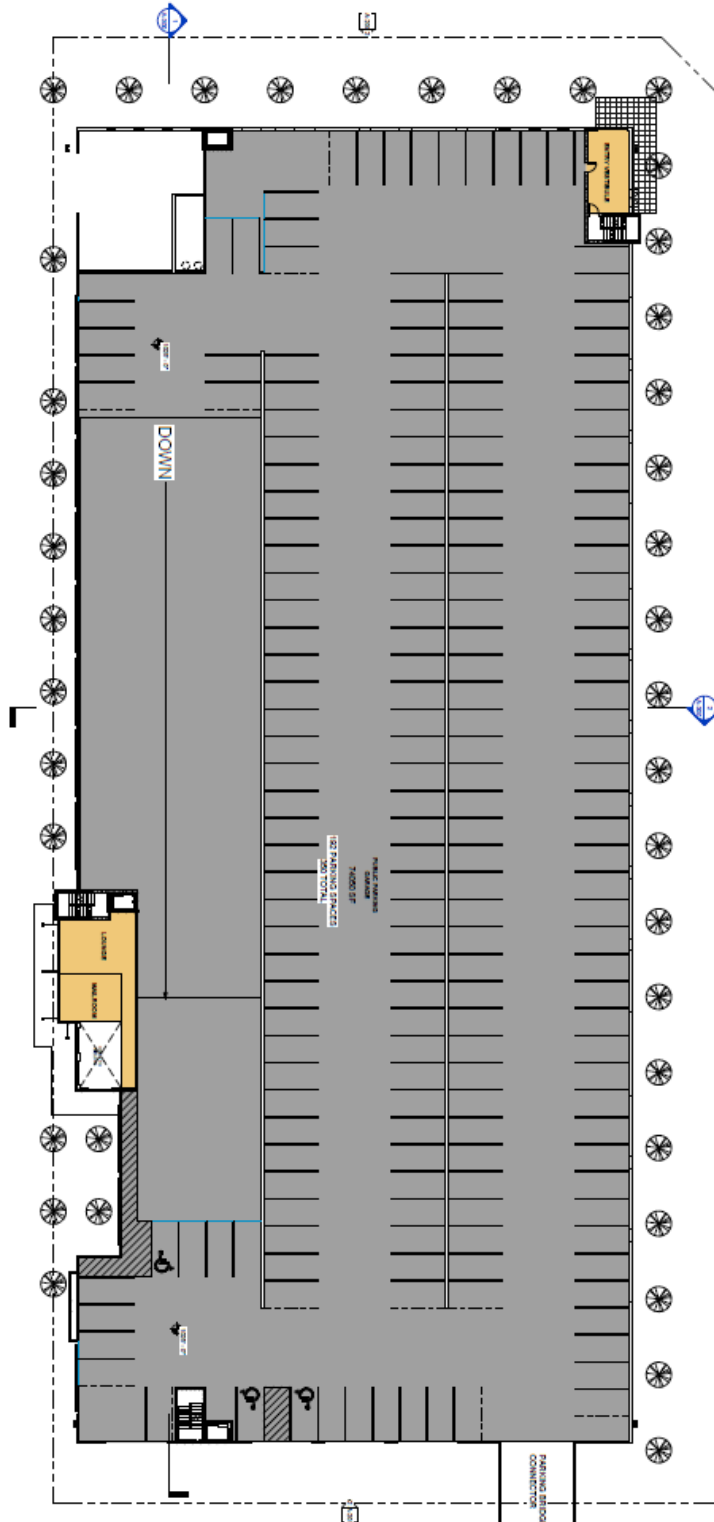
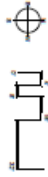


A-110

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DATE: 11/1/2019
BY: J. ROSEMAN



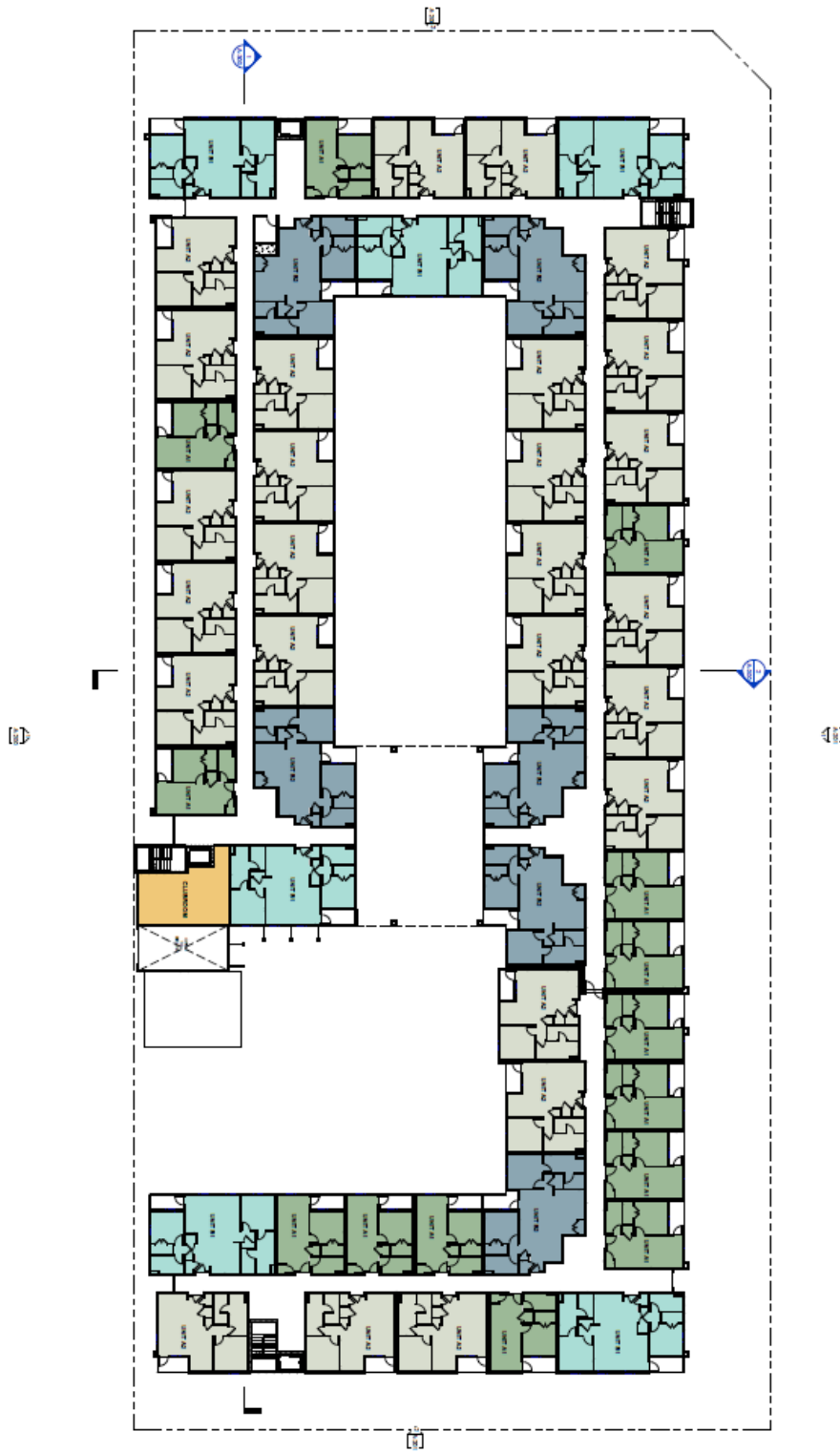
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PROJECT TITLE
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 PROJECT NUMBER
 A-130

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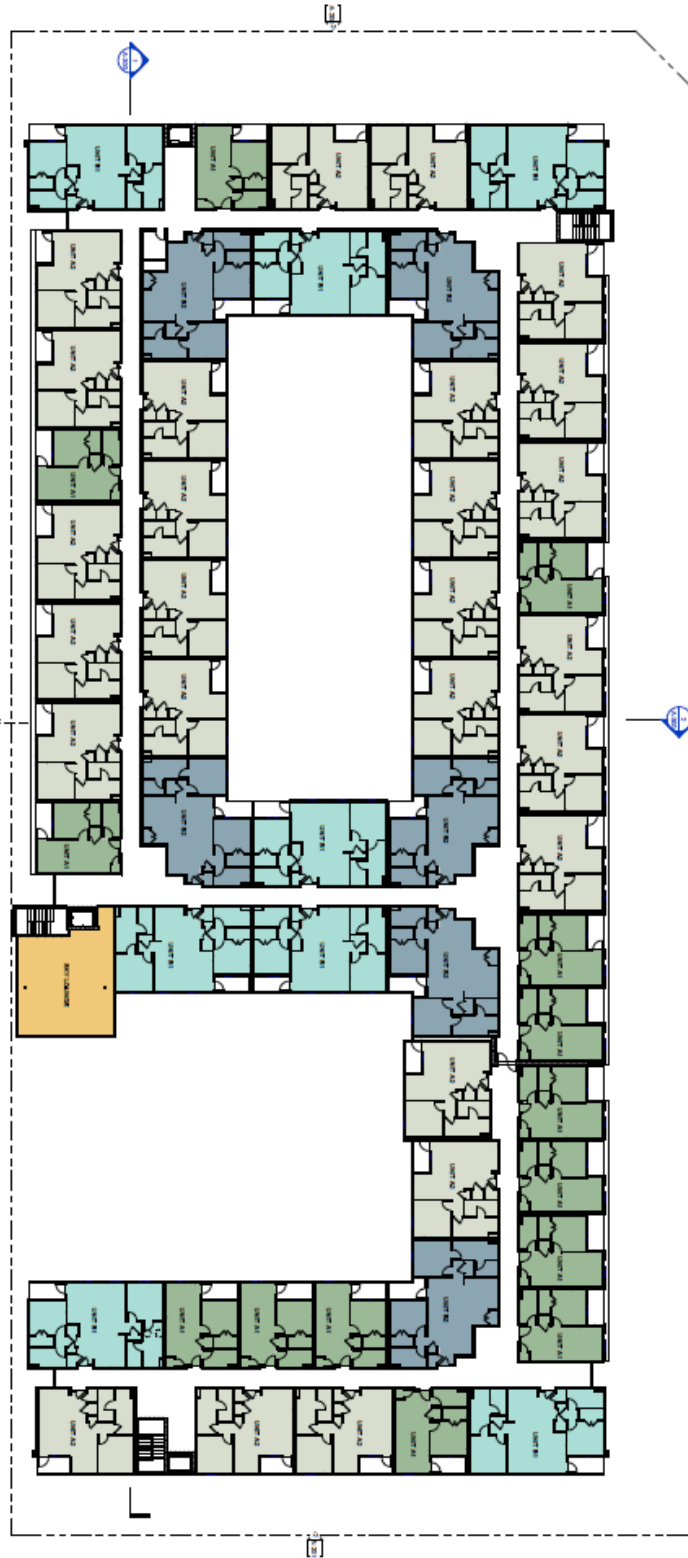
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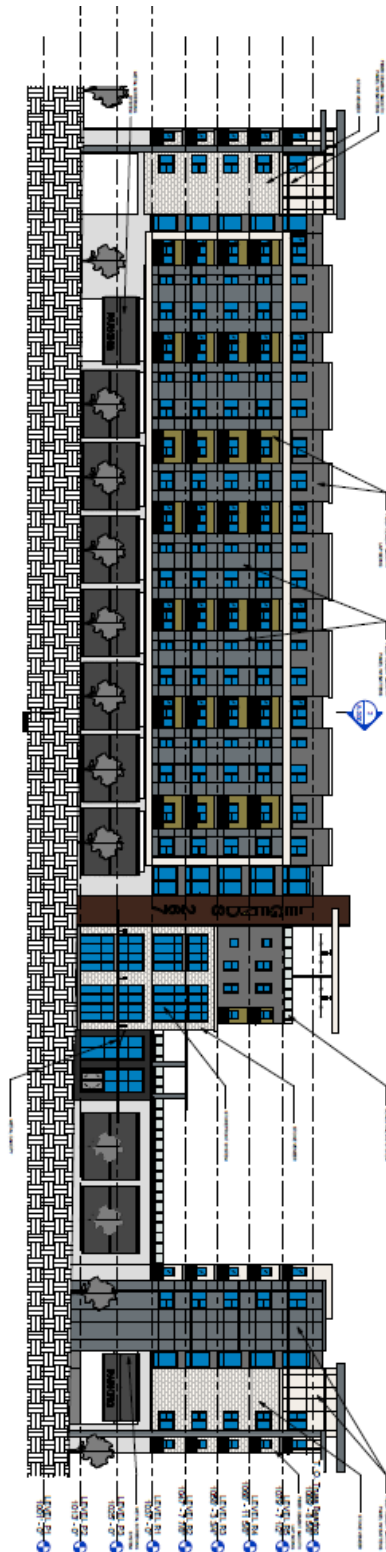
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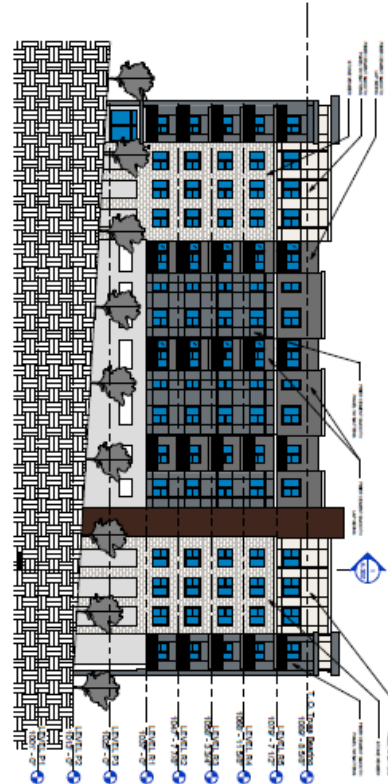
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1/2" = 1'-0"

1 South Elevation



2 West Elevation



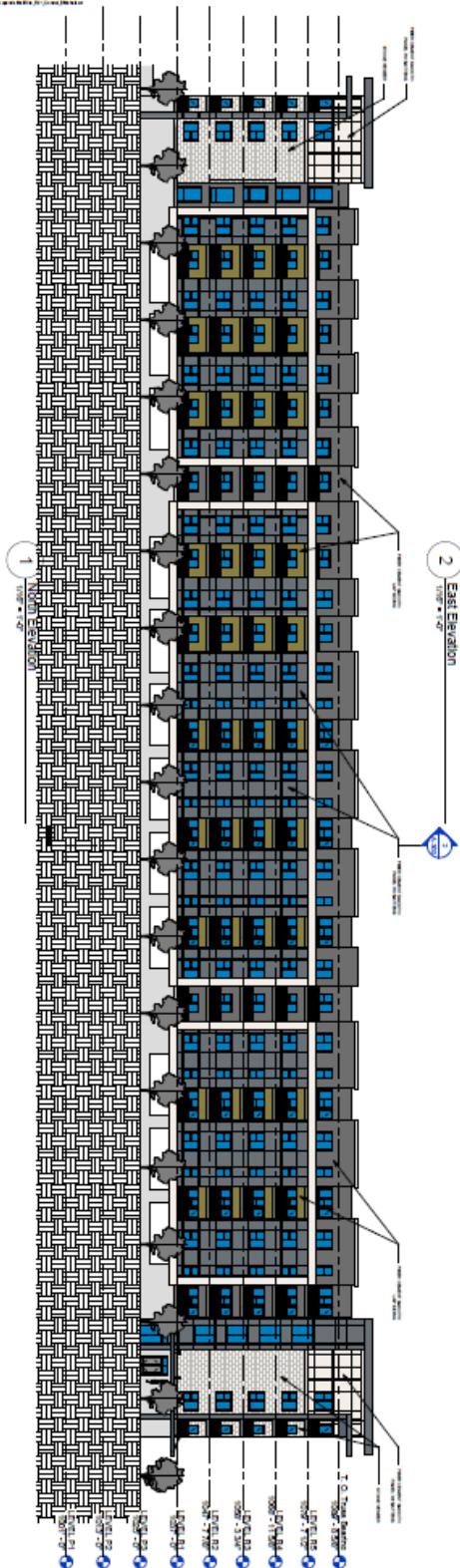
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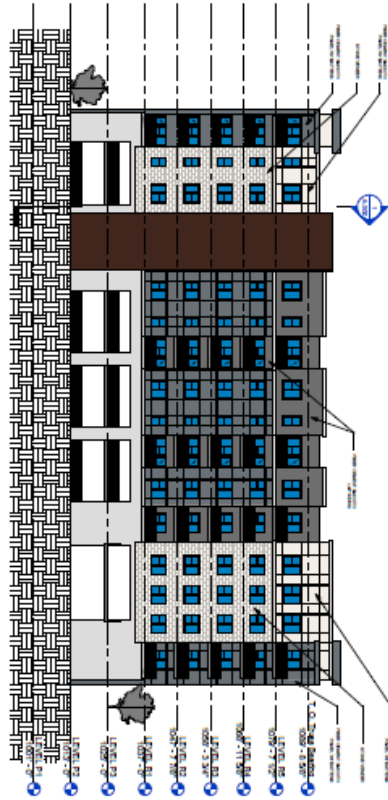
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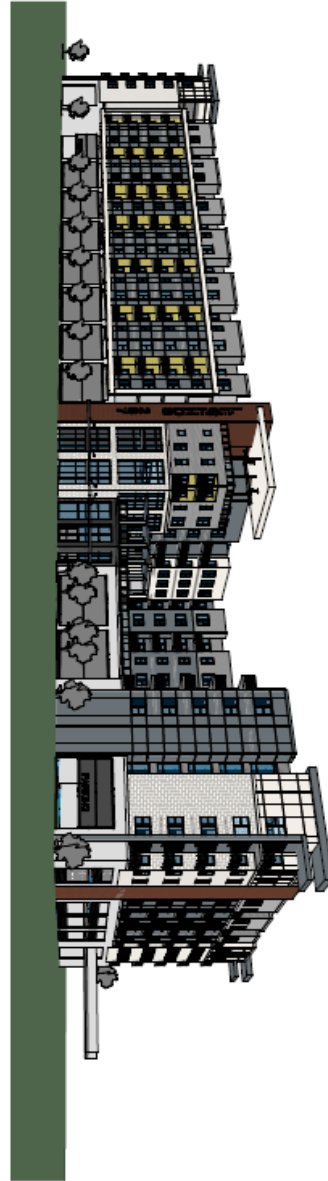
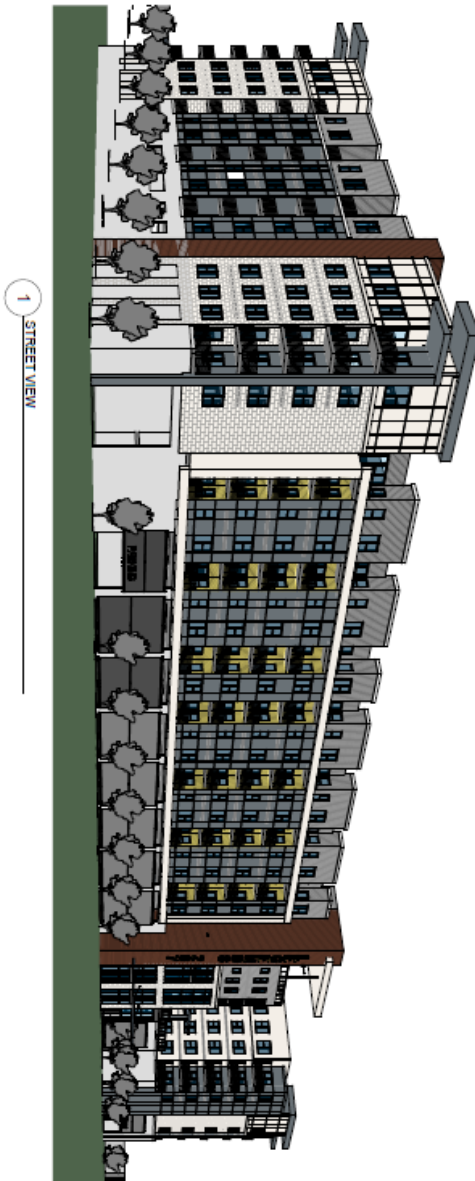
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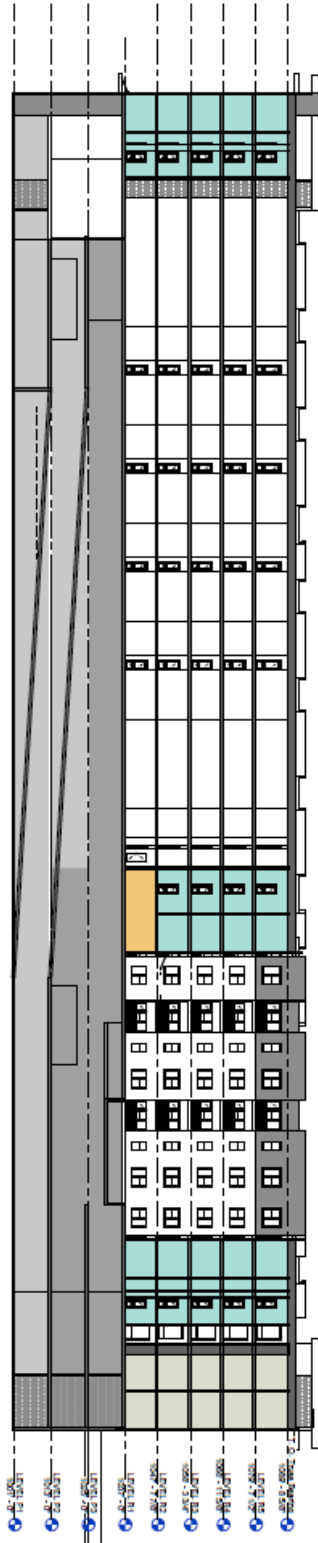
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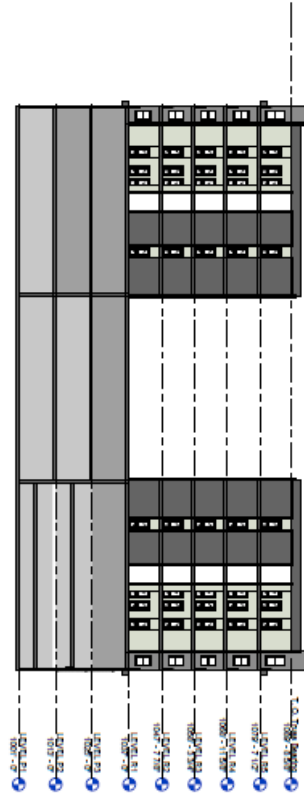


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A-300

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 PROJECT NUMBER
 A-300

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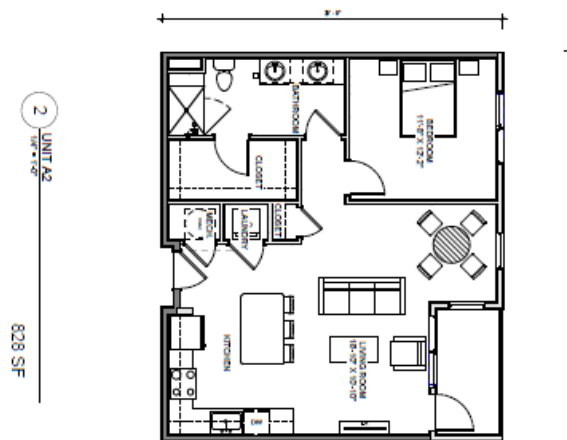
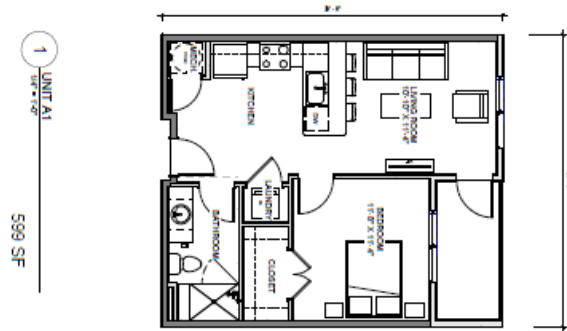


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Floor Plans:

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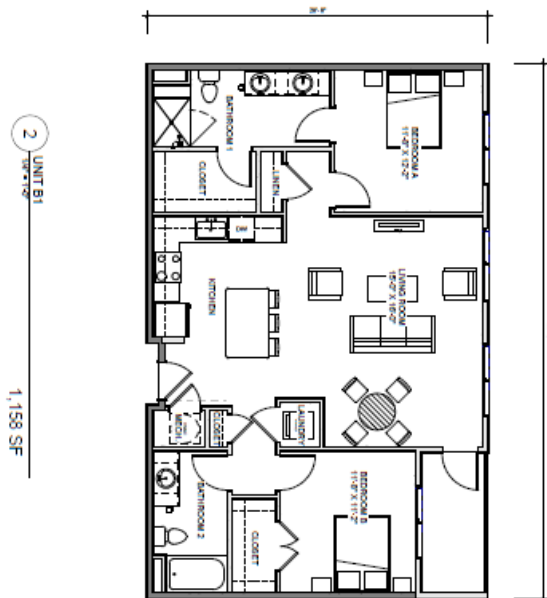
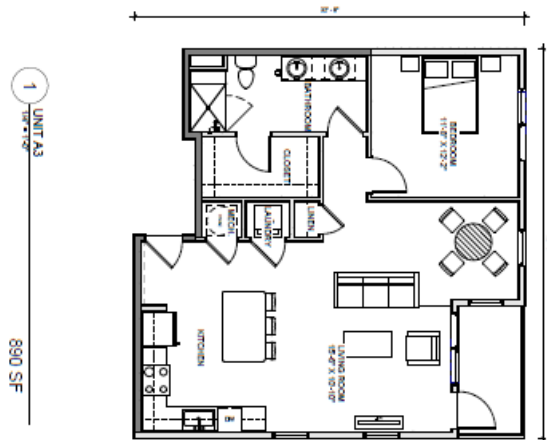


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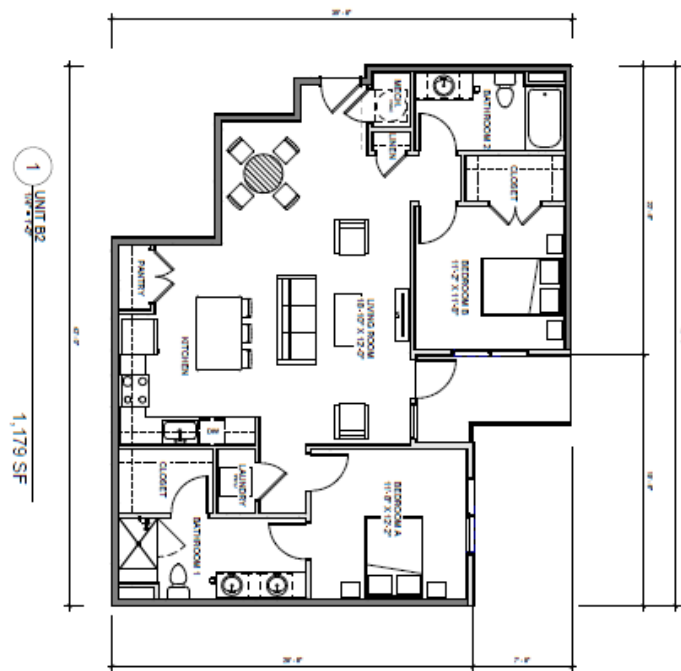


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Project No. 11-2020
Revision No. 11-2020

Conservation District Comments:



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

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

December 16, 2020

RE: COZ-0004 Bob Becker with Legends 267, LLC, CP-2 to RP-6 Plat for 267
Apartment units at 1879 Village West Parkway

Dear Mr. Hand:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the: COZ-0004 Bob Becker with Legends 267, LLC, CP-2 to RP-6 Plat for 267 Apartment units at 1879 Village West Parkway.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwelling and Small Commercial Buildings
Soil Features

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

- There are three major soil types identified: Pawnee clay loam, 4 to 8 percent slopes, eroded, Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded and Sharpsburg silty clay loam, 1 to 4 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- **The erosion control plan that is in the report is very limited.**
- **The construction entrance is at the lowest part of the development. It should be moved to the northeast corner.**
- **It appears that there is going to be a berm around the site. This will need to have sod or erosion control blanket installed on the berm when completed.**

- It appears that there is quite a bit of soil to be removed which will leave a hole.
- A plan needs to also be made for controlling and directing the water leaving the project site.
- The Best Management Practices in this report can be used to solve any erosion control problems.

The following Best Management Practices are recommended for this plat:

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

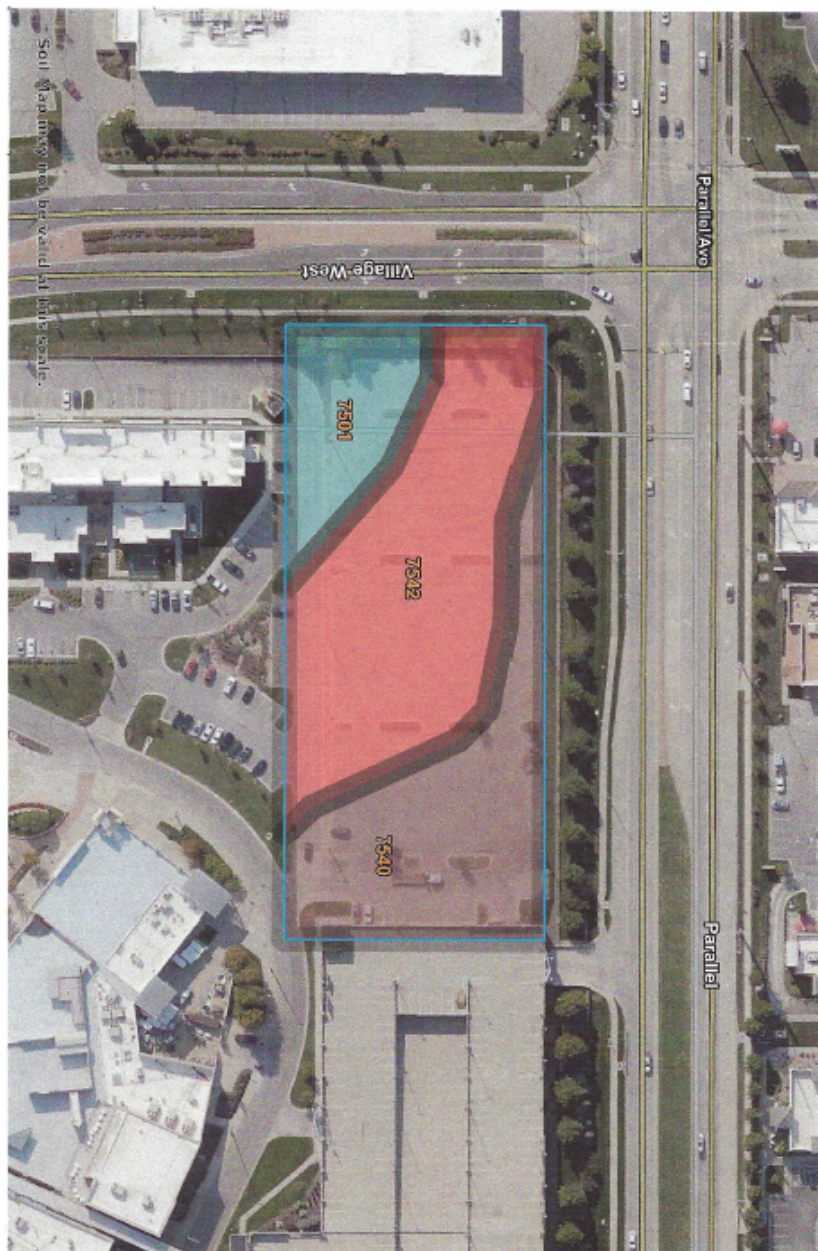
M 50 49 49 46

Map Unit Name—Wyandotte County, Kansas
(COZ-0004 PR2020-33 1879 Village West Parkway)

M 45 49 49 46

39° 7' 44" N

39° 7' 44" N

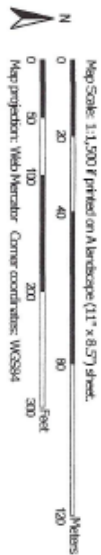


39° 7' 37" N

39° 7' 37" N

M 45 49 49 46

M 45 49 49 46



USDA
Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

12/10/2020
Page 1 of 3

MAP LEGEND

	Area of Interest (AOI)		Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded
	Area of Interest (AOI)		Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded
	Area of Interest (AOI)		Sharpsburg silty clay loam, 1 to 4 percent slopes
	Area of Interest (AOI)		Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded
	Area of Interest (AOI)		Sharpsburg silty clay loam, 1 to 4 percent slopes
	Area of Interest (AOI)		Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded
	Area of Interest (AOI)		Sharpsburg silty clay loam, 1 to 4 percent slopes
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	Area of Interest (AOI)		Sharpsburg silty clay loam, 1 to 4 percent slopes
	Area of Interest (AOI)		Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded
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	Area of Interest (AOI)		Sharpsburg silty clay loam, 1 to 4 percent slopes
	Area of Interest (AOI)		Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded
	Area of Interest (AOI)		Sharpsburg silty clay loam, 1 to 4 percent slopes

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: websoilsurvey.sc.egov.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

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

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

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

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

Date(s) aerial images were photographed: Jul 16, 2019—Sep 23, 2019

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

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7501	Pawnee clay loam, 4 to 8 percent slopes, eroded	Pawnee clay loam, 4 to 8 percent slopes, eroded	0.4	15.0%
7540	Sharpsburg silty clay loam, 1 to 4 percent slopes	Sharpsburg silty clay loam, 1 to 4 percent slopes	1.0	35.7%
7542	Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded	1.3	48.3%
Totals for Area of Interest			2.7	100.0%

Description

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

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



Soil Features

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

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

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

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

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

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

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

Report—Soil Features

Soil Features—Wyandotte County, Kansas									
Map symbol and soil name	Kind	Restrictive Layer			Subsidence		Potential for frost action	Risk of corrosion	
		Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		Low-RV-High	Range		Low-High	Low-High			
		In	In		In	In			
7501—Pawnee clay loam, 4 to 8 percent slopes, eroded									
Pawnee, eroded	—	—			0	0	Moderate	High	Moderate
7540—Sharnsburg silty clay loam, 1 to 4 percent slopes									
Sharnsburg	—	—			0	0	Moderate	High	Low
7542—Sharnsburg silty clay loam, 4 to 8 percent slopes, eroded									
Sharnsburg, eroded	—	—			0	0	Moderate	High	Low

Data Source Information

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

Dwellings and Small Commercial Buildings

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. This table shows the degree and kind of soil limitations that affect dwellings and small commercial buildings.

The ratings in the table are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development. *Not limited* indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. *Somewhat limited* indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. *Very limited* indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the table indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Small commercial buildings are structures that are less than three stories high and do not have basements. The foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility (which is inferred from the Unified classification). The properties that affect the ease and amount of excavation include flooding, depth to a water table, ponding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

Information in this table is intended for land use planning, for evaluating land use alternatives, and for planning site investigations prior to design and construction. The information, however, has limitations. For example, estimates and other data generally apply only to that part of the soil between the surface and a depth of 5 to 7 feet. Because of the map scale, small areas of different soils may be included within the mapped areas of a specific soil.

The information is not site specific and does not eliminate the need for onsite investigation of the soils or for testing and analysis by personnel experienced in the design and construction of engineering works.

Government ordinances and regulations that restrict certain land uses or impose specific design criteria were not considered in preparing the information in this table. Local ordinances and regulations should be considered in planning, in site selection, and in design.

Report—Dwellings and Small Commercial Buildings

[Onsite investigation may be needed to validate the interpretations in this table and to confirm the identity of the soil on a given site. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Dwellings and Small Commercial Buildings—Wyandotte County, Kansas							
Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7501—Pawnee clay loam, 4 to 8 percent slopes, eroded							
Pawnee, eroded	85	Very limited		Very limited		Very limited	
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Depth to saturated zone	1.00
		Shrink-swell	1.00	Shrink-swell	1.00	Shrink-swell	1.00
						Slope	0.52

Dwellings and Small Commercial Buildings—Wyandotte County, Kansas							
Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
7540—Sharpsburg silty clay loam, 1 to 4 percent slopes							
Sharpsburg	85	Very limited		Very limited		Very limited	
		Shrink-swell	1.00	Shrink-swell	1.00	Shrink-swell	1.00
				Depth to saturated zone	0.65		
7542—Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded							
Sharpsburg, eroded	85	Very limited		Very limited		Very limited	
		Shrink-swell	1.00	Shrink-swell	1.00	Shrink-swell	1.00
				Depth to saturated zone	0.65	Slope	0.52

Data Source Information

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



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

12/10/2020
Page 3 of 3

Map Unit Description (Brief, Generated)

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

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

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

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

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7501—Pawnee clay loam, 4 to 8 percent slopes, eroded

Component: Pawnee, eroded (85%)

The Pawnee, eroded component makes up 85 percent of the map unit. Slopes are 4 to 8 percent. This component is on hillslopes on uplands. The parent material consists of till. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 14 inches during March, April, May. Organic matter content in the surface horizon is about 2 percent. This component is in the R106XY074NE Clayey Upland ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 1 percent. There are no saline horizons within 30 inches of the soil surface.

Component: Morrill, eroded (5%)

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

Component: Shelby, eroded (4%)

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

Component: Grundy, eroded (3%)

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

Component: Wymore, eroded (2%)

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

Component: Typic epiaquoll (1%)

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

Map Unit: 7540—Sharpsburg silty clay loam, 1 to 4 percent slopes**Component: Sharpsburg (85%)**

The Sharpsburg component makes up 85 percent of the map unit. Slopes are 1 to 4 percent. This component is on hillslopes on uplands. The parent material consists of loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 47 inches during February, March, April, May. Organic matter content in the surface horizon is about 3 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 2e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Component: Sarcoxie (5%)

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

Component: Wymore (5%)

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

Component: Pawnee (5%)

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

Map Unit: 7542—Sharpsburg silty clay loam, 4 to 8 percent slopes, eroded**Component: Sharpsburg, eroded (85%)**

The Sharpsburg, eroded component makes up 85 percent of the map unit. Slopes are 4 to 8 percent. This component is on hillslopes on uplands. The parent material consists of loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 47 inches during February, March, April, May. Organic matter content in the surface horizon is about 3 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 3e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Component: Sarcoxie, eroded (8%)

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

Component: Shelby, eroded (5%)

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

Component: Grundy, eroded (2%)

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

Data Source Information

Soil Survey Area: Wyandotte County, Kansas

Survey Area Data: Version 14, Jun 10, 2020

Neighborhood Meeting Documentation:

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

Comes now Aaron G. March, Esq, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # COZ-0004 & PR2020-33.
2. That I conducted a neighborhood meeting on December 22, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Aaron G. March
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23rd day of Dec, 2020.
My commission expires 28th of Feb, 2023.



KATHY A. BURRISON
My Commission Expires
February 28, 2023
Jackson County
Commission #13920164

Kathy A. Burrison
Notary Public

Case # COZ-0004 and PR2020-33: 1879 Village West Pkwy - Legends Village West Apartments
Neighborhood Meeting
Tuesday, December 22, 2020
Held via Zoom

Attendees:

- Brian McDermott, Luke Draily Construction Company
- Luke Becker, Legends 267, L.L.C.
- Lance Scott, CFS Engineers
- Scott M. Rosemann, Rosemann & Associates
- Ben Mahala, Rosemann & Associates
- Aaron March, Rouse Frets White Goss Gentile Rhodes, P.C.
- Steven Lucas, Rouse Frets White Goss Gentile Rhodes, P.C.
- Kellee Madinger, Paralegal with Rouse Frets White Goss Gentile Rhodes, P.C.

Zoom Meeting began at 5:00

Meeting adjourned at 5:10 as the only attendees were part of the development team.

Minutes taken by Kellee Madinger, Paralegal

December 10, 2020

VIA U.S. MAIL

Adjacent Neighbors

Re: Legends at Village West Apartments - Neighborhood Meeting

Dear Adjacent Neighbors:

We represent Legends 267, L.L.C., concerning the apartment project and parking garage proposed to be built at 1879 Village West Parkway, Kansas City, Kansas, generally located on the southeast corner of Parallel Parkway and Village West Parkway.

We have filed applications with the Department of Urban Planning and Land Use of the Unified Government of Wyandotte County and Kansas City, Kansas, Case #COZ-0004 and PR2020-33, to: 1) amend the proposed land use from Planned Commercial to High Density Residential, 2) rezone from CP-2, planned general business district, to RP-6, planned high-rise apartment district, and 3) approve a final site plan to allow for high-density multifamily residential and a parking garage.

The applications to approve the land use amendment, rezoning and final site plan will be heard by the Planning Commission on January 11, 2021. A copy of the site plan is enclosed.

We are holding a neighborhood meeting on Tuesday, December 22, 2020 at 5 p.m. to be held via Zoom to answer any questions you might have. Join the Zoom Meeting at <https://zoom.us/join> using the following information:

Meeting ID: 810 3873 4127

Passcode: 469517

Or dial: 312-626-6799

The purpose of this meeting is for you to learn more about the proposal and to answer any questions/concerns you may have.

We look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address below or phone number listed above.

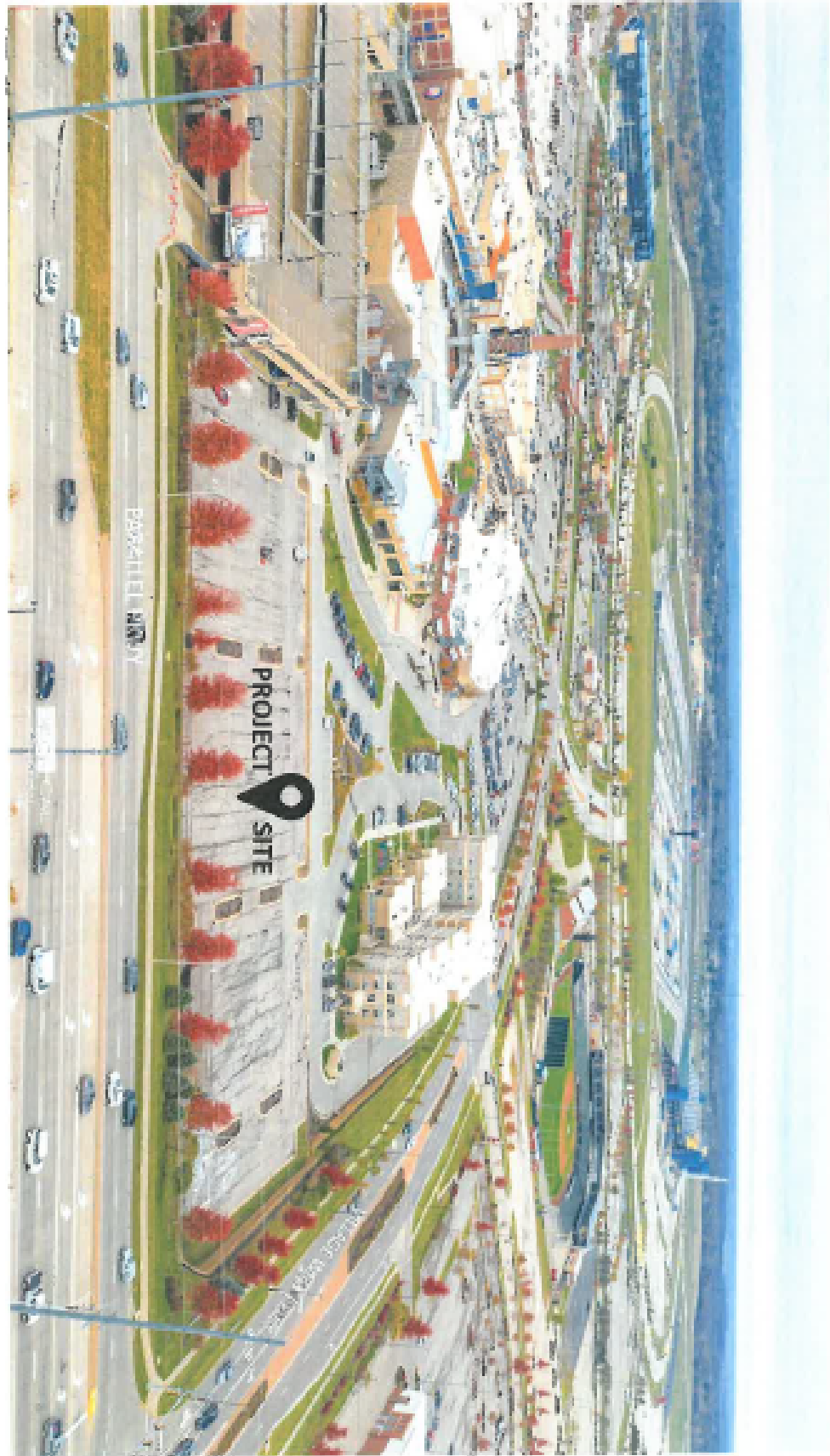
Very truly yours,



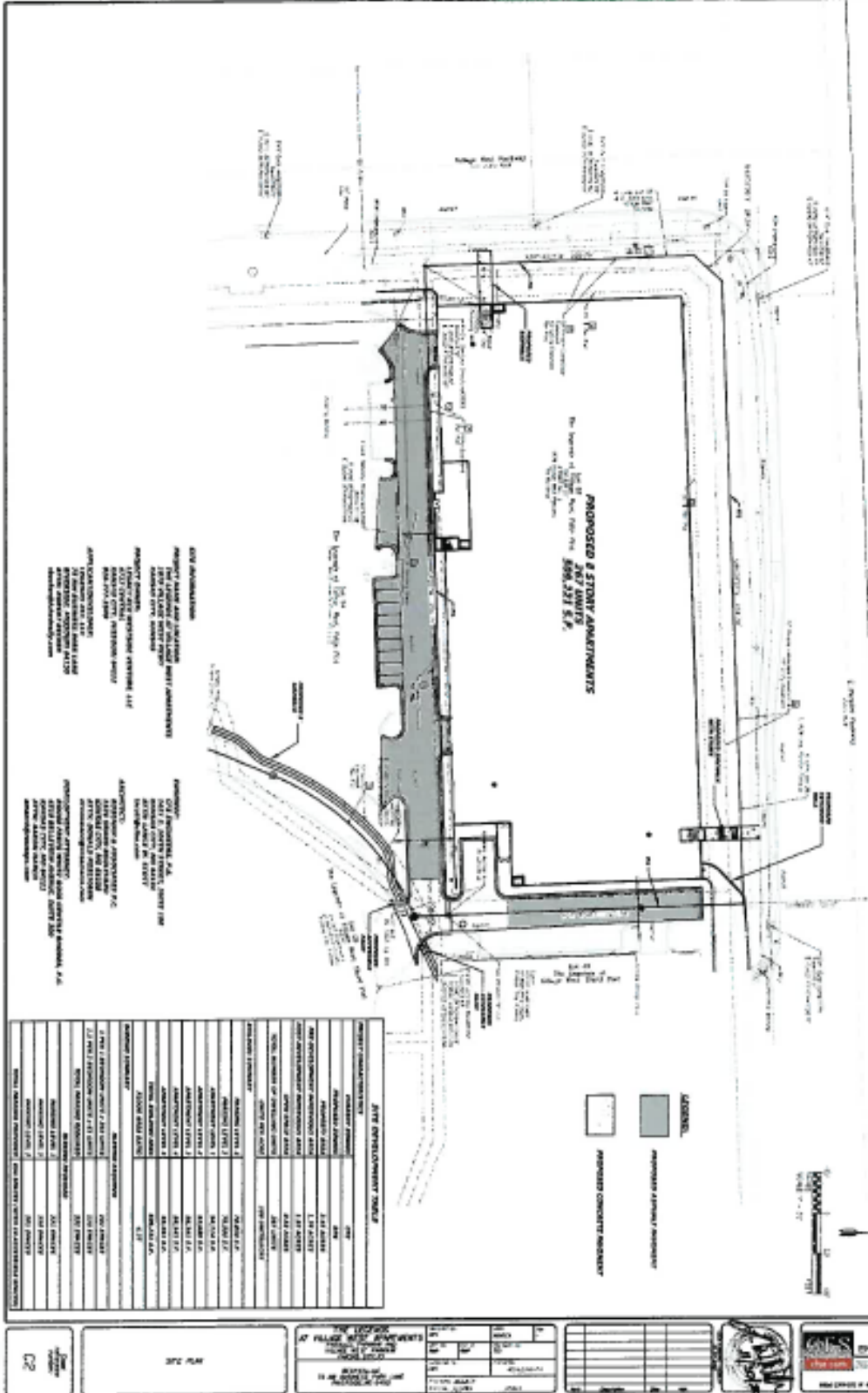
Aaron G. March

AGM:krm
Enclosures

cc: Commissioner Jim Walters, w/ encl.
Commissioner Tom Burroughs, w/ encl.
Legends 267, LLC (Bob Becker), w/ encl.
Rubenstein Real Estate, w/ encl.
MS 0555, w/ encl.
Chick-Fil-A Inc, w/ encl.
CLNM Holdings, LLC, w/ encl.
CMT Speedway LLC, w/ encl.
Walton Street Capital LLC, w/ encl.
Legacy KCK Westside Venture, LLC, w/ encl.
Paradigm Tax Group, w/ encl.
Property Tax Dept TPN-0950, w/ encl.
Rainbow Texas Tom LLC, w/ encl.
Target Corporation, w/ encl.
W-LD Legends Owner VII, L.L.C., w/ encl.
Wal Mart Real Estate Business Trust
Ms. Shana Shanteau, via e-mail sshanteau@wycokck.org, w/ encl.
Ms. Janet Parker, via e-mail jparker@wycokck.org, w/encl.
Urban Planning and Land Use Dept., via e-mail Planninginfo@wycokck.org, w/ encl.
Steven M. Lucas, Esq., via e-mail, w/ encl.
Ms. Kellee R. Madinger, via e-mail, w/ encl.



THE LEGENDS AT VILLAGE WEST APARTMENTS PRELIMINARY/FINAL DEVELOPMENT PLAN



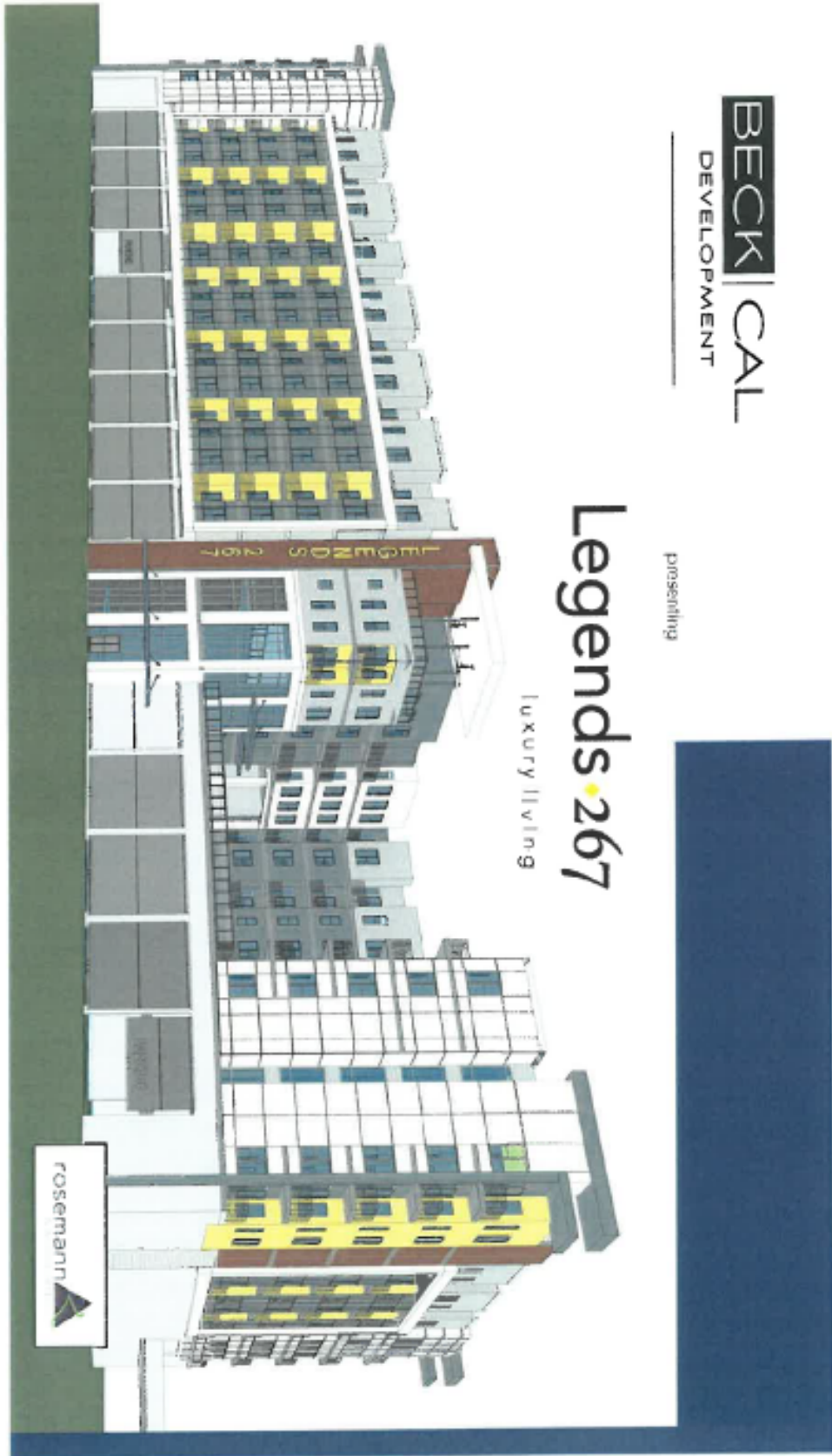


BECK | CAL
DEVELOPMENT

presenting

Legends 267

luxury living



PROJECT DESCRIPTION

Legends 267

PROJECT

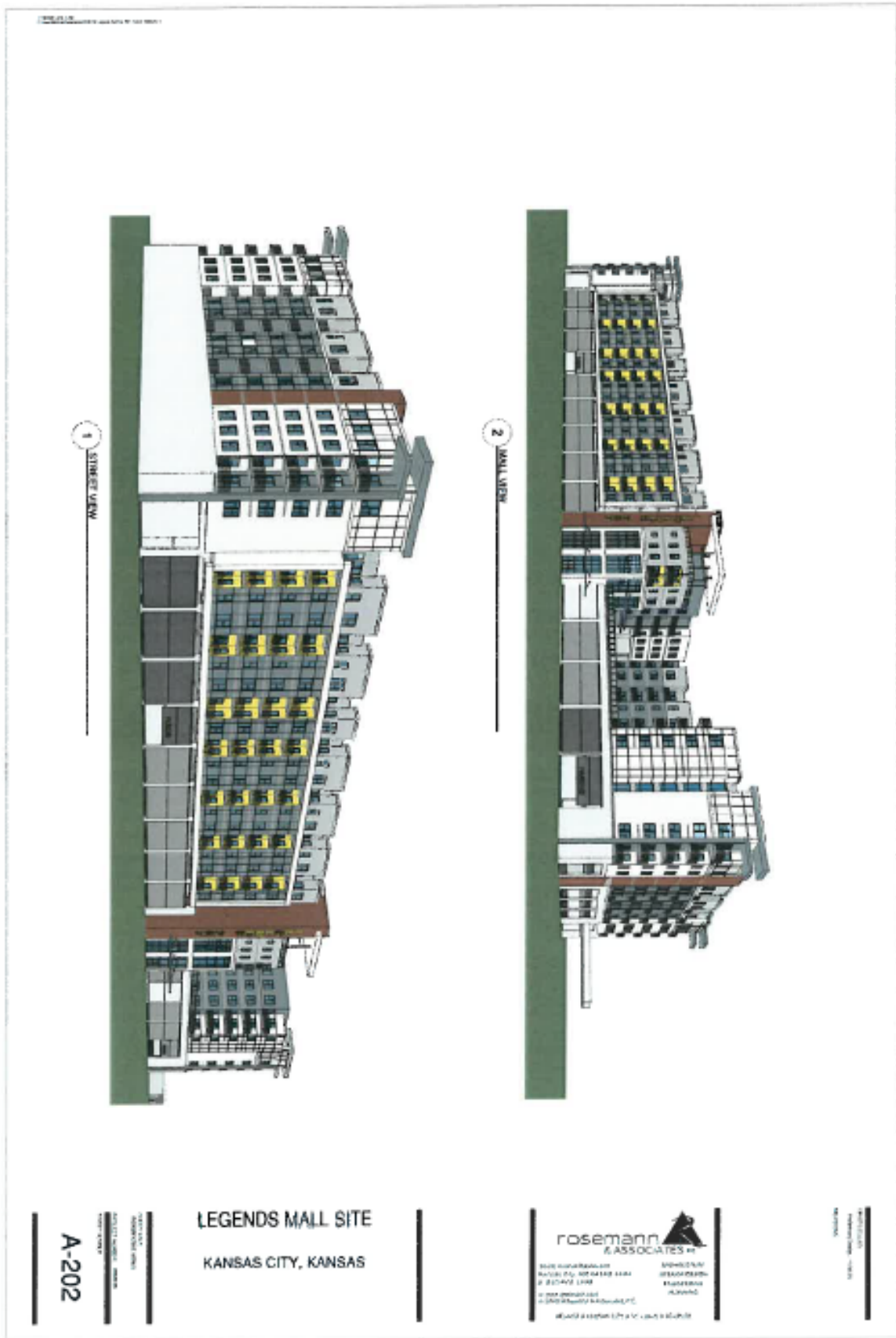
- 267 Units of Class A Urban Style Luxury Apartments
- One & Two Bedroom High End Market Units
- Parking Garage – Fully Covered



AMENITIES

- Clubhouse with coffee bar
- Zero Entry Pool – Cabanas
- Firepits
- Grill Stations
- Bar and Sky Lounge
- Gym Facility
- Yoga Studio & Sauna
- Poolside TVs
- Cross-courtyard indoor / outdoor entertainment area
- Pet Park and wash station
- Conference / Study workspace
- Outdoor Courtyard Games Space







Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: **Petition #PR2020-34**

GENERAL INFORMATION

Applicant:
Scannell Properties #459, LLC

Status of Applicant:
Representative
Seth Reece with Olsson Associates
7301 West 133rd Street, Suite 200
Overland Park, KS 66213

Requested Action:
Approval of Preliminary Development
Plan

Date of Application:
November 30, 2020

Purpose:
To build a 3,392,985 square foot
warehouse and distribution buildings and
49,290 square foot commercial retail
buildings.



Property Location:	9700 Leavenworth Road, Kansas City, Kansas 66109		
Existing Zoning:	MP-2 Planned General Industrial and CP-1 Planned Limited Business Districts		
Commission District:	Commissioner At Large: Melissa Bynum District #5 Commissioner: Michael (Mike) Kane		
Surrounding Zoning:	North:	A-G Agriculture and R-1 Single Family Districts	
	South:	A-G Agriculture District	
	East:	R-1 Single Family, CP-1 Planned Limited Business and CP-2 Planned General Business Districts	
	West:	A-G Agriculture, R-1 Single Family and CP-2 Planned General Business Districts	
Existing Uses:	North:	Single family homes (across Hurrelbrink Road)	
	South:	Large lot single family homes (across Leavenworth Road)	
	East:	Wyandotte County Lake Park, a commercial event center and single-family homes	
	West:	Single family homes (across North 99 th Street)	
Total Tract Size:	431.75 Acres		
Master Plan Area:	Prairie Delaware Piper Master Plan		
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Business Park, which allows manufacturing, light industrial uses, distribution-warehouse, trucking and other employment activity.		
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class A Thoroughfare.		
	The Prairie Delaware Piper Master Plan classifies 99 th Street as a Major Arterial.		
Required Parking:	For buildings larger than 50,000 square feet, parking is determined by the Director of Planning. Where questions arise concerning increments over 50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the Planning Commission. Scannell Properties #436, LLC is providing 2,572 parking spaces for the industrial buildings and 277 parking spaces for the commercial buildings.		

Advertisement:	Property Owner Letters – December 16, 2020 and January 21, 2021 <u>Wyandotte Echo</u> – None Required
Public Hearings:	January 21, 2021 and January 28, 2021
Public Support:	None.
Public Opposition:	Staff received e-mails of concern from residents on 99 th Street from the construction of Building A. Staff received e-mails and phone calls in opposition to the change of zone, however none to date regarding the final development plan. There were two (2) people that spoke at the January 11, 2021 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Scannell Properties #436, LLC, applied for an amended preliminary development plan and preliminary plat for six (6) industrial lots to build six distribution and warehouse buildings totaling 3,392,985 square feet and multiple commercial retail buildings totaling 49,290 square feet on 431.75 acres at 9700 Leavenworth Road. This is a change from five (5) industrial buildings totaling 3,148,613 square feet, multiple commercial retail buildings totaling 51,000 square feet and access change on North 99th Street as originally approved.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The area is dominated by the vacant Woodlands facility, which is currently being developed. Other prominent features include large lot residences to the north and south, an established single-family neighborhood to the west and Wyandotte County Lake Park to the east.

2. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems. Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

The Major Street Plan classifies Leavenworth Road as a Class A Thoroughfare and Hurrelbrink Road as a Parkway. The Master Plan classifies North 99th Street as a Major Arterial, internal streets will be designed so as to provide a safe,

convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

Planning Engineering Staff and Public Works have concerns about this development's ingress/egress onto 99th Street if their alignment shifts north with driveways within the established single-family neighborhood. As currently proposed, the ingress/egress is strictly for emergency vehicles only and shall be gated.

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

The proposed use conforms to the Prairie Delaware Piper Master Plan, which is designated a Business Park.

4. *The capability of the proposed use to meet applicable ordinance and other requirements.*

The proposed use is capable of meeting applicable ordinance and other requirements.

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

The development can be used safely without danger to health, flood, or erosion. Excessive noise, parking lot and building lighting, and headlights will be further mitigated by an increased berm, landscaping and lowering the buildings into the development site.

Stormwater detention basins are being created to temporarily stockpile excess stormwater overflow for Building A, protecting Wyandotte County Lake Park from flooding and runoff from the site.

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

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code.

d. Police

Police service provided by West Patrol, District #223.

e. Fire

Fire service provided by Station #4 located at 81st Street and Leavenworth Road.

f. Transit

Kansas City ATA provides transit service along Leavenworth Road, Route #113 with a transit stop proposed at the neighborhood retail center.

g. Schools

Public education is provided by Piper USD 203.

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

The building and streets will be arranged as to afford adequate light, and open space to facilitate fire protection because substantial screening vegetation will be planted and kept along Leavenworth Road and the western and northern property line.

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

Staff had previous conversations with the applicant to shield and screen the distribution center from Leavenworth Road, 99th Street, Hurrelbrink Road and 91st Street by using the existing topography and berms on site based on the existing racetrack. Based on the plans, due regard to topography was thought about with Bennett Lake, the buildings should not be visible from Leavenworth Road.

With the amended preliminary development plan, the same level of detail and regard to protecting the natural features of the land and preserving as much of the 250-foot berm along North 99th Street as possible. Buildings B, C, D, E, and F shall be screened from public view along Leavenworth Road, hidden from residences along North 99th Street and Hurrelbrink Road.

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

The southeast corner of the development site around Bennett Lake and Marshall Creek is in the initial discussions will be dedicated to the Parks Department as a linkage to Wyandotte County Lake Park with trails on all four sides as a part of the development agreement.

The remaining perimeter of the development have trails that comply with the Sidewalk and Trails Master Plan with trails along Leavenworth Road, North 99th Street and Hurrelbrink Road all linking towards Wyandotte County Lake Park.

PREVIOUS ACTIONS

The change of zone (#3226) and Woodlands Redevelopment Preliminary Plat and master plan amendment (M-2020-5) were approved by the City Planning Commission on July 13, 2020 and Unified Government Board of Commissioners on July 30, 2020.

The final development plan (#PR-2020-34) and final plat for Building A was approved by the City Planning Commission on September 14, 2020.

The site was approved to be a pari-mutuel racing facility in 2016, after a change in ownership which was initially approved in 1987.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 22, 2020 by in-person meeting at Painted Hills Golf Club – 7101 Parallel Parkway. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant. Based on the neighborhood meeting minutes, opposition to the revised preliminary development plan has been expressed.

KEY ISSUES

Preservation of Ridge Lines and Natural Features
Noise
Compliance with the Sidewalk and Trails Master Plan
Building Design
Landscaping and Screening
Wetlands Protection
Traffic
Lighting and Glare
Construction Traffic, Noise, Glare and Staging

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Plan Review #PR2020-34, subject to:

1. **Rectify ongoing construction related issues:**
 - a. **Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24 hour advance notice to the Unified Government Planning & Urban Design office of any large scale after hours operations.**
 - b. **No construction heavy truck traffic other than employee parking traffic (i.e. restrict) off North 99th Street.**
 - c. **No glare off lights on adjacent houses and towards public rights-of-way.**
 - d. **The construction job trailers, and associated parking shall remain in its current location, as not to relocate with construction of each subsequent phase of development.**
 - e. **Batch plant is hidden from view by the existing berm.**

- Staff has received complaints from adjacent residents about the dust, trash, noise, glare, hours of construction with the construction of Building A. For the remaining buildings yet to be constructed within the project site, dust/dirt, trash, noise, glare must be minimized to not be intrusive in the single-family residences that border the site to the north, west and south;
2. **Per Business Licensing Department: Occupying businesses will need to file and maintain a current business occupation tax application with the Business License Division;**
 3. **Staff discussed with the applicant about constructing a five (5) foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.**

- The five (5) foot trail surface will be decomposed limestone which will cause less disturbance to the existing tree line;
4. **A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail);**
 5. **Sidewalks shall be installed on both sides of the streets throughout the development. For reference, see the Turner Logistics Center industrial business park;**
 6. **Truck traffic on North 99th Street is not permitted. Additional signage shall be posted. Coordination with truck drivers to the distribution center is required;**

7. The building orientation and layout have changed from the original preliminary development plant. Provide an updated photometric plan;
8. There are two (2) access points on North 99th Street. The southern ingress/egress is to serve the retail node as originally approved and aligned with the commercial zoned property west on 99th Street. The northern ingress/egress is a gated, serpentine emergency access point, reserved for KCKFD and not the public;
9. Downspouts shall be internalized;
10. The width of the 250-foot berm that will be cut into with the construction of Buildings B, C, D, E, and F shall screen these buildings from North 99th Street and the residences that border this development;
 - a. Lot 4 Building D:
 Berm Width varies from 77 feet to 270 feet wide.
 Berm Height from the centerline grade 99th Street varies from 14 feet to 32 feet high.
 - b. Lot 5 Building E:
 Berm Width varies from 100 feet to 170 feet wide
 Berm Height from the centerline grade 99th Street varies from 11 feet to 18 feet high.
 - c. Lot 6 Building F:
 Berm Width varies from 180 feet to 190 feet wide
 Berm Height from the centerline grade of 99th Street varies from 8 feet to 22 feet high.
11. Protect existing ridge lines within the development to further assist in screening the development from the perimeter, in addition to preserving existing trees stands and underlying vegetation on site;
12. The sight light perspective is measured at six (6) feet in height. No building, trailer parking or employee parking shall be visible from the perimeter of the development as the adjacently zoned properties are A-G Agriculture and R-1 Single Family Districts;
13. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center. No fences shall be on top of berms or seen from street to maintain the wood character.

The site for the proposed development is 192.25 acres, excluding Building A site, 837 trees are required based on acreage and exclusive of the street tree and parking lot island tree requirements for the lots zoned MP-2 Planned General Industrial District;

14. 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;
15. All landscaping shall be irrigated;

16. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
17. 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;
18. 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 (not perforated);
19. 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;
20. 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;
21. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
22. Shall comply with the sign ordinance;
23. Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.

- A mitigation measure that has been proposed and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four (4) foot open fence, in the front yard, so a variance is required if the proposed fence is taller than four (4) feet or is solid or opaque; and,
24. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **PR2020-34** subject to all comments and suggestions outlined in the staff reports, and the conditions of the City Planning Commission.

ATTACHMENTS

January 11, 2021 City Planning Commission Minutes
Land Use Map
Aerial Photography
Local Trail Adjacent to Existing Road Cross Section
Applicant Response Letter
Neighborhood Meeting Minutes
Final Plat
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Sight Line Cross Sections
Building Elevations
Building Renderings
Site Photographs provided by Staff dated July 2020

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Preliminary Plan	January 11, 2021 Approval	January 28, 2021

STAFF CONTACT: **Byron Toy, AICP**
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **#PR2020-34** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **#PR2020-34** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

January 11, 2021 City Planning Commission Minutes:

Hearing starts at 3:36:45:

PLAT2020-003 – SHAUN COFER WITH SCANNELL PROPERTIES #459 –

SNYOPSIS: Preliminary Plat for eleven (11) lots at 9700 Leavenworth Road.

PLAN REVIEW APPLICATION #PR2020-34 – SHAUN COFER WITH SCANNELL

PROPERTIES #459 – SYNOPSIS: Preliminary Plan Review for a business park and neighborhood retail center at 9700 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Scannell Properties #436, LLC ,applied for an amended preliminary development plan and preliminary plat for six (6) industrial lots to build six distribution and warehouse buildings totaling 3,392,985 square feet and multiple commercial retail buildings totaling 49,290 square feet on 431.75 acres at 9700 Leavenworth Road. This is a change from five (5) industrial buildings totaling 3,148,613 square feet, multiple commercial retail buildings totaling 51,000 square feet and access change on North 99th Street as originally approved.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated January 11, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

Present in Support:

- Shaun Cofer, Scannell Properties, 8801 River Crossing, Indianapolis, Indiana
- Seth Reece

Present in Opposition:

- Joe Barnes, 9828 Hurrelbrink Road, Kansas City, Kansas (only opposition is the trail along Hurrelbrink Road)
- Karen Lauber, 3120 North 99th Street, Kansas City, Kansas

Staff Recommendation starts at 4:00:45: Planning Director Hand stated that it is important to note that the change from the initial approval is related to the access, proposing to build six (6) buildings instead of five (5) buildings and an increase in the overall square footage of the project. He stated staff has worked with the applicant to mitigate this change and address other construction related issues. The original access was only into the retail node; now it is proposed to be a full access to the entire business park. To mitigate increased traffic on North 99th Street, staff still has the requirement for truck traffic to only go along Leavenworth Road and be prohibited from using 99th Street. Staff has included all the original conditions of approval for the Change of Zone, including the trails, sidewalks, screens and other public improvements. Because of the building arrangements, what has changed is the size and shape of the berms. The result of the screening along 99th Street will remain the same post-construction. The northern access on 99th Street was always for emergency vehicles and the design has been changed so it will look more like a meandering driveway. That access cannot be eliminated because of the compliance with the Fire Code. Director Hand further stated that the commercial access further down on 99th Street will be used for the entire site. Construction has been going on for a couple of months and that means and methods of the construction site is left to the deference of the applicant and construction company. Enough comments and complaints related to construction from the neighbors has been received that staff has worked with the applicant to define additional conditions of approval specifically at it relates to the construction of the project. Staff believes that the conditions will hold the applicant accountable during the construction of the project. He stated that the commercial node is a placeholder for when the final plans are submitted and the project will reflect the Prairie Delaware Piper Master Plan vision which is a far more walkable retail node. These are significant changes, that will go all the way through City Planning Commission and Board of Commissioners for approval. He stated that the traffic light has not been approved by KDOT at this time, but there will be traffic calming in place. Each time the applicant comes in with a final development plan, the traffic study information will need to be updated. There will be more traffic on 99th Street, but it will not impact the capacity of the need to handle it. With the construction conditions and the original conditions includes, staff recommends approval of these applications subject to the conditions in the staff report.

NOTE: Chairman Carson allowed additional comments to be made by the people in opposition and the applicant. There was conversation/questions between the members and staff concerning the changes that are being proposed.

Motion and Vote starts at 4:29:01:

On motion by Mr. Connelly, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE Preliminary Plat PLAT2020-003 subject to the comments in the staff report:**

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

Motion to APPROVE Passed: 7 to 0

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Plan Review Application PR2020-34 subject to the originally approved:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Reasons	No Present

Motion to recommend APPROVAL Passed: 7 to 0

1. **Rectify ongoing construction related issues:**
 - a. **Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24 hour advance notice to the Unified Government Planning & Urban Design office of any large scale after hours operations.**
 - b. **No construction heavy truck traffic other than employee parking traffic (i.e. restrict) off North 99th Street.**
 - c. **No glare off lights on adjacent houses and towards public rights-of-way.**

- d. The construction job trailers, and associated parking shall remain in its current location, as not to relocate with construction of each subsequent phase of development.
- e. Batch plant is hidden from view by the existing berm.

Staff has received complaints from adjacent residents about the dust, trash, noise, glare, hours of construction with the construction of Building A. For the remaining buildings yet to be constructed within the project site, dust/dirt, trash, noise, glare must be minimized to not be intrusive in the single-family residences that border the site to the north, west and south;

- 2. Per Business Licensing Department: Occupying businesses will need to file and maintain a current business occupation tax application with the Business License Division;
- 3. Staff discussed with the applicant about constructing a five (5) foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.

The five (5) foot trail surface will be decomposed limestone which will cause less disturbance to the existing tree line;

- 4. A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail);
- 5. Sidewalks shall be installed on both sides of the streets throughout the development. For reference, see the Turner Logistics Center industrial business park;
- 6. Truck traffic on North 99th Street is not permitted. Additional signage shall be posted. Coordination with truck drivers to the distribution center is required;
- 7. The building orientation and layout have changed from the original preliminary development plant. Provide an updated photometric plan;
- 8. There are two (2) access points on North 99th Street. The southern ingress/egress is to serve the retail node as originally approved and aligned with the commercial zoned property west on 99th Street. The northern ingress/egress is a gated, serpentine emergency access point, reserved for KCKFD and not the public;
- 9. Downspouts shall be internalized;
- 10. The width of the 250-foot berm that will be cut into with the construction of Buildings B, C, D, E, and F shall screen these buildings from North 99th Street and the residences that border this development;

a. Lot 4 Building D:

Berm Width varies from 77 feet to 270 feet wide.

Berm Height from the centerline grade 99th Street varies from 14 feet to 32 feet high.

b. Lot 5 Building E:

Berm Width varies from 100 feet to 170 feet wide

Berm Height from the centerline grade 99th Street varies from 11 feet to 18 feet high.

c. Lot 6 Building F:

Berm Width varies from 180 feet to 190 feet wide

Berm Height from the centerline grade of 99th Street varies from 8 feet to 22 feet high.

- 11. Protect existing ridge lines within the development to further assist in screening the development from the perimeter, in addition to preserving existing trees stands and underlying vegetation on site;**
- 12. The sight light perspective is measured at six (6) feet in height. No building, trailer parking or employee parking shall be visible from the perimeter of the development as the adjacently zoned properties are A-G Agriculture and R-1 Single Family Districts;**
- 13. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center. No fences shall be on top of berms or seen from street to maintain the wood character.**

The site for the proposed development is 192.25 acres, excluding Building A site, 837 trees are required based on acreage and exclusive of the street tree and parking lot island tree requirements for the lots zoned MP-2 Planned General Industrial District;

- 14. 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;**
- 15. All landscaping shall be irrigated;**
- 16. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;****
- 17. 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;**
- 18. 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 (not perforated);**
- 19. 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;
20. 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;
 21. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
 22. Shall comply with the sign ordinance;
 23. Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.

- A mitigation measure that has been proposed and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four (4) foot open fence, in the front yard, so a variance is required if the proposed fence is taller than four (4) feet or is solid or opaque; and,
24. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable.

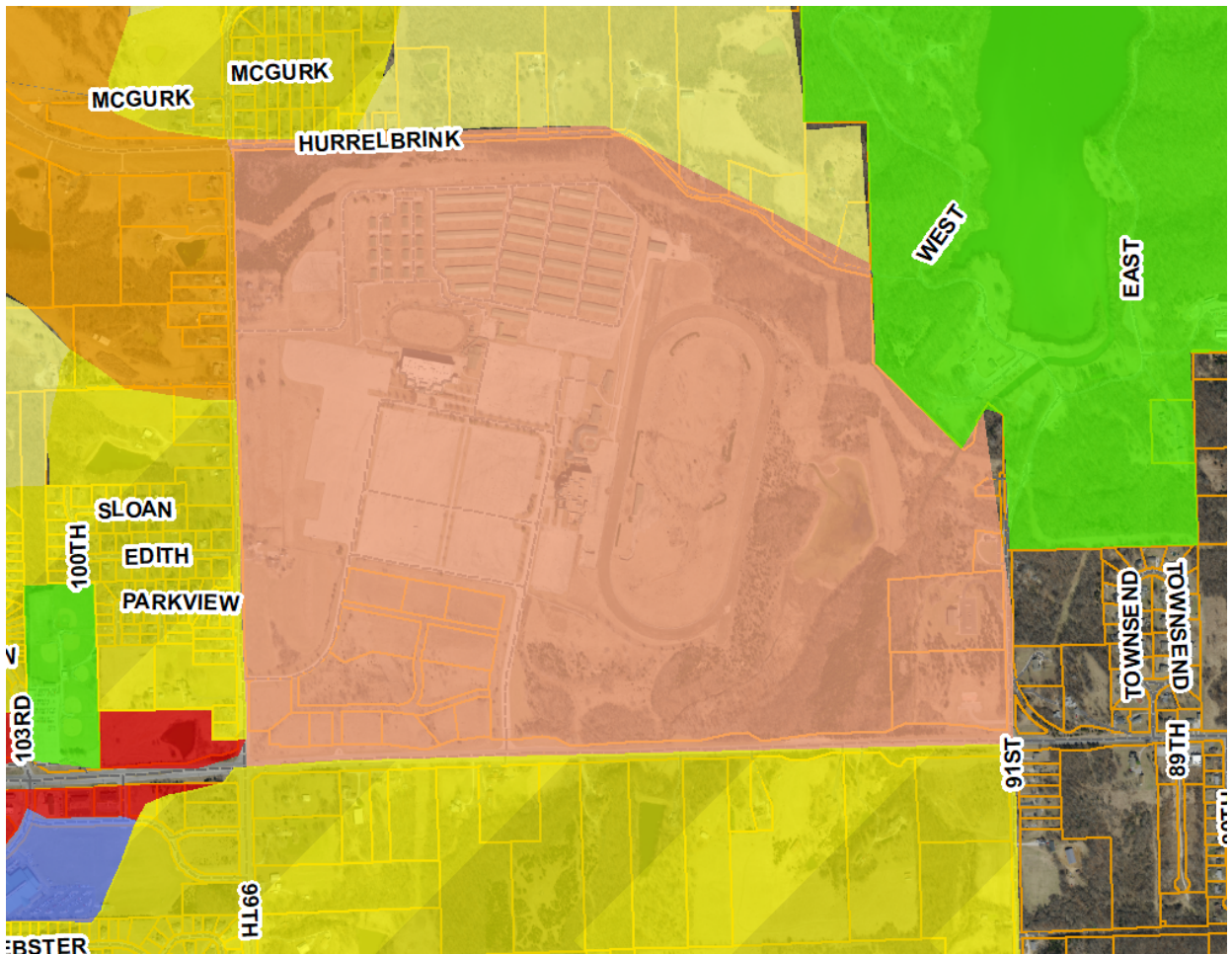


Figure 1. Prairie Delaware Piper Master Plan of 9700 Leavenworth Road (provided by ArcMap).

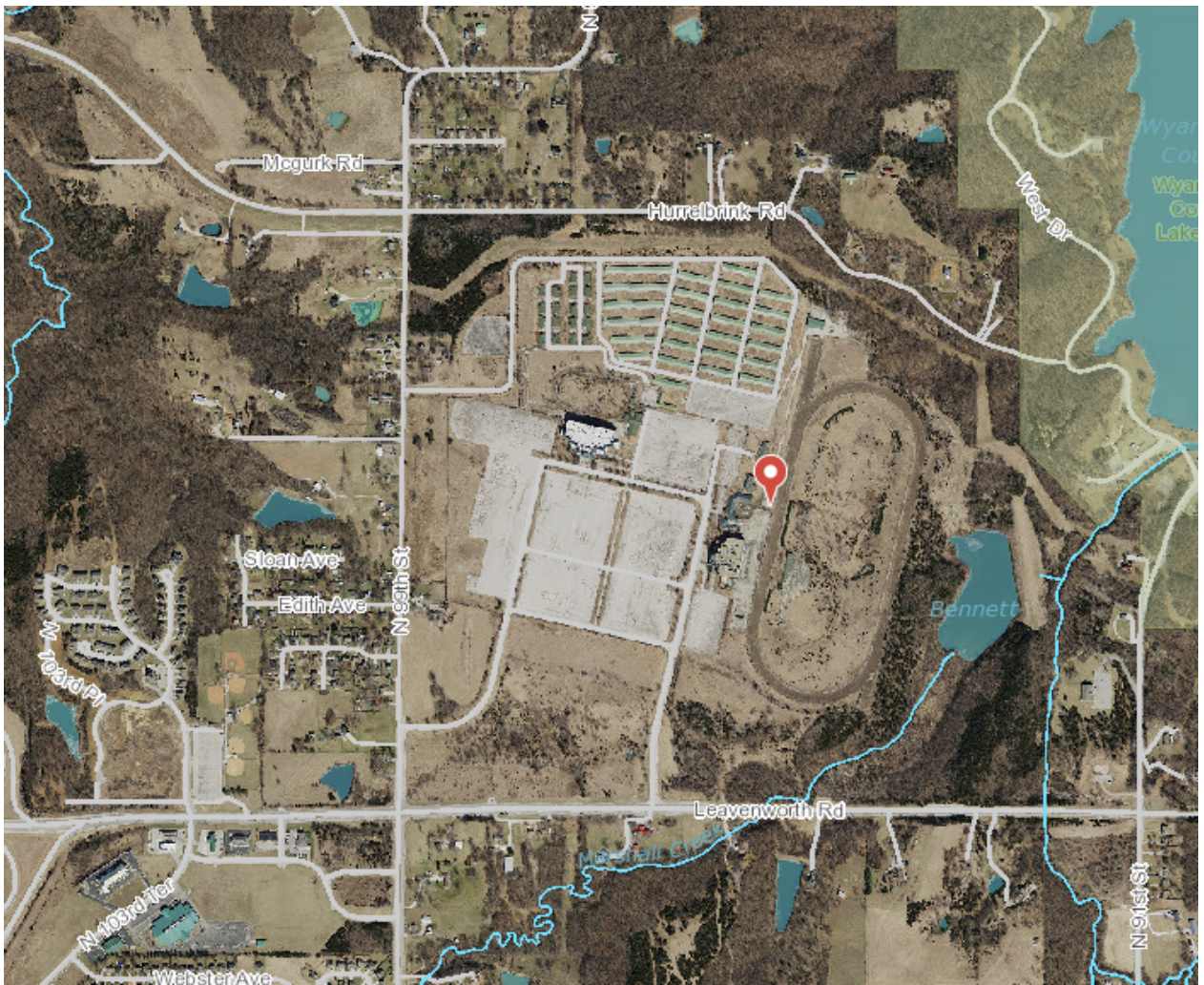
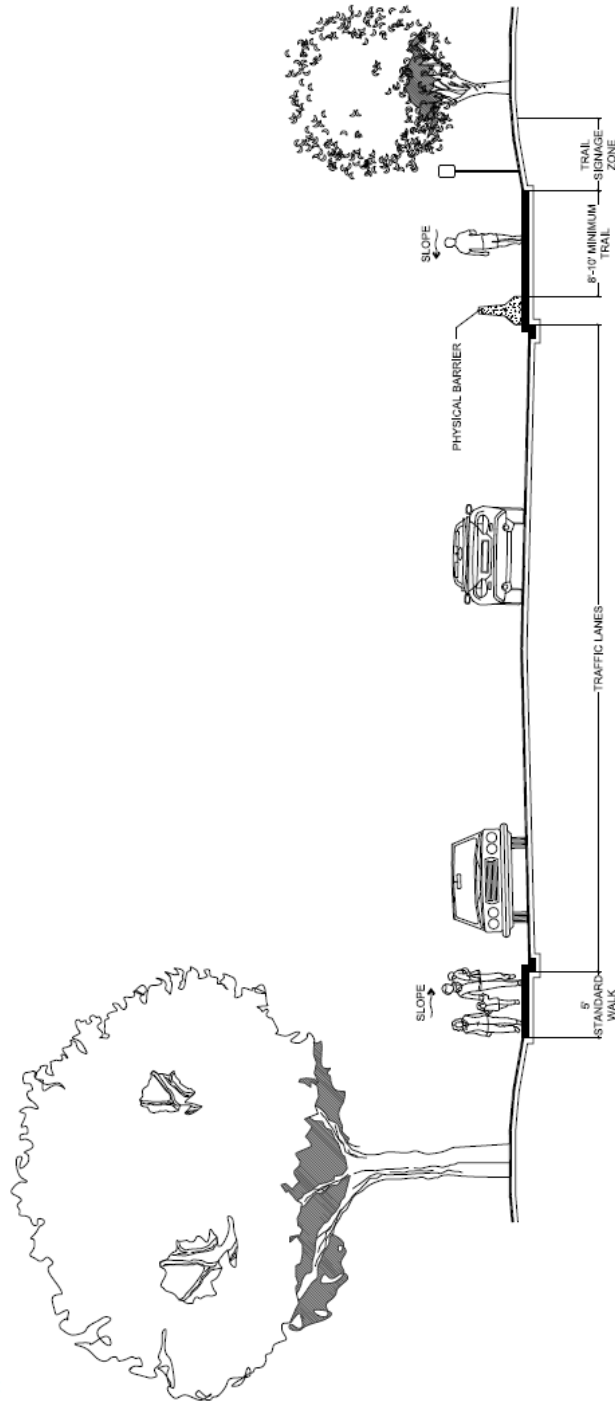


Figure 2. Aerial photograph of 9700 Leavenworth Road (provided by UG Maps).

Figure 7.4: Local Trail Adjacent to Existing Road
Typical Cross Section



Local trails provide connections to neighborhoods and local destinations. For the most part, these trails are adjacent to existing roads in developed areas with limited right-of-way. Like regional trails, a width of 10-feet is preferred to accommodate pedestrians and less experienced cyclists. In sections with limited right-of-way, 8-feet may be accepted. A green space buffer is preferred between the roadway and trail, however, where space is limited, a physical barrier or railing should be considered.



Noise
Compliance with the Sidewalk and Trails Master Plan
Building Design
Landscaping and Screening
Wetlands Protection
Traffic
Lighting and Glare
Construction Traffic, Noise, Glare and Staging

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. Rectify ongoing construction related issues:

The submitted Revised Preliminary Plan is for the development of the entire project site. Permits and approvals have occurred for the project Superbowl construction and the owner and contractor have and will continue to work with the city and neighbors with that project. The revised Preliminary Plan should not provide additional restrictions on the project Superbowl project since it has already been approved and is under construction.

- a. Hours of operation for construction shall be from 7:00 AM to 7:00 PM.
- b. No construction traffic other than employee parking traffic (i.e. restrict) off North 99th Street.
- c. No glare off lights on adjacent houses.
- d. No trailer fronting adjacent to North 99th Street.
- e. No batch plant for onsite construction adjacent to 99th Street.

Acknowledged

2. Per Business Licensing Department: Occupying businesses will need to file and maintain a current business occupation tax application with the Business License Division.

Acknowledged, a 5 foot gravel trail will be provided along Hurrelbrink Road as was outlined with the Superbowl final plans.

3. Staff discussed with the applicant about constructing a five (5) foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.

The five (5) foot trail surface will be decomposed limestone which will cause less disturbance to the existing tree line.

Acknowledged, a 5 foot sidewalk will be provided on the east side of 99th Street as was outlined with the Superbowl final plans.

4. A five (5) foot sidewalk is required to be constructed along 99th Street and a ten (10) foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail).

Acknowledged.

5. Sidewalks shall be installed on both sides of the streets throughout the development. For reference, see the Turner Logistics Center industrial business park.

Acknowledged.

6. Truck traffic on North 99th Street is not permitted. Additional signage shall be posted. Coordination with truck drivers to the distribution center is required.

Acknowledged. An updated photometric plan has been provided with the revised Preliminary Plan.

7. The building orientation and layout have changed from the original preliminary development plan. Provide an updated photometric plan.

This comment should be removed from the staff report. The proposed Revised Preliminary Plan is addressing this comment. Public notices have been provided as required.

8. Staff understands there have been discussions with KDKFD, but the change of zone plan that was approved did not include an entry/exit on North 99th Street other than for emergency vehicles only (gated). If a new entrance along North 99th Street is proposed as a secondary ingress/egress, staff needs to re-notice that this petition as a preliminary and final plan.

Building Architecture:

Acknowledged.

Acknowledged. The elevation for D, E and F will be the same as Buildings C and D. These building elevations will be provided as each building moves into final plans. The retail buildings will be provided as the project moves forward as was outlined in the original rezoning for the property.

1. Downspouts shall be internalized.
2. Elevations are provided for Buildings A and B. General elevations are provided for Building C; however, no elevations are provided by Buildings D, E, F and the retail buildings along Leavenworth Road.

Landscaping and Screening:

The existing berm along 99th Street will be reduced in width but the height will screen the development as was noted in the original rezoning and is still the case with the revised Preliminary Plan. The existing 250 foot wide berm will be reworked as is outlined in the proposed plans.

The property will be graded to accommodate the proposed development with careful consideration to the views into the development. Undisturbed ridge lines and vegetation will be preserved to further screen the development.

The sight lines cross sections provided in the plans are taken from a 6 foot height.

See Landscaping and Screening requirements table on L1.00. Tree quantities meet the City's minimum requirements for M and C districts and are provided on plans for each lot.

1. The 250-foot berm along North 99th Street and Building C, D, E, and F shall be preserved during construction. The berm does not affect the screening of Building A, but cutting into the berm's slope will most definitely affect the visibility of Building B, C, D, E and F for the residents west of North 99th Street.
2. Protect existing ridge lines within the development to further assist in screening the development from the perimeter, in addition to preserving existing trees stands and underlying vegetation on site.
3. What is the height of the perspective taken for the sight line cross sections? Is the height based on the walking public, sitting standard passenger car, SUV or truck? No building, trailer parking or employee parking shall be visible from the perimeter of the development as the adjacently zoned properties are A-G Agriculture and R-1 Single Family Districts.
4. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center. No fences shall be on top of berms or seen from street to maintain the wood character.

The site for the proposed development is 192.25 acres, excluding Building A site, 837 trees are required based on acreage and exclusive of the street tree and parking lot island tree requirements for the lots zoned MP-2 Planned General Industrial District.

All parking areas and service entries have been screened with berms and landscaping. See detail 8/L1.90 for typical trash receptacle screen detail.

Landscape beds around buildings that are not natives will be irrigated.

All parking areas and service entries have been screened with berms and landscaping. See detail 8/L1.90 for typical trash receptacle screen detail.

See detail 7/L1.90 for typical ground mounted utility equipment screen detail.

5. 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.
6. All landscaping shall be irrigated.
7. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
8. 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.

All utility boxes will be screened with landscaping. See detail 7/L1.90.

9. 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 (not perforated).

All utility boxes will be screened with landscaping. See detail 7/L1.90.

10. 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.

Acknowledged

11. 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.

Acknowledged

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

Signage:

Acknowledged

1. Shall comply with the sign ordinance.

Planning Engineering Comments:

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

Acknowledged, responses have been provided to the engineering comments.

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

Acknowledged

- 2) The County Surveyor makes separate technical review of the plat documents and submits comments directly to the preparer of the plat. Provide revised plat documents in accordance with County Surveyor comments.

Acknowledged

- 3) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

- B) Items that are conditions of approval:

- 1) None.

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

- 1) None.

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and Petition #PR2020-34 and the Preliminary Plat of Woodlands Redevelopment subject

#PR2020-34 and Woodlands Redevelopment Preliminary Plat
January 11, 2021

9



MEETING MINUTES

PROGRESS MEETING

Project Name:	Woodlands Redevelopment	
Project Location:	99 th Street & Leavenworth Road, Kansas City, KS	
Meeting Location:	Painted Hills Golf Club, 7101 Parallel Pkwy, KCK 66112	
Date and Time:	12.22.2020	
Project #:	020-1274	
Attendees:	Seth Reece, Luke Moore, Shaun Coffey	Neighborhood Attendance Record Listed Below

Neighborhood Attendance Record

<u>Names</u>	<u>Address</u>	<u>Email</u>
Jim Schwartzman	2513 N. 100 th St KCK	Jimschwartzman65@gmail.com
Howard Reeves	9899 Leavenworth Rd	Howard.Reeves@faithrus.com
Laurie & Adrian Torrez	9828 Donahoo Rd KCK	LTORREZLTD@yahoo.com
Greg Kindle	11705 Hubbard Rd KCK	gkindle@wyedc.org
Nela Bruner	9745 Leavenworth Rd KCK	nbruner@kckcc.edu
Nela E. Bruner	9745 Leavenworth Rd KCK	Bruners05@aol.com
Linda & Carl Bender	3510 N. 99 th St	lib@carlbender.com
Michelle Carroll	10538 Kane Dr	Michelledcarroll37@hotmail.com
Kenneth L. Kirchner	9701 Leavenworth Rd 66109	KKirchner511027@gmail.com

1) Shaun: Introduces himself and Seth Reece & Luke Moore from Olsson and gives an overview as why we're meeting again tonight:

- There's been a change to overall master plan. Everything west of the main road. We were chasing a large building about 1 million square feet and one of the taller buildings, however we did not win that deal and it went to another location in Wyandotte County by the Speedway.
- It was a big building facing the neighborhood, we retooled our entire western side to try to soften impact of the neighbors & adjust what we were doing on that side.
- Because of this & part of the process, it constitutes a major change to the plan per city planning and therefore have to go through the same public process.

2) Shaun: Explains comparison of what we had vs what we have now in this new plan:

- Buildings 4 and 5 generally stayed the same in this configuration.
- Biggest change is Lot 2 where we had the big building. We've orientated those buildings now so the docks are facing north/south & its auto parking towards 99th Street.
- Other change we did have the private street that was connected from 99th Street and we've gotten rid of that northernmost connection. For the fire department we do need to have emergency access so you'll see there's a turn around there on the plan and behind

Meeting Minutes / 1 of 8

it we have a grass/paver connection that will be gated/locked off, so only the people that will be able to come through there are fire, ambulance, police, people who have keys to the locked box gate. It's emergency access only. We got rid of that piece and realize it was a major concern that we worked through with city staff.

- d) We took this building and turned it into two and took our smaller buildings and shifted it down further south so its more in line with retail.
 - e) We've kept all of retail the same.
 - f) Just this section that we've retooled and building square footage amounts to about 7% difference.
- 3) **Shaun: Mentions other items to talk about and that we are not here to talk about construction because it is ongoing. We've heard those concerns. Seth and I get those emails and calls. We are working with our contractor on that. Will work on some kind of neighborhood flier to let you know what's coming up and things that they are doing. They're also talking about potentially having a neighborhood meeting to let you know where they are in the process of construction and how things are progressing.**
- a) That's why we're here, there's not a lot to talk about, just the general change in the plan.
 - b) The uses are still the same.
 - c) Heights of the buildings – we have no reason to build a 60' high building. That was specific for that end user. Most all end users that we work with are between 36'-40' clear, which would be about a 45' height total in building, so you're not going to see anything like this. It's not the norm and not what we're going for.
- 4) **Participant: So you're saying the max is going to be about 45'?**
- a) Shaun: Typically when we have a 40' clear building on the inside, it is usually about 45' high.
 - b) Seth: mentions were still doing the berm along 99th Street.
- 5) **Same participant: What about the estimate or what will the berm be like?**
- a) Seth: It's roughly 20' from where you are.
 - b) Shaun: The site steps down quite a bit from 99th Street.
- 6) **Shaun asks Seth what have I missed or leaving out?**
- a) Seth: You've pretty much covered it. Mainly the change of plan for the end user that dropped out and then opens the floor for any questions.
- 7) **Participant: So the user of the large building dropped out?**

a) Shaun: Explains this building is going to the Speedway.

8) Participant: This question may be unrelated. There's a bunch of construction going along the east side of 435 and north of Donahoo, there's a large pipe going in there, is that related to this project?

a) Shaun: I saw that this afternoon and have gotten some calls about that, but it has nothing to do with us.

9) Same participant: If this was going to be some tie in with this as that would affect Donahoo for quite a while?

a) Shaun: I actually have no connection to that construction. I actually drove by it this afternoon as I've heard some rumblings and saw an email or two and I did double check.

b) Greg Kindle: It's the new Wastewater treatment facility line so that serves Piper for like the next 40 years. A new facility over by Kincade

c) Participant: He thought there might be a relationship since it's downhill but obviously gone downhill heading east so it's all good.

d) Shaun: We're actually running our sewer all the way down through here and we're actually just about finished.

e) Shaun: Any construction that you see off site that would be ours would be the connection here at Leavenworth Road and these probably won't happen until the spring as we can't pave right now due to it being too cold. So, off site work we would have would be the entrance to Leavenworth Road and we do have some widening and some sidewalks to put around the perimeter of the property but that's as far as we go as far as off site work.

10) Shaun: Another item to note, which is safety and I realize it was brought up in one of our neighborhood meetings.

a) We have been working with KDOT.

b) Received concerns from neighbor across the road with light shining in so we had to get with KDOT and some of their process.

c) Now working with on some screening wall to make sure that's all taken care of but we've also gotten KDOT to agree to put in a pedestrian signal. This is for once this is operational and we have people walking who didn't want to cross Leavenworth Road. Installing a hawk signal, so it's not a full traffic signal but when a pedestrian wants to cross the road, they hit the button and lights will turn red so they can safely cross the street.

- 11) Participant: What's the difference in setback if you have the old plans compared to the new plans on 99th?**
- a) Seth: It varies.
 - b) Participant: Asks what is varied as that looks closer. Looks like you moved.
 - c) Seth: It's 110' previously, I think our closer point over here is about 90' but then we have extend closer to 200.
 - d) Participant: (interrupts) No, I'm talking about the closest point to 99th Street.
 - e) Seth: It's right there. A few comments are inaudible. However, meeting notes state that the exact points of where participate was indicating were answered.
 - f) Seth: Continues to say that the berms are the same height though. Even though this is closer, you can't see into the site
- 12) Participant: Is this a step down at least 20 ft below?**
- a) Seth: replies that the step down *(stops speaking allows participant to finish his question)*
 - b) Participant: The berm should limit any site of the structures?
 - c) Seth: Yes.
- 13) Participant: Right now from our home we cannot see the top of the dog track building. Is that going to be..**
- a) Shaun: So we looked at that as we were curious and went out and measured the horse track building and it was about 75' tall and I think the dog track building was over 50' tall. So the buildings that we do will actually be lower.
- 14) Participant: So you're raising the berms higher?**
- a) Shaun says it's 20+ feet & Seth: It's 20+ feet but right now it's really wide so the top of the berm is closer to 99th street its actually increasing the angle so it's actually making the sightlines better for neighbors. Shaun: They'll be landscaping that as well as I don't know that there's that much on it right now. Seth: That's as the site develops.
 - b) Shaun: One of our requirements as we build was that we do not touch the berm in the first phase so the city did not want us to touch the berm until we got into future phases.
- 15) Shaun: Another question might be are these future phases and that's good question.**
- a) We are trying to work on getting some end users. I'd love to say we'd be done in 3-5 years but I don't have a crystal ball to figure that out. I've had other properties about this size and that's typically what they take to build out with users. We don't just throw up buildings and hope somebody comes into as that's not a good business model so we work with build to suit.

- 16) Participant: So I missed some of the meetings and information so forgive me if I'm redundant and everybody knows this, so are these all going to be the same owners/ structures or will be various (inaudible) (11:47)**
- a) Shaun: It will be various tenants.
 - b) Same participant: What is your expected occupancy for the whole area if it was fully occupied and being used?
 - c) Shaun: Confirms as far as employees. It's tough to say as you have some facilities that are a lot more manual and some are more automated, for those folks you could end up with a building this size of 450,000 square feet if it's fully automated you would have only maybe 100 employees. Buildings that are more manual and don't have as many conveyors and things like that can be the same size and have 300 employees. So, it really varies on the end user and what they're trying to do.
- 17) Participant: What was the square footage on the old plan on that single building vs the two buildings?**
- a) Shaun: So, the total square footage of the whole park/design. (She interrupts and said no on the change). Shaun: The building was 1.1 million square feet and these two together is 1.3 million.
- 18) Same participant (interrupts): Which side the docks are going to be on?**
- a) Shaun: The docks are on the north and south sides. On the old plan the docks were on the east and west sides of the building. With our new plan we softened this up and rotated the buildings so the docks are now facing north and south and away from the residential.
- 19) Participants: It seems to me that the city had kind of wanted this area commercial retail future development. I see this as industrial and not retail. I don't know and I'm not knowledgeable on this.**
- a) Shaun: You are exactly correct. One stipulation the city had was when we zoned this out they wanted the hard corner of 99th and Leavenworth to be a retail neighborhood-type development. We are not retail developers and I don't work in that world but what we committed to was we would set that whole hard corner aside to be retail.
- 20) Same participant: She wishes it was nothing really.**
- a) Shaun: It may be for a while before its developed and we told the city we would work with the retail developer that does come in. Can't tell you how long it would take.
- 21) Same participant: My beef is with the city. I don't see how this is beneficial to any of us here and I'm not talking about the retail. I'm talking about the whole development**

and don't see it as conducive or beneficial to a neighborhood. I tried zoom in the summer and tried to connect but I've never been able to voice my opinion and realizes it's late in the game. My beef is with the city because they're the ones who said this was all okay. I see this as not a good thing for us and I would love to know how it can be a good thing for us. I appreciate what you're doing but I still don't see how it's good for us.

- a) Shaun: A couple of pieces we did commit to was 98 acres to the city for additional amenities and dedicated that to be a part of their park system. Also provided funds for walking trails and trails to Wyandotte park.
- b) Same participant: I'm thinking more of us who live on 99th Street.
- c) Shaun: We'll have some improvements on 99th Street. We are widening it out. *(participant is heard saying that is NOT an improvement).*
- d) Seth: We're not widening 99th Street we're putting in some sidewalks.
- e) Same participant: Speed bumps would be nice as it's a 30mph road. Again, it's the city and they're the ones saying this is all okay. I just struggle with *(interrupted)*

22) Participant: How long have you done developments like this and what results have you seen for residents around structures like this with their property value going up or down? What have you seen in the history of this?

- a) Shaun: I can tell you what I've seen but there's no way I can answer and make everybody in this room happy. For the most part, property values have increased. One reason in general is these facilities are paying more in taxes *(continues to explain that process).*

23) Participant: Shaun, when you started this whole park business, you said property values are going to increase, we're going to keep it so you don't see anything and is going to be real nice. Then McCown Gordon trailer park sitting on 99th Street is horrid and the ugly red sign sitting on 99th is horrible. They're a distraction and do not increase our property value and do nothing for our community. This trailer park had a set place on your plat, why aren't they there?

- a) Shaun: I'm going out there tomorrow. When I made the comment about property values increasing that was once construction is completed.
- b) Same participant *(interrupted)*: No no no you said this all isn't going to be seen and will be great, and property values in 10 years will increase. They do NOT go down. Just because you build this project you're not going to increase our property value. The McCown Gordon trailer park is not to be there. it had a designated site and you said nothing would be seen. Why is it there?
- c) Shaun: I will look into it and you're not saying anything I haven't heard or seen in email. We will work with the city. We have to do work and have to do construction.

MEETING MINUTES

PROGRESS MEETING

- d) Same participant (*interrupted*): You have 300+ acres out there to hide this and you let it go along 99th Street and our subdivision and neighborhood. How can you stand there and say that nothing is going to be seen and all will be great? That's living in the land of Oz.
- e) Shaun: He agrees with her and my intent that when this was developed
- f) Same participant (*interrupted*): No, not when this is developed. Its detrimental to our neighborhood.
- g) Shaun: I understand and hear you. I will be out there tomorrow.
- h) Same participant (*interrupted*): There are temporary signs (*and continued to talk about sign sizes and regulations and that if someone can't find their trailer or office then they need to get glasses and she's upset and repeated her frustrations*). Something is wrong. If I put something on the internet with a picture with what you said that it might be detrimental with Scannell Properties.
- i) Shaun: It's a construction site (*Explained the intent of his comments however she took it and apologizes if she didn't take it how it was intended. Explain how construction on the main building is done next year when she commented that it would be 10 year. Continued to explain about the trailer park leaving when they're done with the first building and talked through the process of further building construction and staging*).
- j) Same participant: McCown Gordon had a set place for this and you allowed it to go on 99th Street.
- k) Shaun went on to explain the process of starting construction and all the challenges they ran into underground that they didn't know about. Participant is still upset and expressing her frustration and Shaun acknowledges and apologizes she feels that way and he has received the emails and he is working with McCown Gordon to make sure we have a clean site.

24) Shaun: Tonight's discussion is not about the construction of this building and that we're talking about the western side of this property. McCown Gordon will have neighborhood fliers.

25) Participant commented that it would be nice to know when they are blasting.

- a) Shaun: They did have that discussion this morning and one of the items they have on their list and we talked through possible timeline of the blasting and other items that are coming up.
- b) Same participant: Will this occur with each building that is constructed? So, every time a building goes in will it occur?
- c) Shaun: Yes, (*however participant was asking about the blasting*).
- d) Various participant comments made (inaudible)

- 26) Participant: Have you run into limestone and how much of that they have to lift?**
a) Shaun: We have run into multiple items and things that they didn't anticipate.
- 27) Various participants commenting whenever the dog tracks were built (inaudible)**
- 28) Participant: When are they taking the building down?**
a) Shaun: We were working with fire, police and EMS as they were doing some training last week and wanted to use an unoccupied building. He says they're working from east to west and after the new year they should be finished with everything coming down.
- 29) Participant: What is that structure that has gone up by the dog kennels?**
a) *Shaun explained about the concrete batch plant and why/when it's coming down.*
b) Seth: It also reduces truck traffic through there **(28:36)**
c) Participant: When it's running it vibrates our whole house. Everything on my walls shakes when that is happening with the conveyors.
d) *Shaun explained about the goal and timeline of concrete process. Early spring should be done with concrete.*
- 30) Participant: Are McCown Gordon doing the remaining two buildings, then their trailer park and concrete plant stays?**
a) Shaun: No. There's no guarantee that McCown Gordon would build any of these other buildings. We try to work with a lot of different contractors in the area. This stuff is specific to this building. So, when they're done with construction, they are not leaving trailers out there and when we go to the next building we'll have construction trailers around that building or wherever we are.
b) Same participant (immediately asked): Will the next contractor setup in the same spot?
c) Shaun: I cannot speculate what building will be next or where it will go.
d) *Same participant still upset about trailer park and wants to keep the area nice and doesn't feel this is nice.*
e) *Shaun again apologizes she feels that way but not much else he can do to appease her. He gets the emails and will continue to work with McCown and the city during construction.*
- 31) Participant: This will definitely be an improvement over what is currently there. I'm 100% for this project.**
- 32) Shaun thanks everyone for coming**
- 33) Seth ensure you sign in on the sign in sheet. (32:00)**

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

) SS:

COUNTY OF Johnson)

Comes now Seth Reece, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #_____.
2. That I conducted a neighborhood meeting on December 22nd, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

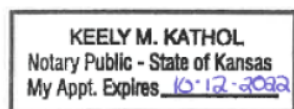
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 22nd day of December, 2020.

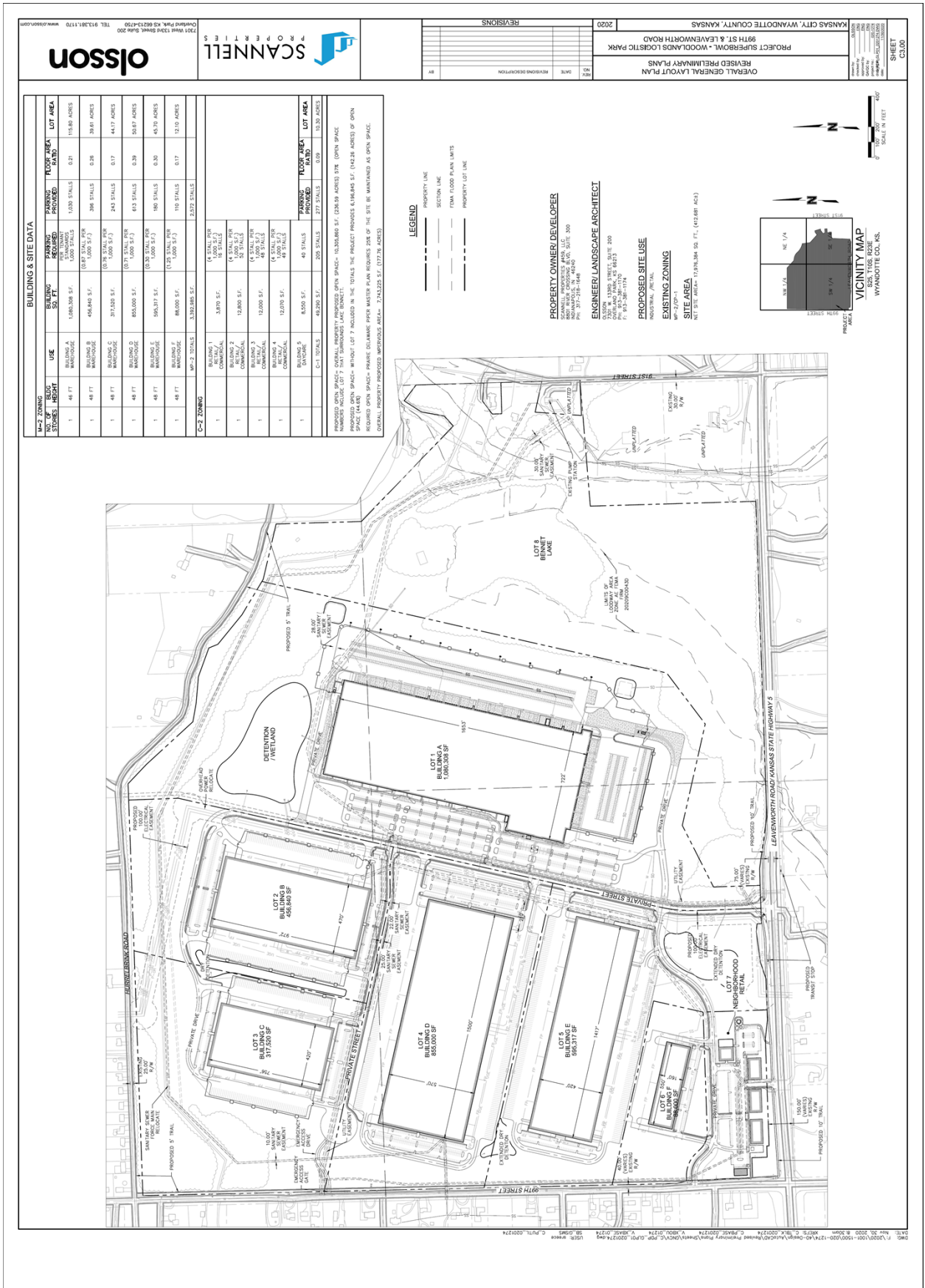
My commission expires 12th of October, 2022.

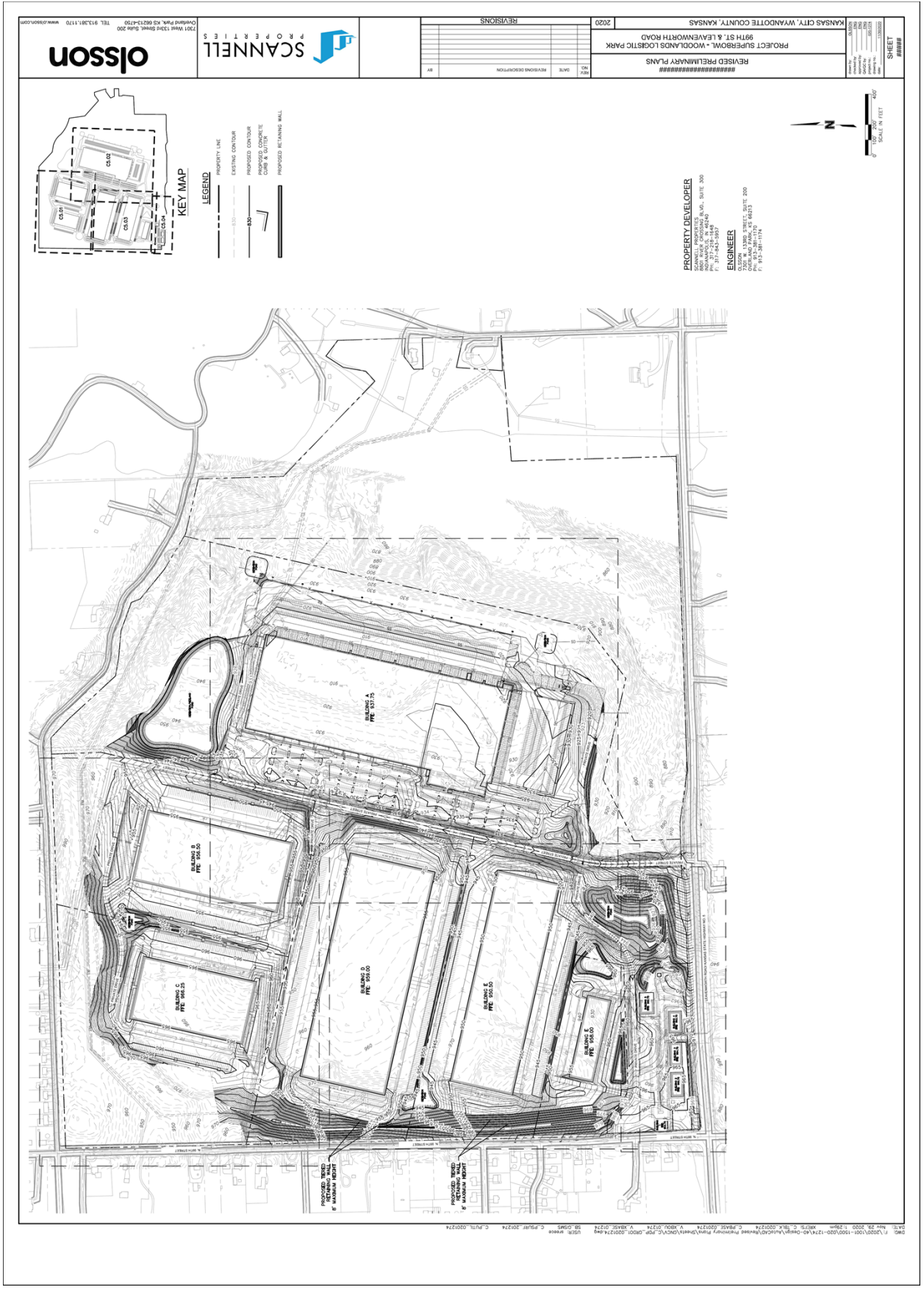


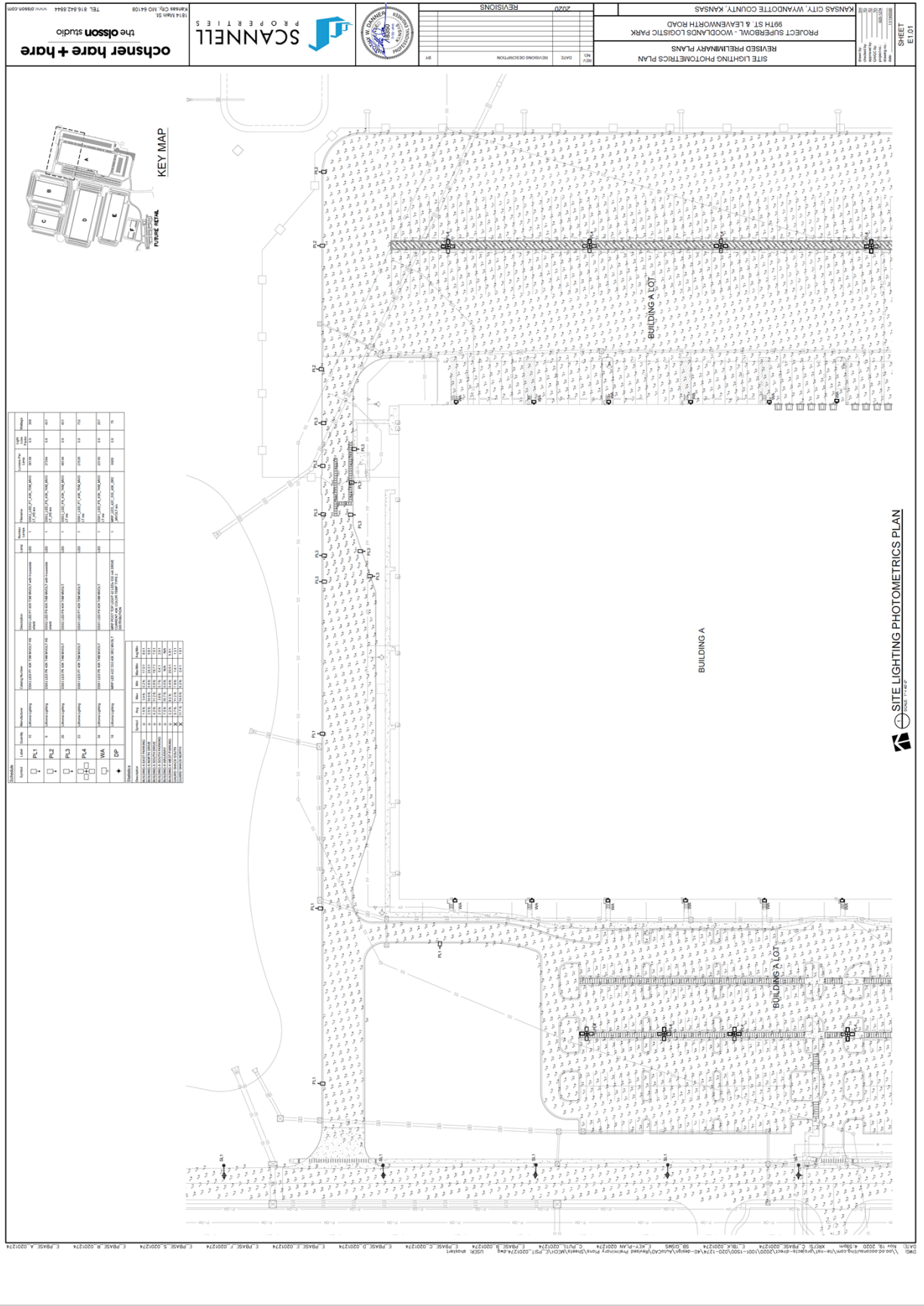


Notary Public



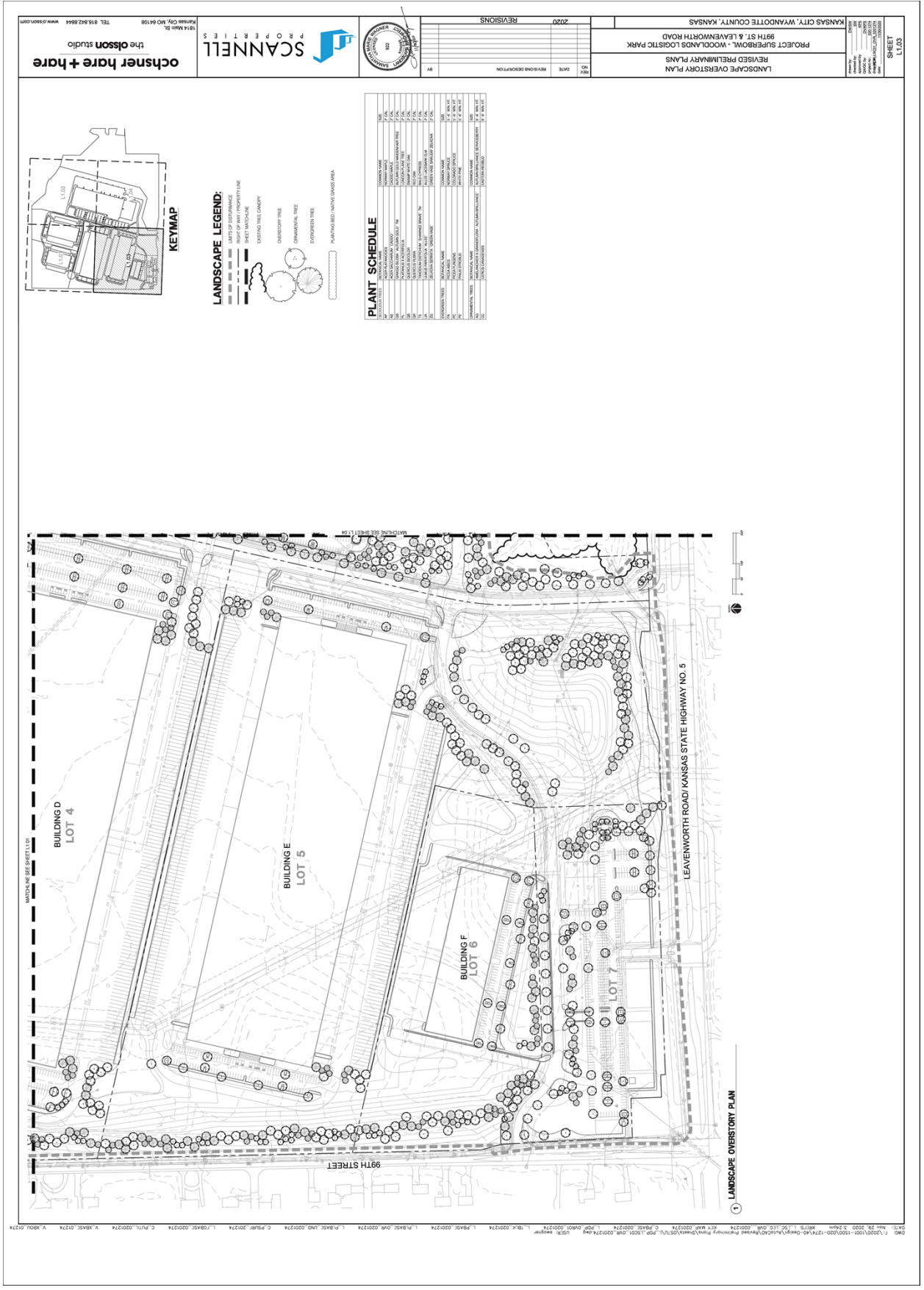


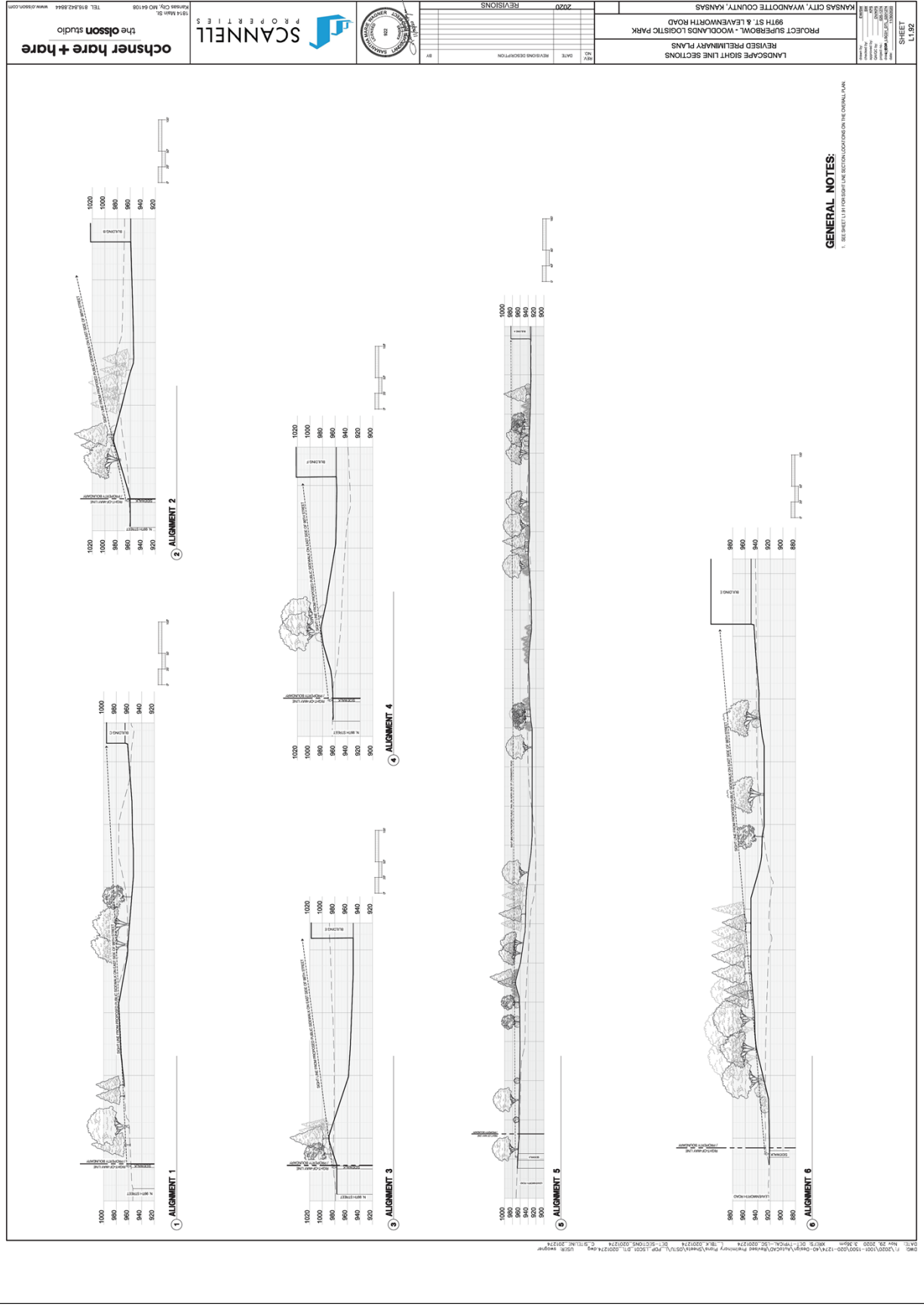


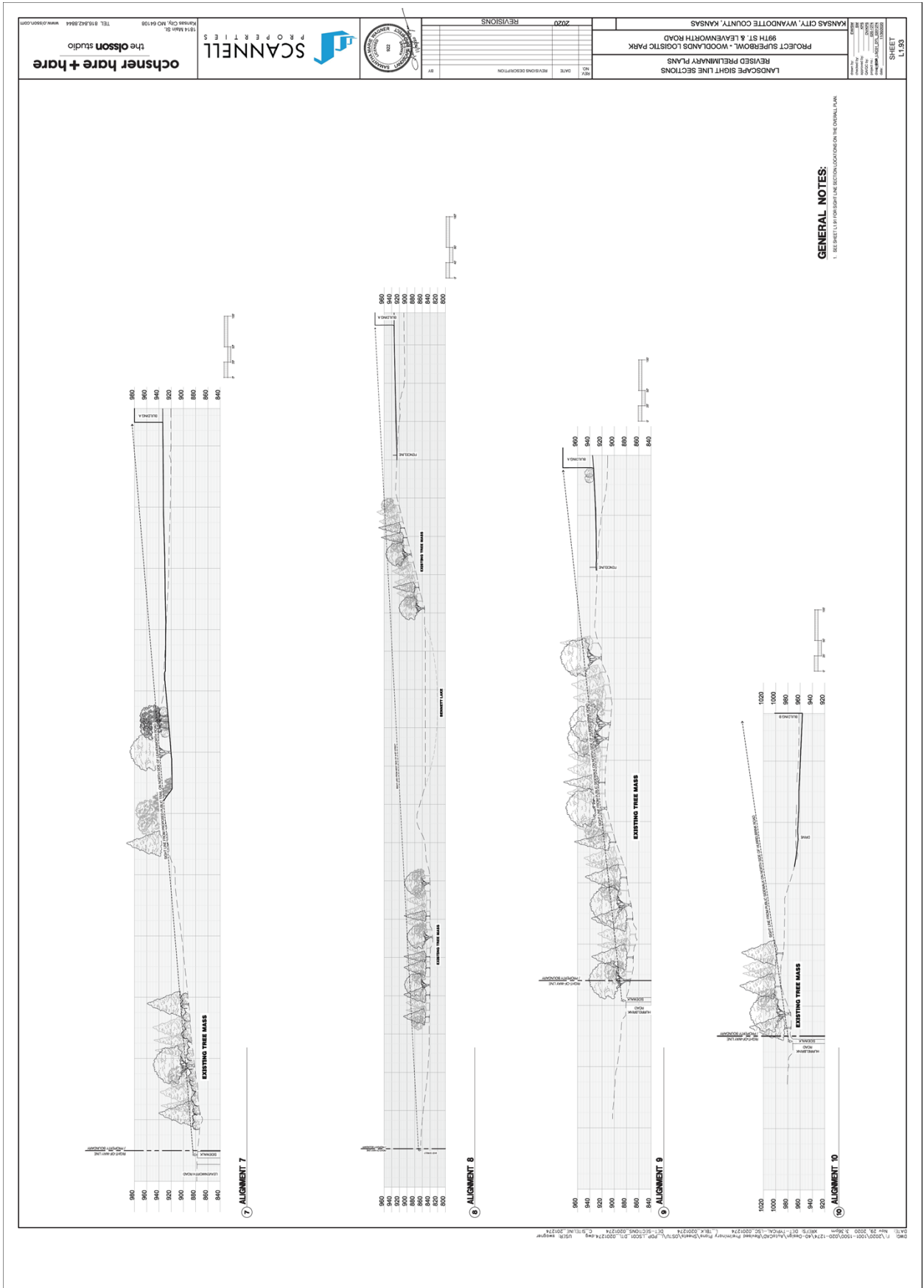


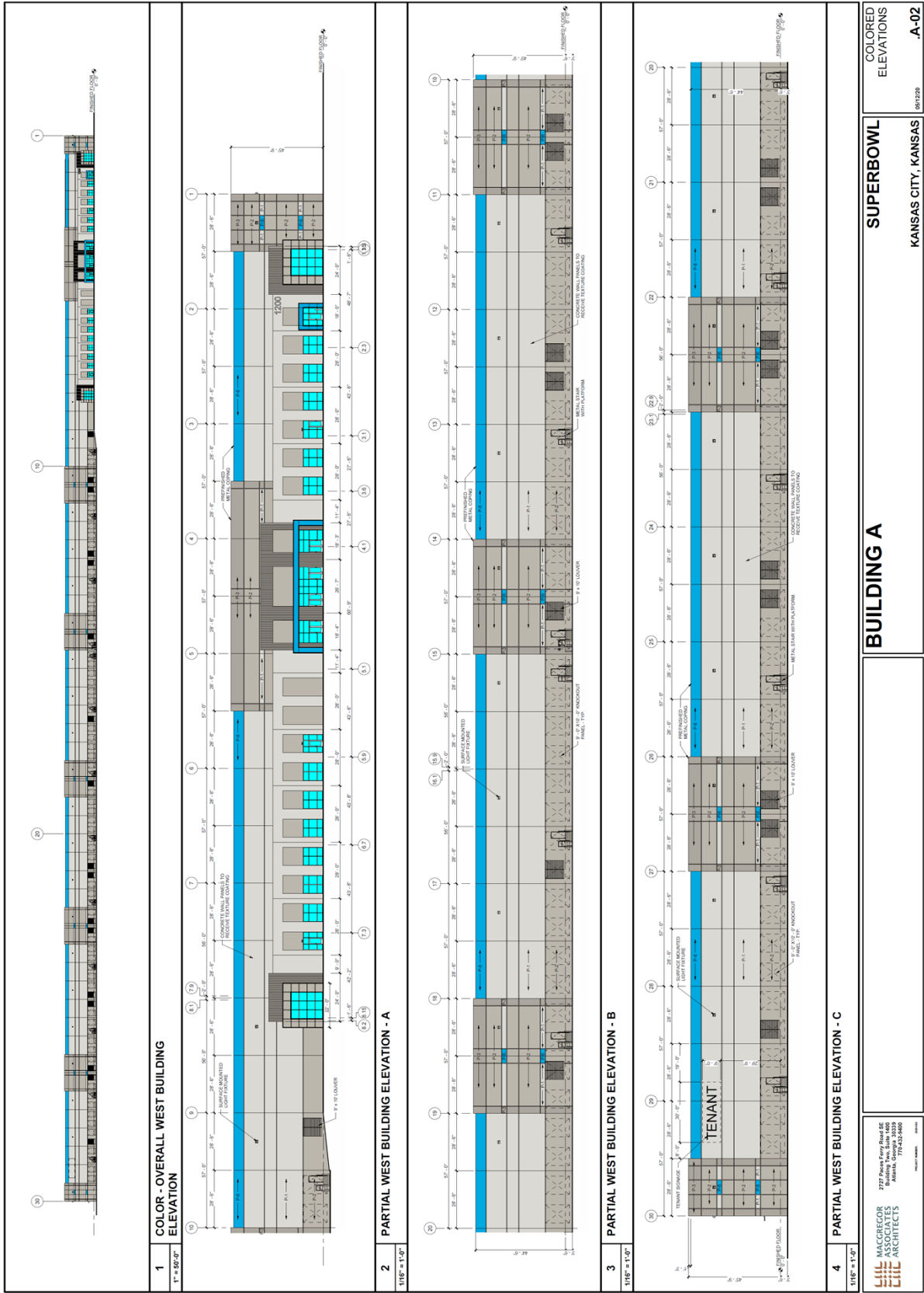


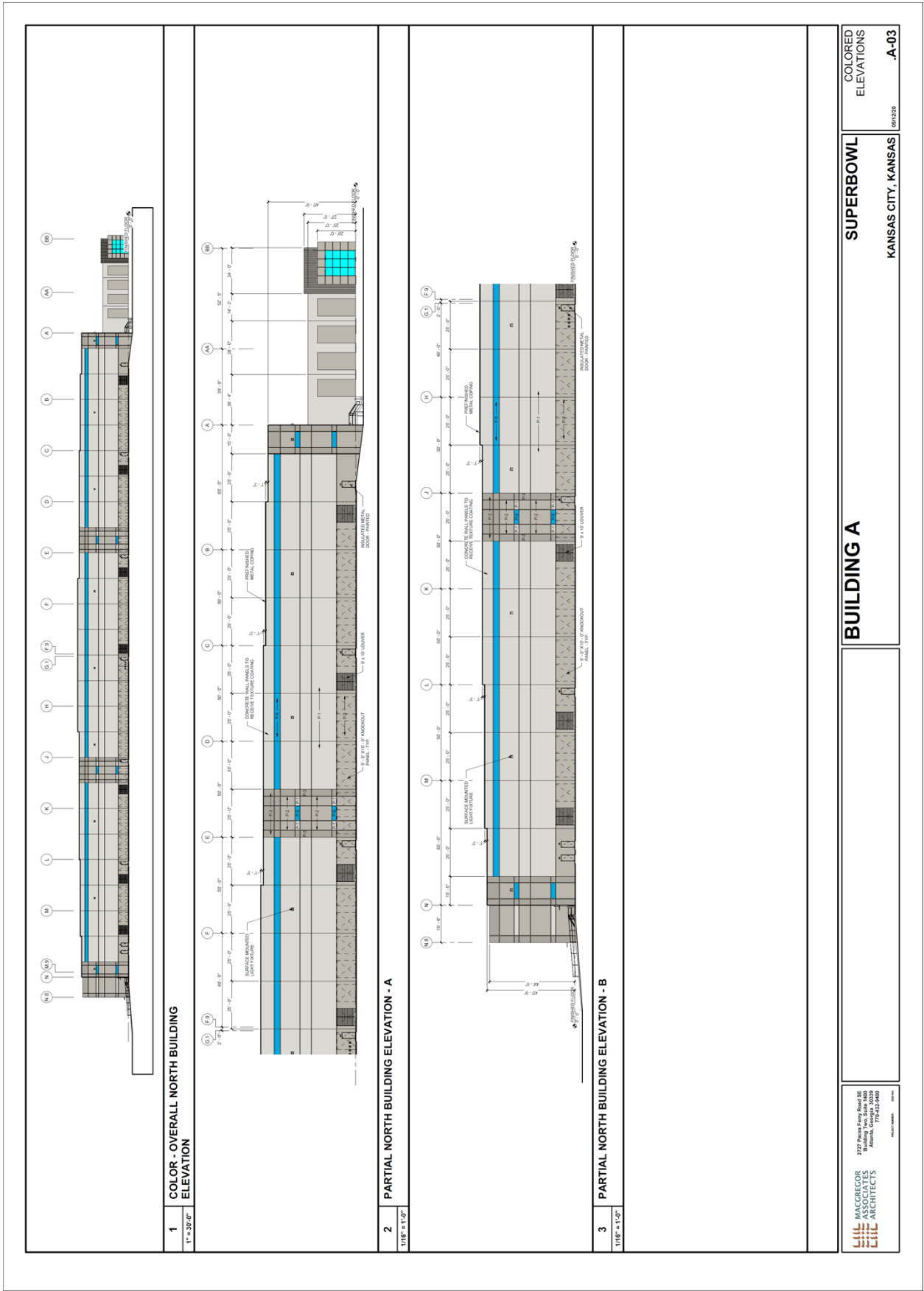


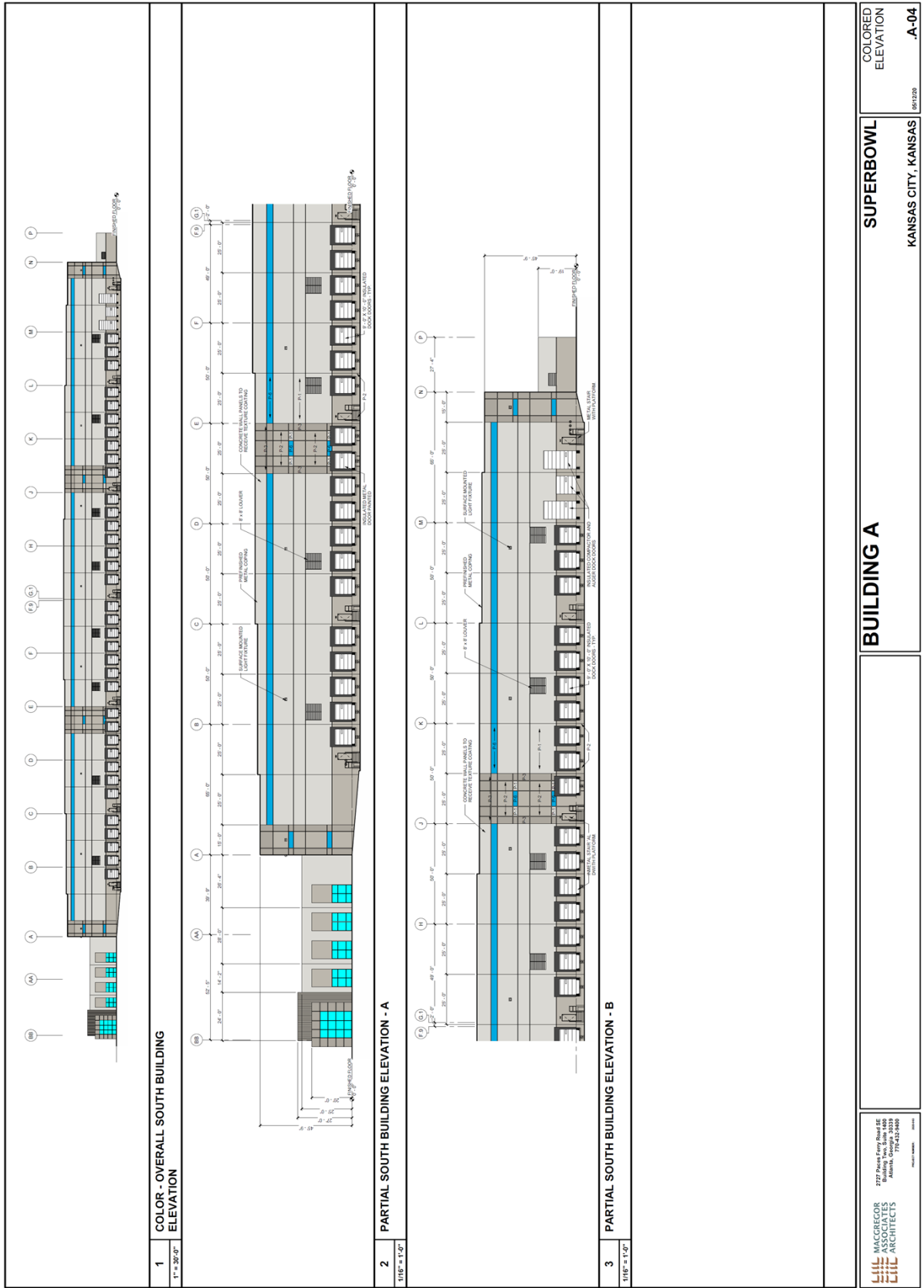


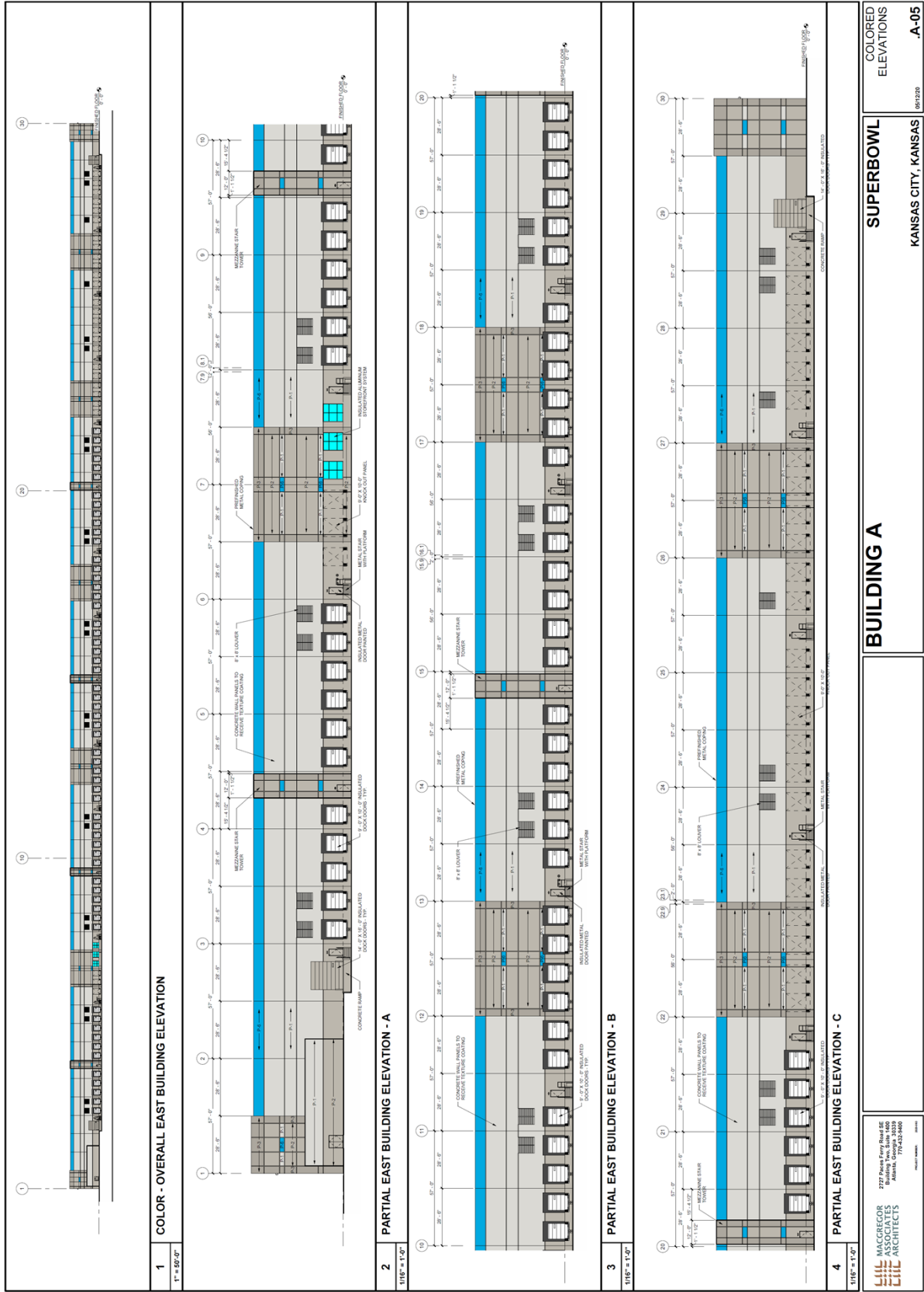




















ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in #SP-2020-59, commonly known as 1124 Pawnee Avenue Kansas City, Kansas, legally described as:

Block 104, Lots 20 through 34, Armourdale, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 1124 Pawnee Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of an auto salvage yard.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Clean up trash debris between street and fence perimeter;**
2. **Nothing shall be stored higher than the height of the fence;**
3. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-**

- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
4. The applicant must demonstrate that each independent truck driver holds a Kansas City, Kansas business license and Special Use Permit. Applicant has three (3) months to provide documentation showing that truck drivers have the necessary Special Use Permits to park vehicles within city limits and are current with business licensing or the Special Use Permit will automatically terminate. This will require each driver living in Kansas City, Kansas to apply for a Special Use Permit to park their vehicle at their home by May 29, 2015 or find commercial parking arrangements;
 5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and
 6. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
 7. Provide a 15-foot landscape buffer and curb along all public rights-of-way.
 8. Zoning Ordinance Section 27-701 requires an eight (8) foot tall architectural screening fence around any automotive salvage yard. Upgrade the present fence to the standards for an architectural screening fence. An architectural screening fence around a salvage yard is eight (8) feet tall, solid metal panels with masonry columns at 32 feet on center in intervals and provides screening on four (4) sides of the property.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in #SP-2020-95, commonly known as 1223 Meadowlark Lane, Kansas City, Kansas, legally described as:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 11 SOUTH, RANGE 24 EAST, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST RIGHT- OF-WAY LINE OF MEADOWLARK LANE, BEING 596.59 FEET NORTH 0° 04' 52" EAST AND 40.00 FEET SOUTH 89° 55' 08" EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 0° 04' 52" EAST 303.00 FEET; THENCE SOUTH 89° 55' 08" EAST 305.03 FEET; THENCE SOUTH 0° 04' 52" WEST 286.31 FEET; THENCE SOUTH 76° 02' 02" WEST 68.76 FEET; THENCE NORTH 89° 55' 08" WEST 238.33 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART TAKEN, USED OR DEDICATED FOR ROADS OR PUBLIC RIGHT OF WAYS, located at approximately 1223 Meadowlark Lane, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for receiving of inventory at the dock, storage within the building interior and shipping.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the

performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. Hours of operation shall be Monday through Friday from 8:00 AM to 5:30 PM.**
- 2. All storage shall be within the building;**
- 3. Truck deliveries shall occur during the normal hours of operation;**
- 4. No box trucks or freight trucks may be parked overnight on the property;**
- 5. No customers are permitted to come and pick up orders or inventory;**
- 6. The parking lot shall be repaved and restriped;**
- 7. All signage shall comply with the sign code;**
- 8. File an occupation tax application with the Business License Division prior to opening;**
- 9. A building permit may be required for a change of occupancy. Please contact the Building Inspection Department for further details and to begin that process.**
- 10. 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;**
- 11. 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; and,**
- 12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in #SP-2020-96, commonly known as 7949 Splitlog Avenue, Kansas City, Kansas, legally described as:

Commencing at the Southeast Corner of said Quarter Section; thence North 0 degrees 24' 30" East along the East line of said Quarter Section 598.23'; thence North 90 degrees 00' West along the South line of Bray's Addition, a subdivision in Kansas City, Wyandotte County, Kansas, 260' to the Southwest Corner of Lot 5, said Bray's Addition; thence North 0 degrees 24' 30" East along the West line of said Lot 5, Bray's Addition, 61.77' to the Southeast Corner of Lot 2, said Bray's Addition, thence North 90 degrees 00' West along the South line of Lot 2, said Bray's Addition, 627.5' for a true point of beginning; thence continuing North 90 degrees 00' West along the South line of Bray's Addition, 122'; thence South 0 degrees 00' East 90'; thence North 90 degrees 00' East 122'; thence North 0 degrees 00' West 90' to the point of beginning, located at approximately 7949 Splitlog Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuance of tractor trailer truck parking at the American Motel.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors

specified in Section 27-214:

- 1. Tractor trailer trucks are to be parked only in the seven (7) designated parking spaces in the south east corner of the parking lot;**
- 2. All parking lot lighting shall have 90-degree cutoff fixtures on them, as not to exceed one (1) footcandle at the property line;**
- 3. The eight (8) foot fence was constructed on the west side of the property and all truck parking and access is located in the southeast corner of the property (where it was originally designated) as recommended by staff with #SP-2018-45 in 2018;**
- 4. The applicant will need to file and maintain a current business occupation tax application with the Business License Division;**
- 5. No outside storage on site;**
- 6. No inoperable vehicles kept on site;**
- 7. Restripe the seven (7) truck trailer parking spaces;**
- 8. If conditions are not adhered to this Special Use Permit may be brought to the Unified Government Board of Commissioners for revocation;**
- 9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 10. The Special Use Permit shall be valid for two (2) years for the temporary use of land or commercial or industrial purposes of land from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in #SP-2020-72, commonly known as 13400 Donahoo Road, Kansas City, Kansas, legally described as:

Parcel: 958901, Section-Township-Range: 19-10-23, BEG 40FT N OF SW COR SE1/4; W 39.91FT TO E LN ABD RR R/W, NLY CUR RT-205.53FT, N03W-2406.37FT, E 677.97FT, S 2606.85FT, Located at approximately 13400 Donahoo Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a microbrewery.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) **Approval of BZA-2400, which would allow a variance from Section 27-675(a), requiring that all parking spaces, drive aisles, and driveways that serve a commercial business be paved (NOTE: Appeal was approved);**

- 2) 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;**
- 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;**
- 4) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
- 5) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;**
- 6) The applicants should work to recycle the brewery waste it can and properly dispose of the waste it cannot recycle. Regardless, the applicants must comply with all local, county, state, and federal waste disposal regulations;**
- 7) Provide at least as many ADA-compliant parking spaces as required by Section 27-676(a). Based on the most recently submitted parking plan, there are 68 planned parking spaces, at least three (3) of which must be ADA-compliant, which includes paving those parking spaces, the access aisles, and the path from the parking spaces to an ADA-accessible door at the event space;**
- 8) All parking, paved or not, must be striped to dimensions compliant with Section 27-669;**

- 9) The special event space and brewery may share parking lots, subject to a review in the event of an increase in capacity, seating, or building footprint by either use;
- 10) All relevant building permits and flatwork work permits for constructing or expanding structures and for paving parking spaces must be satisfactorily issued;
- 11) Landscape screening must be planted along the eastern neighboring property, as it may adversely affect the adjacent property, per the City Planning Commission's discretion;
- 12) Per Section 27-673(a), any 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;
- 13) Parking shall be limited to designated paved or gravel areas as allowed through this variance, but no parking on the grass is allowed;
- 14) Install or maintain rumble strips at the entrance of the driveway from Donahoo Road, in order to prevent gravel from being carried or spilled into the right-of-way; and
- 15) The special event space and brewery may share parking lots, subject to a review in the event of an increase in capacity, seating, or building footprint by either use.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in #SP-2020-73, commonly known as 13400 Donahoo Road, Kansas City, Kansas, legally described as:

Parcel: 958901, Section-Township-Range: 19-10-23, BEG 40FT N OF SW COR SE1/4; W 39.91FT TO E LN ABD RR R/W, NLY CUR RT-205.53FT, N03W-2406.37FT, E 677.97FT, S 2606.85FT, Located at approximately 13400 Donahoo Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for an event space with live entertainment.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) **Approval of BZA-2400, which would allow a variance from Section 27-675(a), requiring that all parking spaces, drive aisles, and driveways that serve a commercial business be paved (NOTE: Appeal was approved);**
- 2) **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;

- 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;
- 4) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 5) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 6) Provide at least as many ADA-compliant parking spaces as required by Section 27-676(a). Based on the most recently submitted parking plan, there are 68 planned parking spaces, at least three (3) of which must be ADA-compliant, which includes paving those parking spaces, the access aisles, and the path from the parking spaces to an ADA-accessible door at the event space;
- 7) All parking, paved or not, must be striped to dimensions compliant with Section 27-669;
- 8) The special event space and brewery may share parking lots, subject to a review in the event of an increase in capacity, seating, or building footprint by either use;
- 9) All relevant building permits and flatwork work permits for constructing or expanding structures and for paving parking spaces must be satisfactorily issued;
- 10) Landscape screening must be planted along the eastern neighboring property, as it may adversely affect the adjacent property, per the City Planning Commission's discretion;
- 11) Per Section 27-673(a), any 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;
- 12) Parking shall be limited to designated paved or gravel areas as allowed through this variance, but no parking on the grass is allowed;

- 13) Install or maintain rumble strips at the entrance of the driveway from Donahoo Road, in order to prevent gravel from being carried or spilled into the right-of-way; and
- 14) The special event space and brewery may share parking lots, subject to a review in the event of an increase in capacity, seating, or building footprint by either use.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

(First published _____)

#3242

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 6600 Thorn Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family Districts to MP-3 Planned Heavy Industrial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on October 30, 2020, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to MP-3 Planned Heavy Industrial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

A Tract of land lying and situated in the Southeast Quarter of Section 22, Township 11 South, Range 24 East of the Sixth Principal Meridian in the City of Kansas City, Wyandotte County, Kansas, said Tract being Tract No. 1 as shown on a Certificate of Survey by RHODES SURVEYORS, P.A., dated February 4, 1985, as Project Number 84183, and being more particularly described by metes and bounds as follows: (Note: For course orientation the bearings in this description are based on the West line of said Southeast Quarter having an assumed bearing of North 02° 24' 58" West.) COMMENCING at the Southwest corner of the Southeast Quarter of said Section 22; Thence North 02° 24' 58" West, on the West line of said Southeast Quarter, to a 1/2-inch reinforcing rod found in concrete, with a cap marked "LS 533", and the POINT OF BEGINNING of said Tract herein described; Thence North 02° 24' 58" West, continuing on said West line, to its intersection with the South High Water line of the Kansas River;

Thence Northeasterly along said High Water line the following 15 courses and distances: North 78° 53' 02" East, 311.48 feet; Thence North 83° 59' 17" East, 192.69 feet; Thence North 80° 42' 21" East, 145.78 feet; Thence South 63° 47' 39" East, 41.62 feet; Thence North 33° 02' 47" East, 43.82 feet; Thence North 85° 24' 50" East, 67.32 feet; Thence North 72° 58' 51" East, 40.17 feet; Thence North 83° 39' 52" East, 100.45 feet; Thence North 77° 46' 34" East, 191.01 feet; Thence North 82° 16' 30" East, 250.41 feet; Thence North 75° 18' 22" East, 164.76 feet; Thence North 78° 15' 31" East, 369.76 feet; Thence North 75° 45' 22" East, 262.01 feet; Thence North 71° 23' 28" East, 295.35 feet; Thence North 57° 37' 38" East, 320.17 feet, to the East line of said Southeast Quarter; Thence departing said High Water line, South 01° 27' 59" East, 27.40 feet, along said East line, to a point on the North line of the Atchison, Topeka, and Santa Fe Railroad Right-of-Way, said point monumented by a 5/8-inch reinforcing rod found in concrete with an aluminum cap marked CLS 175; Thence South 43° 59' 07" West, 914.16 feet, on said North Railroad Right-of-Way line, to the beginning of a tangent curve, concave to the Northwest, with a radius of 8529.37 feet; Thence Southeasterly, on said curve, to the right, an arc length of 714.14 feet, on said North Railroad Right-of-Way line, said curve having a chord bearing South 46° 23' 02" East, and a chord distance of 713.93 feet; Thence South 48° 46' 57" West, 1917.88 feet, tangent to the last described course, on said North Railroad Right-of-Way line, to the POINT OF BEGINNING. Said Tract containing 2,327,841 square feet or 53.4399 acres, and subject to all easements, reservations, restrictions, and any other encumbrances of record. Located at approximately 6600 Thorn Drive, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to MP-3 Planned Heavy Industrial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-470, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for MP-3 Planned Heavy Industrial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2021.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: **COZ 3243 and Master Plan Amendment MP-2020-8**

GENERAL INFORMATION

Applicant:
William Buck

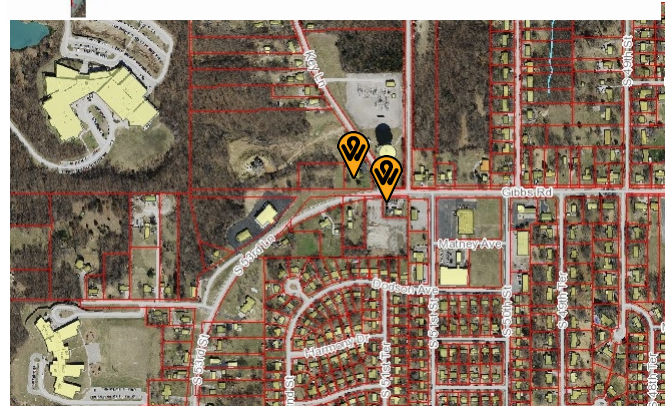
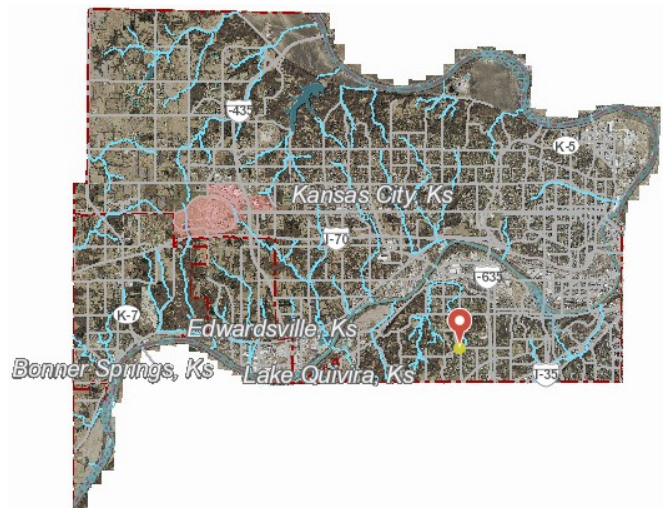
Status of Applicant:
Representative
BHC Rhodes
7101 College Boulevard, Suite 400
Overland Park, Kansas 66210

Requested Actions:
Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:
October 30, 2020

Purpose:
Change of Zone from R-1 Single-Family District and C-1 Commercial District to RP-4 Planned Garden Apartment District.



Amendment of Master Plan land use designation from Community Commercial and Low-Density Residential to Medium-Density Residential.

Property Location:	5115 and 5125 Gibbs Road Kansas City, Kansas 66106
Commission Districts:	District Commissioner: Angela Markley (District 6) Commissioner At Large: Tom Burroughs (At-Large District 2)
Existing Zoning:	5115 Gibbs Road: 1.96 Acres 5125 Gibbs Road: 0.86 Acres
Adjacent Zoning:	North: R-1 Single-Family District South: R-1 Single-Family District East: C-1 Limited Business District; CP-1 Planned Limited Business District; CP-3 Planned Commercial District West: R-1 Single-Family District
Adjacent Uses:	North: Single-family residences; Board of Public Utilities facility South: Single-family residences East: Auto body shop; Landbank property West: Single-family residence
Total Tract Size:	5115 Gibbs Road: 1.96 Acres 5125 Gibbs Road: 0.86 Acres
Master Plan Area:	The subject property is not within a Master Plan Area.
Master Plan Designation:	The City-Wide Master Plan designates this property as Community Commercial and Low Density Residential.
Major Street Plan:	The Major Street Plan designates Gibbs Road as a Collector Street.
Required Parking:	R-1 Single-Family District: Section 27-454(e) requires two (2) off-street parking spaces to be provided on the premises for each single-family dwelling, one (1) of which shall be in a garage or carport. C-1 Limited Business District: Section 27-464(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building.

R-4 Garden Apartment District: Section 27-459(d) requires one and one-half (1.5) parking spaces to be provided for each dwelling unit that has one (1) bedroom or less and requires two (2) parking spaces to be provided for each dwelling unit that has two (2) bedrooms or more. The proposed multi-family development will have 10 one (1)-bedroom units and 31 two (2)-bedroom units, requiring a total of 77 parking spaces. The proposed parking plan has 77 parking spaces, four (4) of which are ADA-compliant; all quantities of parking spaces meet the Zoning Code.

Advertisement:

The Wyandotte Echo – November 19, 2020 for Change of Zone and Master Plan Amendment Letters to Property Owners – November 18, 2020, December 31, 2020 and January 21, 2021

Public Hearings:

December 14, 2020, January 7, 2021 (item was pulled prior to the final agenda) and January 28, 2021

Public Support:

Staff has received emails from one (1) neighbor in support of the development.

Public Opposition:

Staff has received emails from several neighbors and neighborhood groups in opposition to the development. There were nine (9) people that spoke in opposition to this project at the December 14, 2020 City Planning Commission meeting. A valid 52.56% protest petition has been submitted.

PROPOSAL

Detailed Outline of Requested Action: The applicant, William Buck with BHC Rhodes, is requesting a Change of Zone and Master Plan Amendment, and has submitted a Preliminary Plat, all for the subject properties at 5115 and 5125 Gibbs Road. The applicant is requesting a Change of Zone from R-1 Single-Family District and C-1 Limited Business District to R-4 Garden Apartments District. The applicant is requesting a Master Plan Amendment of the City-Wide Master Plan land use designation from Community Commercial and Low-Density Residential to Medium-Density Residential. The applicant has submitted a Preliminary Plat for the TOWER VEIW APARTMENTS Plat. The multi-family development will consist of five (5) multi-family structures containing 10 one (1)-bedroom units and 31 two (2)-bedroom units. The development will also retain a pre-existing single-family residence to be used as both an office and residence for a live-in apartment manager, a storage facility, and a water retention pond.

Code Enforcement History: There are no outstanding Notices of Violation associated with the property.

FACTORS TO BE CONSIDERED

Change of Zone

1. Neighborhood character.

There are some commercial properties along Gibbs Road, to the east of the subject properties. After Gibbs Road turns to the southwest and becomes South 53rd Street, however, the properties are exclusively single-family residences situated on narrow, deep lots. Furthermore, there is a neighborhood of single-family residences directly to the south of the subject properties.

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

Along Gibbs Road the properties are zoned commercial, while behind the collector street the neighborhoods are zoned for single-family residences. Multi-family housing is often used as a buffer between or a transition from commercial uses to single-family residences. In this way, the proposed use is acceptable for the nearby zoning and uses, if not compatible with them.

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

Staff has already received letters of opposition from neighbors, who are expressing concern that the removal of restrictions will detrimentally affect the nearby properties.

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

It is unclear how long the parcels have been vacant.

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

Addressing the dearth of middle-housing in Wyandotte County is an important public policy issue. The applicant has yet to provide the expected rental rates for the apartment units, but the more the rental rates align with the identified middle-housing rental rate, the more necessary an apartment building is to the community.

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

Constructing a 40-unit apartment building on a 2.76-acre plat within a predominately single-family residential neighborhood will cause an increase in both traffic and parking demands in a way that could affect road capacity, safety, and parking problems.

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

The Community Commercial and Low-Density Residential land use designations are not compatible with a Change of Zone to R-4 Garden Apartments District. As such, the applicant has simultaneously applied for a Master Plan Amendment in order to change the land use designations from Community Commercial and Low-Density Residential to Medium-Density Residential.

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

Construction will always cause environmental harm. A major factor determining the environmental damage caused by construction is the increase in impermeable surfaces. In this situation that factor is mitigated by the fact that 5115 Gibbs Road already has an impermeable, concrete foundation from a demolished building. Therefore, the increase in impermeable surface area will not be as great as if the same apartment building and parking lot were built on an undeveloped lot.

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

a. *Water service*

Water lines must be installed on the property as part of the site development if they have not been installed already from the previous development.

b. *Sanitary sewer service*

Sanitary sewer lines are available on South 51st Street to the east and on Dodson Avenue to the south. Sewer lines may need to be extended and expanded to accommodate the proposed uses.

c. *Storm water control*

Storm water mains are located along Gibbs Road/South 53rd Street.

d. Police

Police service is provided by South Division, District #334.

e. Fire

Fire service is provided by Fire Station #17.

f. Transit

There are no public transportation lines that run within a reasonable distance of the property.

g. Schools

Public education is provided by Oak Grove Elementary School, Turner Middle School, and Turner High School, under Turner USD 202.

h. Streets

No additional streets will be created.

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

The development will create additional housing and property taxes on a previously vacant property.

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

Under Section 27-459(g), all Changes of Zone to R-4 are subject to planned zoning, due to the fact that developments allowed after the rezoning process are often different enough from their surrounding neighborhood that a well-planned transition is “important to the public welfare”. Therefore, the proposed use will meet all applicable ordinances by working with Staff as part of the planned zoning requirements.

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

As previously addressed, increasing middle housing options in Wyandotte County is important to the future growth of the county. While this would create a gain for the public as a whole, there are still concerns about the detrimental effects a 40-unit apartment building would have on the neighbors. Due to these concerns, Staff cannot yet assert that there is a relative gain of the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners until the applicant submits the requested responses found in the “Staff Recommendations” section of this report.

Master Plan Amendment

1. *Neighborhood character*

See Change of Zone Review Factor #1.

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

The parking requirement for the R-4 Garden Apartment District stipulate that one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less, and two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. A 40-unit apartment building therefore would require anywhere from 60 to 80 parking spaces. On-site parking concerns aside, such a sharp increase in vehicles on Gibbs Road may have an effect on road capacity or safety.

3. *The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.*

5115 Gibbs Road used to have a commercial building, and 5125 Gibbs Road still has a residence on it. Given the history of the subject properties, there is likely already utility lines serving the property; but these lines may need to be extended, expanded, or repaired before they can satisfactorily serve the proposed use. Staff can confirm that sanitary sewer lines are available on South 51st Street to the east and on Dodson Avenue to the south, and that storm water mains are valuable and are located along Gibbs Road/South 53rd Street.

4. *The difference between the existing and proposed Master Plan.*

The existing land use designation for the property in the City-Wide Master Plan is Community Commercial and Low-Density Residential, and the proposed land use designation is Medium-Density Residential. Community Commercial is a land use designation intended to promote and accommodate commercial businesses and Low-Density Residential, while a residential land use designation, recommends only “3 to 5 dwelling units” per acre. Medium-Density Residential, however, is a residential land use designation that recommends “4 to 16 dwelling units per acre”. Medium-Density Residential accommodates and recommends housing densities that match the proposed use, while Community Commercial is an inappropriate land use designation and Low-Density Residential does not accommodate the proposed level of density.

5. *Analysis of the impact on surrounding properties.*

See Change of Zone Review Factors #2, 3, and 6.

6. Estimate the future costs and revenues to the Unified Government and property owner and Market Impact.

See Change of Zone Review Factor #10.

Preliminary Plat

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

See Change of Zone Review Factor #9.

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

The applicant should follow all recommendations outlined in the Wyandotte County Conservation District letter, dated November 17, 2020. An abridged copy of the letter can be found in the “Attachments” section of this report.

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

The preliminary plat shows vehicular access to Gibbs Road and South 51st Street. Providing multiple entry and exit points to and from the property is encouraged due to fire safety and vehicular impact concerns.

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

The preliminary plat shows five (5) multi-family buildings spread out around the subject property. The multiple buildings reduces the footprint and height of any single building, which creates an aesthetic transition from the single-family neighborhood to the south. The applicant must still provide development plans for supporting features of the plat, including public sidewalks, internal paths accessing the public sidewalk, and the required amenities.

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

The subject property is the site of a bowling alley. Although the building has been demolished, the concrete foundation remains. Much of the natural topography of the land has been previously eliminated by the former development. Therefore, few natural features remains to be protected and enhanced. The landscaping plan, however, does show trees serving as buffers along adjacent properties.

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

The preliminary plat has not provided information regarding spaces for community services or even for apartment amenities.

UPDATE

1. The applicant requested that this application be continued from the January 7, 2021 Board of Commissioners meeting to the January 28, 2021 meeting.
2. A valid protest petition is in place (attached to this document).
3. The applicant submitted front, back and side elevations to the staff on January 21, 2021 (attached to this document).

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 30, 2020 in person, via Skype. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the “Attachments” section of this report).

KEY ISSUES

Development Plans
Erosion Control Mitigation Measures
Parking
Site Design
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 4 to recommend **APPROVAL** of Change of Zone Application #3243 to **RP-4 Planned Garden Apartment District** and Master Plan Amendment #MP-2020-8, subject to:

- 1) **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.**
- 2) **Compliance with the Multi-Family Residential Guidelines;**
- 3) **Rearrangement of the trees south of Gibbs Road and west of the driveway to Gibbs Road in order to reduce visibility issues;**
- 4) **Include a sidewalk along Gibbs Road adjacent to the property. The sidewalk must be at least six (6) feet wide, include curb cuts at intersections with driveways, and comply with all other UG standards;**

- 5) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 6) The applicant has not provided proposed amenities for the development. All amenities shall be built within the first phase of the development. For a subdivision of this size, two (2) amenities are required;
- 7) 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;
- 8) Applicant will need to file and maintain a current business occupation tax application with the Business License Division;
- 9) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 10) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 11) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and
- 12) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Sec.8-610 through Sec.8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department ,701 N.7th Street, KS 66101, 913-573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, 913-573-8620.

STAFF RECOMMENDATIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **Petition #3243** and **Master Plan Amendment #MP-2020-8**, subject to all comments and suggestions outlined in the staff reports, and the conditions of the City Planning Commission.

ATTACHMENTS

December 14, 2020 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Preliminary Plat Submitted by the Applicant
Site Plan and Parking Plan Submitted by the Applicant
Landscaping Plan Submitted by the Applicant
Grading Plan Submitted by the Applicant
Utility Plan Submitted by the Applicant
Photos of Property Provided by Staff, Dated November 21, 2020
Summary of Letter from Wyandotte County Conservation District,
Dated November 17, 2020
Neighborhood Meeting Materials, November 30, 2020
Neighborhood Letters of Support
Neighborhood Letters of Opposition
Protest Petition
Front, Back and Side Elevations (submitted 1/21/2021)

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Change of Zone	December 14, 2020 Approval	January 28, 2021
Master Plan Amendment	December 14, 2020 Approval	January 28, 2021
Preliminary Plat	December 14, 2020 Approved	N/A

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

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **3243**, as meeting all the requirements of the City code and being in the interest of the public health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **3243**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MP-2020-8**, as meeting all the requirements of the City code and being in the interest of the public health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MP-2020-8**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 14, 2020 City Planning Commission Minutes:

Hearing starts at 2:01:35:

MASTER PLAN AMENDMENT #MP-2020-8 – WILLIAM BUCK WITH BHC RHODES – SYNOPSIS: Master Plan Amendment from Community Commercial/Low Density Residential to Medium Density Residential at 5115 and 5125 Gibbs Road.

CHANGE OF ZONE APPLICATION #3243 – WILLIAM BUCK WITH BHC RHODES – SYNOPSIS: Change of Zone from R-1 Single Family, C-1 Limited Business and CP-1 Planned Limited Business Districts to R-4 Garden Apartment District for a multi-family development (Tower View Apartments) at 5115 and 5125 Gibbs Road.

TOWER VIEW APARTMENTS – SYNOPSIS: Preliminary Plat for forty (40) multi-family units on two (2) lots at 5115 and 5125 Gibbs Road.

Detailed Outline of Requested Action: The applicant, William Buck with BHC Rhodes, is requesting a Change of Zone and Master Plan Amendment, and has submitted a Preliminary Plat, all for the subject properties at 5115 and 5125 Gibbs Road. The applicant is requesting a Change of Zone from R-1 Single-Family District and C-1 Limited Business District to R-4 Garden Apartments District. The applicant is requesting a Master Plan Amendment of the City-Wide Master Plan land use designation from Community Commercial and Low-Density Residential to Medium-Density Residential. The applicant has submitted a Preliminary Plat for the TOWER VEIW APARTMENTS Plat. The multi-family development will consist of five (5) multi-family structures containing 10 one (1)-bedroom units and 31 two (2)-bedroom units. The development will also retain a pre-existing single-family residence to be used as both an office and residence for a live-in apartment manager, a storage facility, and a water retention pond.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 14, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Ernst stated that he was contacted by several members of the community.

Recording Secretary Parker stated that she received an email with twelve (12) names in opposition to this project.

Present in Support:

- William Buck, applicant, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas 66210
- Conrad Miller, 7199 West 98th Street, Overland Park, Kansas 66212
- Mike Makris, BHC Rhodes, 7101 College Boulevard, Overland Park, Kansas 66210

Present in Opposition:

- Mary Ann Grindel, 3419 Gibbs Road, Kansas City, Kansas 66106
- Joe Magerl, 2218 Key Lane, Kansas City, Kansas 66106
- Dennis Grindel, 3419 Gibbs Road, Kansas City, Kansas 66106
- Sheri Johnson, 2531 North 51st Street, Kansas City, Kansas 66106
- Cindy Ayala, 2035 South 21st Street, Kansas City, Kansas
- Senator Pat Petty, 5315 Lakewood Street, Kansas City, Kansas
- Alexandria (Alex) Craddock, 3009 South 53rd Street, Kansas City, Kansas 66106
- Barb Kill, 5638 Pawnee Avenue, Kansas City, Kansas 66106

➤ Chandra Ward, 5124 Lakewood Street, Kansas City, Kansas 66106

Staff Recommendation starts at 3:02:00: Planning Director Hand stated that affordability was mentioned several times at the meeting and cannot be used as a factor to consider. There was a traffic impact study completed as an exhibit to the application that showed no major impact on other required improvements. This use would have less trips than the bowling alley that formerly occupied the site. Also, the apartment buildings could never be five (5) stories as the height limit of the R-4 zone district is two and a half stories or 35 feet unless a variance was obtained. There will be 40 multi-family units and one (1) will be used for the manager. Staff worked with the applicant regarding sidewalks, landscaping, etc. in order to comply with the Commercial Design Guidelines. He further stated that this application is heavily conditioned and would require a final plan review if approved. Director Hand stated that this multi-family development would serve as a buffer from single-family to adjacent commercial zones and is consistent with traditional neighborhood development patterns. Staff recommends approval subject to the conditions in the staff report.

Planning Commissioner Jones asked Mr. and Mrs. Grindle if the response by the applicant and comments by Director Hand satisfied their concerns. Senator Pat Petty and Mrs. Grindle responded at 3:05:50.

Director Hand stated that he would like to clarify the staff report as it states that a response is needed from the applicant regarding the required amenities. For a subdivision of under 250 units it is required to have two (2) amenities – one (1) regular and one (1) small. Director Hand stated that if there is a motion for approval, staff would request that the stipulation in the staff report (#3) be revised to include two (2) amenities.

Motion and Vote starts at 3:12:10:

On motion by Mr. Reasons, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment #MP-2020-8:**

Carson	Aye
Armstrong	Not Present
Cho	Not Present
Connelly	Aye
Ernst	No
Huey	Aye
Jones	Aye
Miller	No
Mohler	No
Pauley	No
Reasons	Aye

Motion to RECOMMEND APPROVAL Passed: 5 to 4

Subject to all comments and suggestions in the staff report

On motion by Mr. Connelly, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application #3243 to RP-4 Planned Garden Apartment District:**

Carson	Aye
Armstrong	Not Present
Cho	Not Present
Connelly	Aye
Ernst	No
Huey	Aye
Jones	Aye
Miller	No
Mohler	No
Pauley	No
Reasons	Aye

Motion to RECOMMEND APPROVAL Passed: 5 to 4

Subject to:

- 1) 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.
- 2) Compliance with the Multi-Family Residential Guidelines;
- 3) Rearrangement of the trees south of Gibbs Road and west of the driveway to Gibbs Road in order to reduce visibility issues;
- 4) Include a sidewalk along Gibbs Road adjacent to the property. The sidewalk must be at least six (6) feet wide, include curb cuts at intersections with driveways, and comply with all other UG standards;
- 5) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 6) The applicant has not provided proposed amenities for the development. All amenities shall be built within the first phase of the development. For a subdivision of this size, two (2) amenities are required;
- 7) 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;
- 8) Applicant will need to file and maintain a current business occupation tax application with the Business License Division;
- 9) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 10) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 11) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and

- 12) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Sec.8-610 through Sec.8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department ,701 N.7th Street, KS 66101, 913-573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center,4953 State Avenue, Kansas City, KS 66102, 913-573-8620.

On motion by Mr. Reasons, seconded by Ms. Huey, the Planning Commission voted as follows to **APPROVE Tower View Apartments Preliminary Plat:**

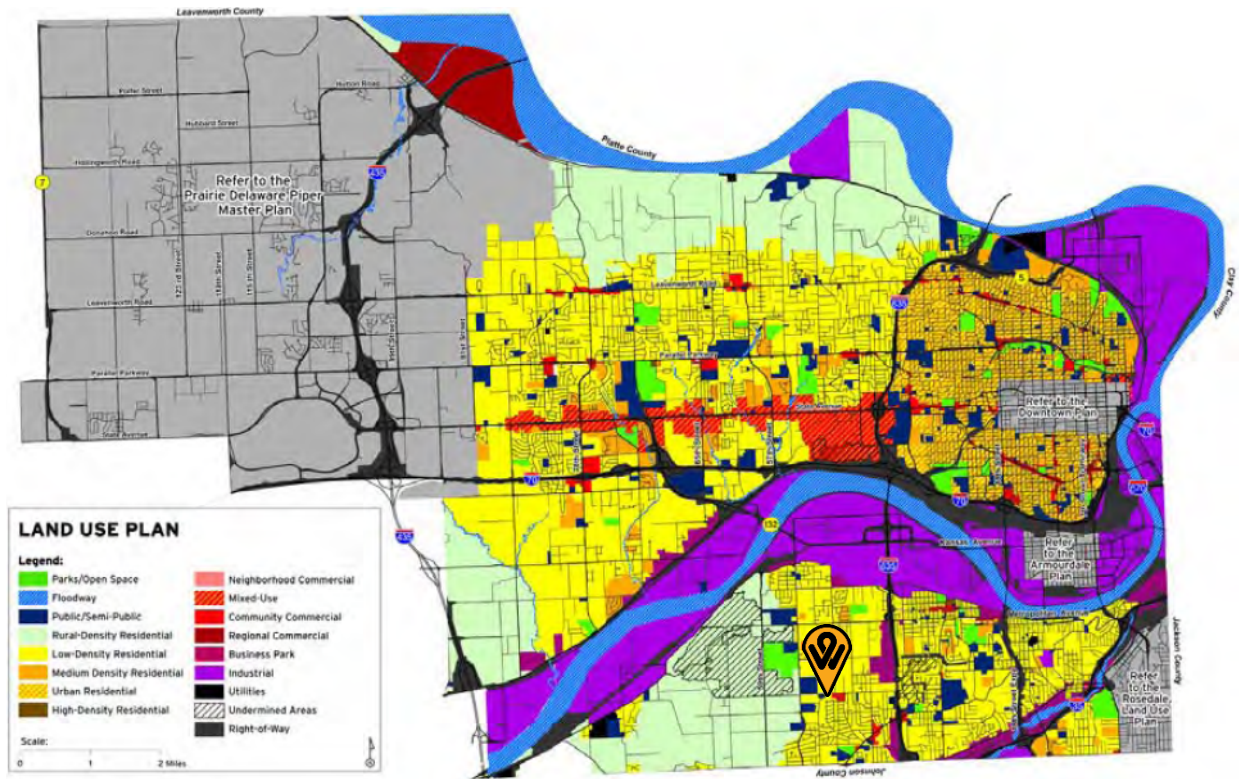
Carson	Aye
Armstrong	Not Present
Cho	Not Present
Connelly	Aye
Ernst	No
Huey	Aye
Jones	Aye
Miller	No
Mohler	No
Pauley	No
Reasons	Aye

Motion to APPROVE Passed: 5 to 4
Subject to:

- 1) **Compliance with the Multi-Family Residential Guidelines;**
- 2) **Rearrangement of the trees south of Gibbs Road and west of the driveway to Gibbs Road in order to reduce visibility issues;**
- 3) **Include a sidewalk along Gibbs Road adjacent to the property. The sidewalk must be at least six (6) feet wide, include curb cuts at intersections with driveways, and comply with all other UG standards;**
- 4) **ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;**
- 5) **The applicant has not provided proposed amenities for the development. All amenities shall be built within the first phase of the development. For a subdivision of this size, two (2) amenities are required;**
- 6) **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;**
- 7) **Applicant will need to file and maintain a current business occupation tax application with the Business License Division;**
- 8) **A building permit is required. Please contact the Building Inspection Department to begin that process;**

- 9) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 10) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and
- 11) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Sec.8-610 through Sec.8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department ,701 N.7th Street, KS 66101, 913-573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center,4953 State Avenue, Kansas City, KS 66102, 913-573-8620.

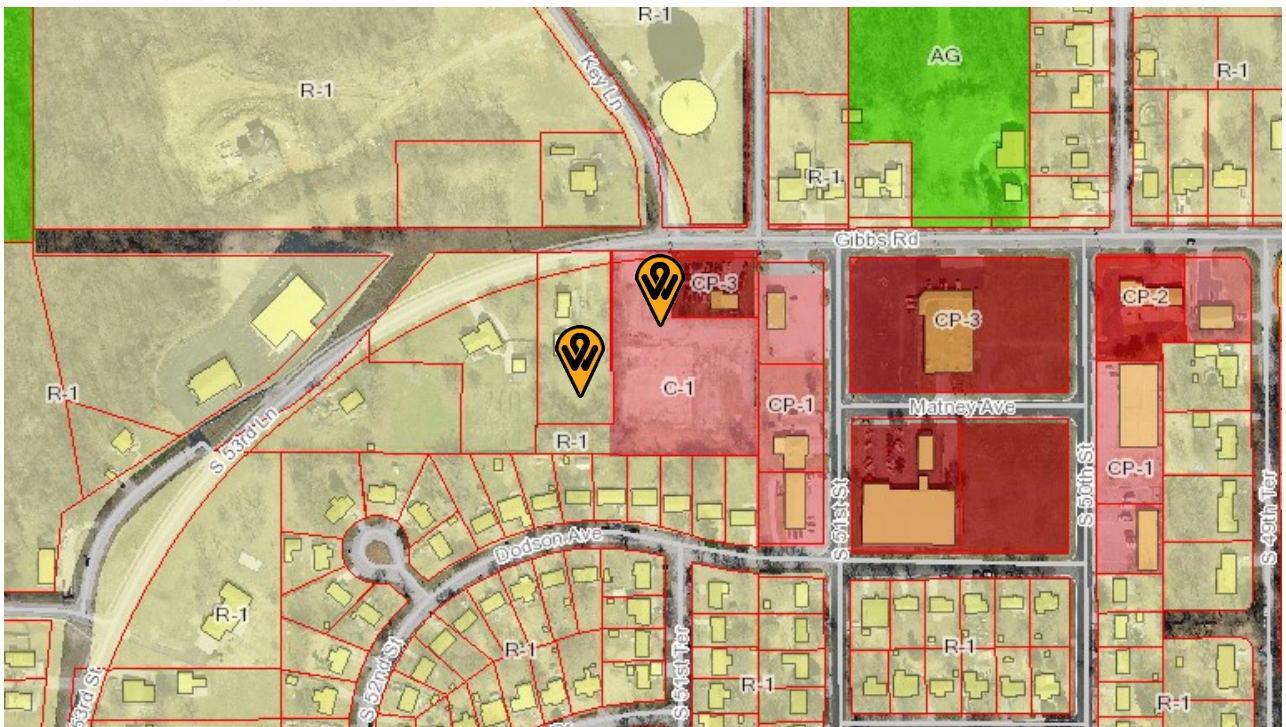
LAND USE MAP



AERIAL MAP



ZONING MAP

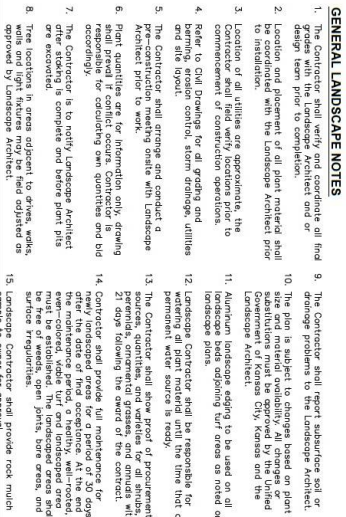




Oct 30 2020 - 10:59am Dotted line marks [V:\028230-Inter view apartments\04-DWG\Floor Sheet\000\028230-2dTY-000-000.dwg](#) (author: SGT, BIA)



Oct 30, 2020 - 11:13am Plotted By: mike.morris K:\029270-tower view apartments\04-DWG\Eng\Sheet\PDF\029270-SHTS-PDF-LNSC.dwg Layout: LANDSCAPE PLAN



GENERAL IRRIGATION NOTES

1. Irrigation plan to be provided during permitting Phase of development.
2. Irrigation plan to not interfere with any proposed improvements shown.
3. Irrigation system design to be based on 100 year return period rainfall rate. For spray heads will be 30 psi and for pop up heads will be 40 psi and for rotary heads will be 40 psi.
4. The contractor shall be responsible for providing unfiltered, 110 gals/minute, 100 psi, 1" minimum diameter, 100' maximum length, all approved low voltage wire shall be enclosed in a conduit.
5. Pipe size may be less than 12" minimum from and to the water source and 12" minimum from water source to be equally spaced.
6. Install all manifolds to 1/2" minimum slope from water source to the points of use.
7. Irrigation controller and rain sensor shall be located in owner approved locations.

Site area	Quantity	Required	Existing	Provided	Total
Open Space Req	127,154				
Time = 500 ft. of the river		28.06	0	29	
Street Req	27.94				
5.5 MTR.					
Included w/o 25 of ROW					
1 time / 2017 of street		0.93	0	1	1
Gibbs Rd.	221.52				
Included w/o 25 of ROW					
1 time / 2017 of street		7.86	1	7	8
Buffer Plantings					
Scrub					
Per 2017	396				
1 emergency or shade tree		13.2	0	14	
3 shrubs		39.6	0	105	
West					
Per 2017	317.54				
1 emergency or shade tree		10.58	0	11	
3 shrubs		31.75	0	75	
Utility Scheduling					
Advance power objectives should be reviewed w/ utilities		Y		Y	

	SOLID THREE m. x carpet	32
	RANDOMLY PATTERNED THREE m. x carpet	18
	DIAMOND SHAPED THREE m. x paving height	20
	CIRCLE SHAPED THREE m. x paving height	82
	HEXAGON SHAPED THREE m. x paving height	77
	HEXAGON SHAPED THREE m. x paving height	96
	CIRCLE SHAPED THREE m. x paving height	143
	HEXAGON SHAPED THREE m. x paving height	162
	HEXAGON SHAPED THREE m. x paving height	48/43
	HEXAGON SHAPED THREE m. x paving height	12/82
	HEXAGON SHAPED THREE m. x paving height	4/372
	HEXAGON SHAPED THREE m. x paving height	3/697
	HEXAGON SHAPED THREE m. x paving height	481
	HEXAGON SHAPED THREE m. x paving height	271
	HEXAGON SHAPED THREE m. x paving height	2/483

L1.0	TOWER VIEW APARTMENTS GIBBS RD. & S. 51ST ST. KANSAS CITY, KANSAS 66106	Prepared For: MILLER LAW FIRM OF KANSAS, P.A. CONRAD MILLER, JR. 7199 WEST WITH TERRACE LANE, SUITE 130 OVERLAND PARK, KANSAS 66212 (913)-912-7070	BHC RHODES <i>Civil Engineering • Surveying • Utilities</i> 7101 College Blvd., Suite 400 Overland Park, Kansas 66210 p. (913) 663-1900 • f. (913) 663-1633 BHC Rhodes is an Equal Opportunity Employer M/F/V.	
	PRELIMINARY DEVELOPMENT PLANS LANDSCAPE PLAN			

Max 24, 2020 = 4.10pm Plotted By: mikemcbride K:\2020-Base View Apartments\04-0607\Fig\Draw\BOP\2020-Base-BOP-0607.dwg 1:100.0. GFA2020.Plan



Nov 24, 2020 - 4:27pm Plotted By: mike.makris Y:\C29270-Tower View Apartments\34-DWG\Eng\Sheet\PDF\C29270-SWTS-PDP-UTL.dwg Layout: UTILITY PLAN



PHOTOS OF PROPERTY PROVIDED BY STAFF, DATED NOVEMBER 21, 2020



SUMMARY LETTER FROM WYANDOTTE COUNTY CONSERVATION DISTRICT,
DATED NOVEMBER 17, 2020



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

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

November 17, 2020

RE: COZ 3243 Subdivision Preliminary Plat for Tower View Apartments, 40 multifamily units on 2 lots at 5115 and 5125 Gibbs Rd

Dear Mr. Hand:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the subdivision preliminary plat review of Tower View Apartments at 5115 and 5125 Gibbs RD.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwelling and Small Commercial Buildings
Soil Features

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

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes and Sharpsburg-Urban land complex, 4 to 8 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- The Erosion Control Plan is limited on this site. Silt fence around the perimeter and sediment basins are not adequate to control erosion off site.
- There is a lot of paving and building materials to be removed. After grading, there also needs to have temporary seeding and mulch.

SUMMARY LETTER FROM WYANDOTTE COUNTY CONSERVATION DISTRICT,
DATED NOVEMBER 17, 2020, CONT.

- I did not see any erosion control for the area that drains to the east. Sediment will flow right into South 51st Street if there is no control. Grubbing, grading, and paving all need to follow one another immediately. *Tree removal*
- Sediment basins need to be cleaned out when 25 percent of the design capacity is lost. The outlet for the sediment basin needs to have a silt fence protective barrier around it. This is a reinforced frame surrounded with silt fence.
- All erosion practices need to be checked weekly and after each rain event.
- The Best Management Practices in this report can be used to improve the erosion control.

The following Best Management Practices are recommended for this plat:

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

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

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

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

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

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

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

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

TURNER TOWNHOMES, LLC
7199 W. 98TH TERR, SUITE 130
OVERLAND PARK, KS 66212

November 19, 2020

JOELLEN M. WATTERSON
2427 S 51ST CT
KANSAS CITY, KS 66106

SUBJECT: 5115 and 5125 Gibbs Road
Neighborhood Meeting

This letter is to let you know that we have filed an application with the Department of Urban Planning and Land Use # **#CZ-20401-00030**. The purpose of this change of zoning to construct a 40 Unit Apartment Complex on the 4 acres at 5115 and 5125 Gibbs Road. This is the presently the vacant site where the Tower Lanes Bowling Alley once was located and the house next door. I have enclosed a site plan and relief showing the development. It will consist of 30 two bedroom units and 10 one bedroom units in 5 buildings. This is a market rate project and is not being subsidized in any manner by section 8 or HUD. Management and ownership is local and the project is designed to replace an eyesore and to buffer the single family homes from commercial development with the least amount of impact to our neighbors.

We are having a neighborhood meeting on November 30, 2020 at 5:30 p.m. and because of Covid restrictions it will be conducted via Skype. The call in number is (913) 905-1560 and the passcode is 91127. You may also join at the web address indicated <https://meet.ihhc.com/mike.makris/05BMSLKR>. Please try to join us a little early so we can make sure everyone is on before we start and be sure to mute your microphone when getting on the call. Everyone will have ample time to ask questions.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. If you are unable to attend and you have questions or concerns, please contact me on my cell number at (913) 244-2658, my office number at (913) 912-7070 or via email at conrad@mlfcs.com (please put in the subject "Turner Townhomes").

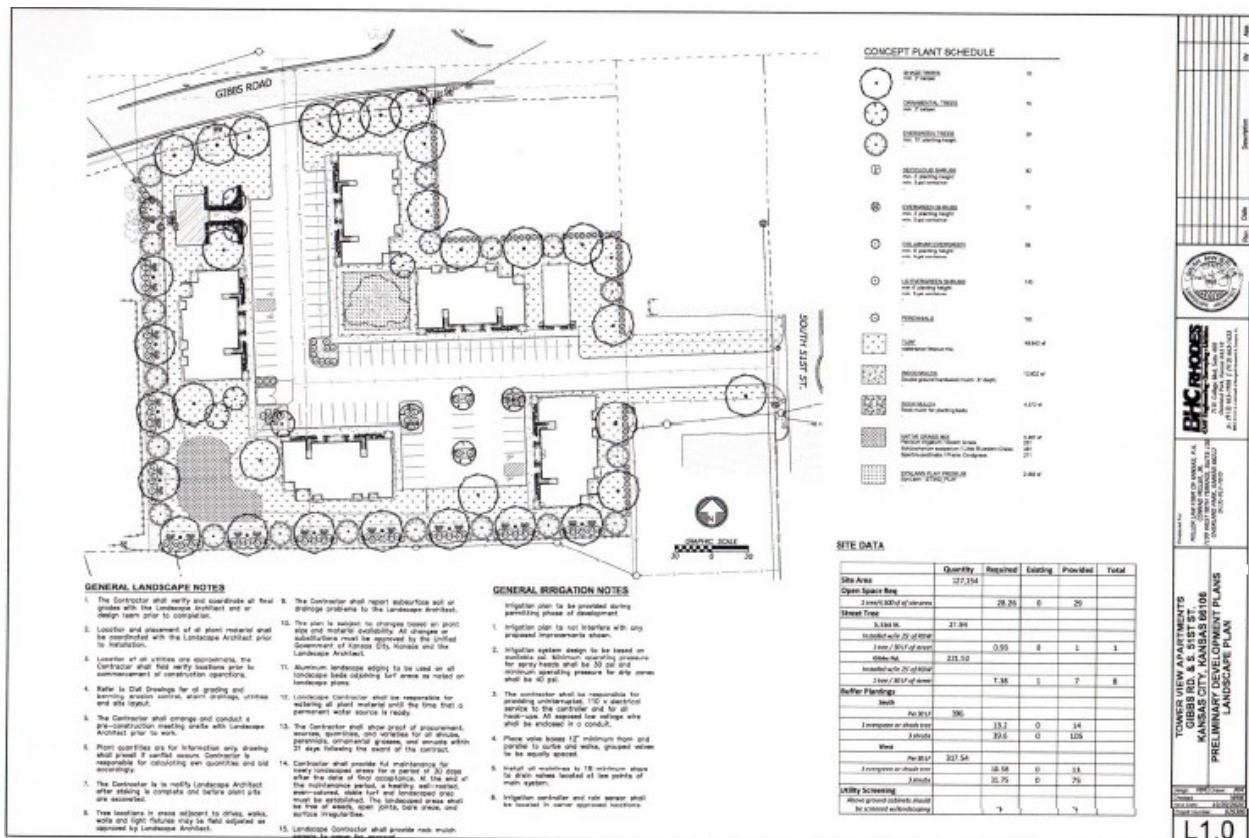
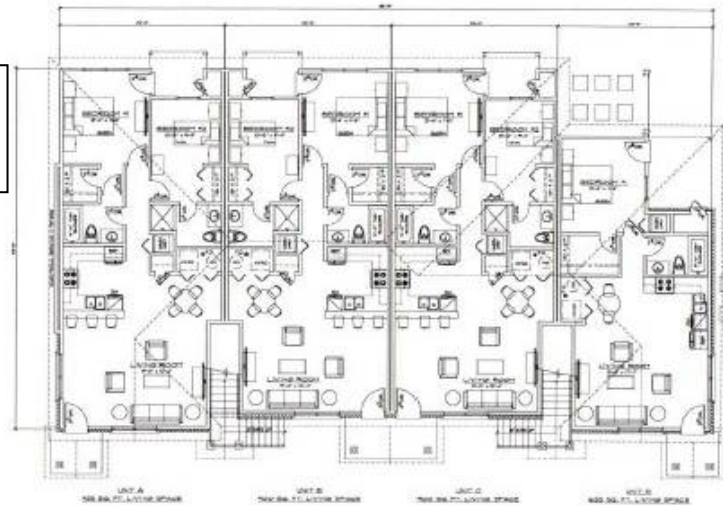
I look forward to seeing you at the neighborhood meeting.

Sincerely,

Conrad Miller, Jr.

Notice of Neighborhood Meeting, Dated November 19, 2020
--

Attachments to Notice of
Neighborhood Meeting,
Dated November 19, 2020



NEIGHBORHOOD MEETING MATERIALS, NOVEMBER 30, 2020, CONT.

Application Number CZ-20401-00030

Date and Location: November 30, 2020

Meeting called to order at: 5:25 PM

Neighborhood Meeting Minutes,
November 30, 2020

Names of people in attendance:

Conrad Miller, Jr. and Mike Markis for applicant

Rusty Quick, 2437 S 53rd Lane, Kansas City, Kansas 66106

Cindi Krenzer, 5141 Gibbs Rd, Kansas City, Kansas 66106

Presentation by applicant and/or team:

Conrad Miller explained that the project was a 40 unit apartment project with 5 buildings. There will be 30 two bedroom units and 10 one bedroom units. Cost will be around \$5,000,000 and will be attractive buildings with some brick façade and siding. A site plan and rendering of the buildings was enclosed with the notice of the meeting.

Questions and answers (include the following):

1. Mr. Quick was concerned with the management of the units and the market rates. He also had concerns about the traffic on Gibbs Road and 51st Street around the fire station.

Mr. Markis explained the traffic study and the relocation of the entrance and the impact on traffic.

Mr. Miller explained the management team with an onsite manager and that the rents would be market rates for the area.

He further explained that the Fire Station on 51st Street was expected to be decommissioned in the near future making the entrance off of 51st street less problematic.

2. Ms. Kenzer occupies the property adjacent to the project immediately to the west. Her concerns were the landscaping to help block the view from the balconies of the units, drainage from the property to her property and noise from the units.

Mr. Markis explained that the drainage would be dealt with by a detention pond and that it would be for overflow and not a permanently filled pond. He also explained that the water would be piped from the detention area to the storm sewer at the front of the project on Gibbs Road. He further explained that the present structure will remain for the time being and will be renovated and painted to match the new buildings. It will be utilized as an office and onsite management facility. The team promised that any drainage from this structure will be redirected with the other water to the front of the property.

Mr. Miller explained that there will be ample landscaping to protect Ms. Kenzer's privacy and committed to putting up a privacy fence to join her present fence and extend it to the front of the property as the codes allow. He also committed to leaving the present tree on the front of the property as an additional screen.

She had a concern about the density and the change from the initial concept of townhomes and Mr. Miller explained that in his opinion there was less impact on the area with one ownership of several units rather than several different owners and the effect that this might have on the upkeep and safety of the area.

He explained the ownership and management of the units and his commitment to keep the area safe and clean.

No other parties joined in the meeting. Comments had been received by Mr. Miller prior to the meeting and it appears that those concerns have been dealt with. Copies of those emails are attached to the minutes.

Meeting adjourned at: 6:00 PM

Minutes taken by: Conrad Miller, Jr.

NEIGHBORHOOD MEETING MATERIALS, NOVEMBER 30, 2020, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF JOHNSON)

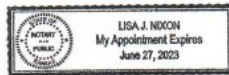
Comes now Conrad Miller, Jr., of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #CZ-20401-00030.
2. That I conducted a neighborhood meeting on November 30, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department and attachments thereto.

Further affiant saith not.


Conrad Miller, Jr., Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this December 1, ~~2000~~ ²⁰²⁰.




Notary Public

My commission expires 27th of June, ~~200~~ ²⁰⁰, 2023

Affidavit of Neighborhood Meeting

NEIGHBORHOOD LETTERS OF SUPPORT

1 of 4

From: Calvin Burgess <burgesscalvin2536@outlook.com>
Sent: Wednesday, November 11, 2020 11:47 AM
To: William Buck <william.buck@ibhc.com>
Subject: 5115 & 5125 Gibbs Road

Good morning sir,

I am a resident in the Turner area of KCKs. I have been made aware of a proposed development to be constructed at 5115 & 5125 Gibbs Road in Kansas City, Kansas.

The description of the project has raised several concerns I wish to get clarification on before sending my comments to the Unified Government Planning Department. My comments are to be received no later than November 17, 2020. Therefore a prompt reply will help me in making a decision on my stance either for or against this project.

Please be assured I wish to make an informed and un-biased comment regarding this development.

The scope of the project as I understand it will be to construct two multi family apartments consisting of forty units in each building.

My concerns regarding this project are:

- Traffic ingress & egress to the development.
- Type of apartment housing that is being planned.
- Section Eight (HUD)
- Criminal activity in the Highland Crest Area
- Adding 80 families in concentrated development in an established neighborhood that was developed as R-1 (Single family dwellings)
- Adding more rental properties to the Highland Crest Area
- Name and location of the owners for this development

As a long time resident (44 years) and a homeowner the sheer number of rental properties in the area do not sit well with me. I am of the old school that homeowners, and not tenants are the more responsible residents and are usually less of a nuisance to others living around them.

- Currently my initial reaction is to oppose this development.
- Do you have any additional information that may change my opinion?
- What are the chances this type of development will be properly managed and maintained in the future?
- Will it become, or will be initially occupied under HUD regulations allowing Section 8 subsidized rent for the occupants?
- What consideration have you allowed for the ten single family dwellings this project will border?

I remember when the Tower Lanes Bowling Alley burned down. The business was never an issue to the neighborhood as far as I know. I hoped it would be re-built after the fire. The bowling alley was a gathering place for many of the nearby residents.

As a resident I am always encouraged to see vacant or abandoned properties in Wyandotte County remain or become a benefit to the neighborhood in which they are located. On the surface, this project has raised flags in my mind as to what the intention, design and occupancy will ultimately do to the neighborhood. If it can make the area better, I'm all for it. If not, I will stand in opposition.

Thank you for taking time to address my concerns. As I stated earlier, I have until next Tuesday to submit my comments to the Planning Commission. I will submit my comments with or without your input, however your comments would greatly help me with my decision.

Calvin Burgess
burgesscalvin2536@outlook.com

NEIGHBORHOOD LETTERS OF SUPPORT, CONT.

2 of 4

Conrad Miller

From: Calvin Burgess <burgesscalvin2536@outlook.com>
Sent: Friday, November 13, 2020 6:07 PM
To: Conrad Miller
Cc: William Buck
Subject: RE: Turner Townhomes

Thank you for addressing my concerns. I am now more comfortable with the overall plan than what I was led to believe it would be.

My comments to the planning commission and our District Representative, (Angela Markley) will be favorable for this project to proceed. I too want to see something other than a weed covered lot remain where the bowling alley once stood.

My compliments on your plan and design for this site.
Calvin Burgess

From: Conrad Miller
Sent: Friday, November 13, 2020 12:09 PM
To: burgesscalvin2536@outlook.com
Cc: William Buck <william.buck@ibhc.com>
Subject: Turner Townhomes

Mr. Burgess,

Thank you for emailing in regard to the proposed development at 5115 and 5125 Gibbs Road. First, let me clear up one misconception, this is a development of 40 total units, 30 two bedroom and 10 one bedroom. Not 2 building of 80 units. There will be 5 buildings with 8 units in each building. I have attached a preliminary plan that shows where the building will be located and the floor plan for the buildings.

In regard to your other concerns:

- Traffic ingress & egress to the development.
We will be adding ingress from Gibbs Road and eliminating the present entrances. We will also be adding an entrance from 51st Street which will cross over the area that used to be where the Tower sat.
- Type of apartment housing that is being planned.
These will be first class units with upgraded amenities.
- Section Eight (HUD)
No Section 8 or HUD Financing.
- Criminal activity in the Highland Crest Area
These will be locally managed with a resident manager on site. No criminal activity will be tolerated and strict parking and access regulation will be enforced. Further, extensive screening will be implement to avoid putting any criminal elements into the development.
- Adding 80 families in concentrated development in an established neighborhood that was developed as R-1 (Single family dwellings)
This will actually be downzoning the property from a commercial use to a residential use. This was the site of the old Tower Lanes Bowling Alley and we did not want to replace that use with a more intense use. Also, this is only 40 units, not 80 and is less than what could be put on the property according to the zoning.
- Adding more rental properties to the Highland Crest Area

We think that the area can absorb 40 units and that it is desperately needed in the Kansas City Area. We also think this is a good buffer zone between the commercial property and the residential properties.

- Name and location of the owners for this development
We are local developers. I'm one of the members and Drake Zschoke is the other. I was born and raised in Kansas City Kansas and actually grew up working at the bowling Alley from the time I was 12. I have been trying to find a good development for the site since it burned down and I think this is the one. We've had chances to have more intense uses on the site, but didn't think it would be a good fit.
Drake is a local real estate developer with several rental properties. You will always be able to contact one of us. I've practiced law in Kansas City of 35 years and my father practice here for 60 years before his death. I also remember the bowling Alley and had many great memories from years of working there. Unfortunately the family just didn't want to rebuild after the fire especially after my mother's death.

Hopefully this will clear up any misconceptions and reduce any fears of a misuse of the property. If you have any further concerns, please feel free to contact me at this email, my office or on my cell phone at 9130244-2658. Thanks.

Conrad Miller, Jr.
Miller Law Firm of Kansas, P.A.
7199 W. 98th Terr, Suite 130
Overland Park, KS 66212
(913) 912-7070 (Office)
913-244-2658 (Cell)
913-912-7182 (Fax)

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3 of 4

NEIGHBORHOOD LETTERS OF SUPPORT, CONT.

Conrad Miller

4 of 4

From: Calvin Burgess <burgesscalvin2536@outlook.com>
Sent: Friday, November 13, 2020 7:19 PM
To: JParker@wycokck.org
Cc: Conrad Miller; William Buck; Markley, Angela
Subject: Zone application #3243

Re: 5115 & 5125 Gibbs road, Kansas City Kansas

To the Unified Government / Kansas City Kansas Planning Commission

Upon first hearing of the proposed development of these lots in the Turner Area I was skeptical at best about what the master plan for this site would consist of. My wife & I live nearby this site and frequently travel along Gibbs Road, & Key Lane to various locations. One of my greatest concerns was the increased traffic flows, ingress & egress at this intersection. The Traffic Control Plan provided by Mr. Conrad Miller, as I understand it, is reasonable and should not cause significant issues.

I contacted Angela Markley, our District Representative, and also BHC Rhodes for additional information. Both Mrs. Markley and BHC Rhodes have responded with positive feedback in a prompt and timely manner. Mr. Conrad Miller (Miller Law Firm) has also replied, addressing my several points of concern. After reading his reply, and reviewing the information submitted to me, I am in favor of this project moving forward.

The former bowling alley was a great place for neighbors and friends to congregate before it burned down many years ago. As a resident of the Turner Area it was always my wish to see this lot be put to some beneficial use that would enhance the area once again.

I believe a small mom & pop business here could greatly benefit the area however, the plan submitted by BHC Rhodes would turn this vacant property once again into a tax paying property while offering quality housing that will provide approximately 70 bedrooms for its residents. My only remaining concern would be providing an appropriate buffer between the new housing units and the ten existing homes located directly behind this project along Dodson Ave. thus helping to alleviate future conflicts with the existing homes and the new development.

I wish to thank the commission for considering my opinion, and I wish to thank Mr. Conrad Miller, and our 6th District Representative Angela Markley for helping me to better understand this proposal.

*Calvin Burgess
2536 S 37th St
Kansas City, Kansas 66106-3971
Burgesscalvin2536@outlook.com*

NEIGHBORHOOD LETTERS OF OPPOSITION

From: Barb <bkill@kc.rr.com>
Sent: Monday, November 16, 2020 7:54 PM
To: Parker, Janet <jparker@wycokck.org>
Cc: Chandra Ward <chanward09@gmail.com>; Mary Jean Grindel <grindelmj@gmail.com>
Subject: Re: December 14, 2020 BOZA and CPC Applications

Good evening Janet,

This evening the Board of Directors of Turner Community Connection voted to oppose the apartment building proposed for 5115 and 5125 Gibbs Road. It is #3243 under change of zone application and also listed under subdivision plats and Master Plan Amendments.

Please send us the information for the zoom meeting when it is planned with the neighborhood.

Thanks,

Barb Kill

From: South Turner <southturnerkck@gmail.com>
Sent: Monday, November 16, 2020 3:01 PM
To: Parker, Janet <jparker@wycokck.org>
Subject: Zoning and Planning Meeting 12/14/2020, item # 3243

On behalf of the South Turner Neighborhood Association, we are writing to express our opposition to the change of zoning to R-4 Garden Apartments District, proposed for 5115 Gibbs Rd, and 5125 Gibbs Rd. We oppose a 40-unit, multi-family apartment complex at this location for the following reasons:

1. This apartment complex would adjoin the Highland Crest development, which already has a high population density.
2. This area has aging and inadequate infrastructure, completed hastily in the 1950's, following the Argentine flood of 1951.
3. Poor access to public transportation and shopping areas.
4. The developer made no effort to contact the local neighborhood group.

Beyond these immediate points, we as a group have many questions, and do not feel that this proposal would be a net gain for an already distressed area. We appreciate your time, and hope that these concerns are taken into consideration. Please let us know if you have any questions.

Thank you,

Marc Magerl, President,
South Turner Neighborhood Association

Alex Craddock, Secretary,
South Turner Neighborhood Association

NEIGHBORHOOD LETTERS OF OPPOSITION, CONT.

From: Nancy Hilgardner <nhilgardner@yahoo.com>

Sent: Thursday, December 3, 2020 5:18 PM

To: Hand, Gunnar <gband@wycokck.org>

Subject: Re: Emails for board

Many thanks! I'm concerned about the property development at 51st and Gibbs!

I know your familiar with it!

I wasn't sure if my negative concerns would make any difference !

Nancy

From: Nancy A Hilgardner <nhilgardner@yahoo.com>

Sent: Friday, December 4, 2020 10:22 AM

To: Hand, Gunnar <gband@wycokck.org>

Cc: Parker, Janet <jparker@wycokck.org>

Subject: Re: Emails for board

City planners and board of commissioners

I am writing to voice my concern and opposition to the proposed apartment development at 51st and Gibbs road.

I know that research has been done on this proposal, but I'm hoping you would consider those of us that use this area each and every day.

This would include the Turner school buses that go at least twice and sometimes four to five times a day.

The intersection that one of the proposed entrances is Gibbs and Keylane. A very busy area to say the least. Many many instances drivers only slow down and never stop, even tho there is a stop sign there. Many times we have had to call the police on this and others close to it for monitoring. Your development would only decrease the safety of our residents, that include many school children.

We also have a fire station within at least 500 feet of this development. This station is used each and everyday for Ones that have lived here several years and we would hate to have an accident to our emergency responders. Please do further research on this alone.

My understanding is there will be a waste pit, that is supposed to be used. I'm hoping it has been considered that any standing water will only draw mosquitoes and other insects, plus an ORDOR, that will not let us, that live in this area, to be able to enjoy our yards during summer months. You can say that this will not happen! But after years on this earth, I know it will. Accidents do happen. Let's guard against that happening.

Also brought to my attention is that the apartments will not be senior nor low income housing? You and I both know that will perhaps last one to two years. This is because our area will not draw anyone that can pay nor will pay the \$1000 to \$1300 that will be asked. It's only a matter of time that you will be renting to low income. This will bring our home values even lower, while our taxes are increased yearly.

Please deny this development and refer the developer to other areas in Wyandotte county, if that's what you want. BUT DO NOT PASS THIS PLANNED DEVELOPMENT!

Sincerely

Nancy A Hilgardner



Protest Petition Map for COZ #3243 (5115 and 5125 Gibbs Road)



Protest Petition Guidelines

These guidelines are designed to assist those who wish to exercise their right to file a Protest Petition in opposition to the granting of a rezoning or a special use permit by the Unified Government of Wyandotte County/Kansas City, Kansas. This document is only a guide. There may be other issues which are not addressed herein. You should consult with your attorney in regard to the completion and filing of your specified Protest Petition.

Quick Advice

1. Protest petitions properly signed and acknowledged must be filed with the Clerk's Office on the 3rd Floor of City Hall at 701 North 7th Street, no later than 14 days after the Planning Commission has concluded its public hearing. The day following the Planning Commission hearing shall be counted as the first day. (Example: If the Planning Commission met on September 8th, then September 9th is the first day and September 22nd is the last day.)
2. Owners of at least 20% of the land area within 200 feet of the property subject to the rezoning or special use permit (SUP), excluding public streets and rights-of-way, must properly sign and acknowledge the protest petition for it to constitute a valid protest. If a valid protest is filed, at least nine of the eleven members of the Unified Government Board of Commissioners must vote to approve in order for the rezoning application to be approved. Without a valid protest petition, the affirmative votes of just six members of the Governing Body are needed to approve the rezoning application.
3. Only signatures of owners of property within 200 feet of the property subject to the rezoning or SUP will be counted when determining if the 20% minimum requirement has been met. Signatures from owners of property that is located within 200 feet of the property subject to the rezoning or SUP, but is outside of the city limits or across a county line, shall also be considered in this determination. If the area outside the city limits or across a county line is unincorporated, the distance to be counted increases to 1000 feet.
4. Meeting the necessary requirements takes considerable time, so even though there are 14 days after the Planning Commission meeting to file, you should start the process as soon as possible.
5. In the particular case of applications initiated by the Planning Commission or the Governing Body and not the landowner(s), special rules apply. Please contact the Department of Planning + Urban Design at 913-573-5750 for these rules.

Acknowledgement and Verification

(Please carefully read the verification statement before signing)

STATE OF KANSAS)
) SS
COUNTY OF WYANDOTTE)

I, Mark Quick (Rusty), 2437 S 53 Lane,
(Name) (Address)

being first duly sworn, under oath, depose and state that I have read and examined the foregoing Protest Petition, the Protest Petition Guidelines provided by the Unified Government of Wyandotte County/Kansas City, Kansas, and the signatures and addresses placed on the Protest Petition, and further state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition and that I personally witnessed their signature, that I am one of the signers of the Protest Petition and own property within the statutory area of notification related to the area for which a REZONING/SPECIAL USE PERMIT is sought, and that
(Circle One)

3 to the best of my knowledge the signers of the Protest Petition are owners of land located within the statutory area of notification for this REZONING/SPECIAL USE PERMIT application. The
(Circle One)

statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT is sought; or, if the
(Circle One)

area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT
(Circle One)

is sought and the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT is sought.
(Circle One)

[Signature]
(Signature)

Subscribed and sworn to before me this 18 day of December, 2020,
by Mark Quick, who is personally known to me to be the same person whose
name is subscribed to in the foregoing instrument.

Notary Public John Tyler Ryan

My Commission Expires: 1/23/2022

JOHN TYLER RYAN
Notary Public-State of Kansas
My Appt. Expires 1/23/2022

4

Petitioner's Contact Information

The Protest Petition process frequently requires dialogue between Unified Government Staff and the petitioner. In order to facilitate this dialogue, please provide the following contact information:

Name Mark Quick Phone Number 913 226 0553
 Address 2437 S 53 lane E-mail biggbarbecue@yahoo.com

5

Protest Petition

Protest Petition Against Rezoning or Special Use Permit No. 3243

We, the undersigned property owners, do hereby protest the above referenced application at the following address: 5115 AND 5125 Carvers Rd

We, the undersigned, realize that this petition of protest must be submitted to the Office of the Unified Government Clerk within fourteen (14) days from the date of the conclusion of the Planning Commission public hearing regarding this rezoning or special use permit (SUP) application. Further, we realize that this Petition is in opposition to the rezoning or SUP application and our signatures cannot be removed after filing unless certain lawful actions are taken to remove the Protest Petition. This Petition may be filed pursuant to the laws of Kansas, K.S.A. 12-757; and of the Unified Government of Wyandotte County/Kansas City, Kansas Sec 27-1049(d) and shall be subject to the rules contained therein.

We, the undersigned, are owners of real property located within the statutory area of notification related to the area for which a rezoning or SUP is sought, whereby, our signatures shall hereafter be verified by one of the signers of the Protest Petition as true and correct signatures in order for this Protest Petition to be valid. The statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a rezoning or SUP is sought; or, if the area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a rezoning or SUP is sought and the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a rezoning or SUP is sought.

Petition Number:

Legal Signature of Property Owner (All owners of property must sign)	Printed Name of Property Owner (Please take care to print legibly)	Property Description (Address and/or lot and block number)	Date
<i>Sh. Q. Allen Properties, IV, LLC</i>	<i>LYNN ANN KBBEN</i>	<i>2122 24th St NW SE</i>	<i>11/21/20</i>
<i>Shakana Chowdhury</i>	<i>Shakana M & H MacB Inc.</i>	<i>2106 S. 9th St SE</i>	<i>11-21-20</i>
<i>Rm Tech automobiles inc.</i>	<i>Robert Marquez</i>	<i>5105 Gibbs Rd SE</i>	<i>11-21-20</i>
<i>Al K...</i>	<i>Pauli K...</i>	<i>5141 G. 1st St SE</i>	<i>11-21-20</i>
<i>...</i>	<i>Rehnd W Baca</i>	<i>2500 S 51 St</i>	<i>11/21/20</i>
<i>...</i>	<i>Rehnd W Baca</i>	<i>5119 100th St NW</i>	<i>11/21/20</i>
<i>...</i>	<i>Pamela Stark</i>	<i>2431 S 51st St NW</i>	<i>11/21/20</i>
<i>...</i>	<i>Jillian M. Witherson</i>	<i>2427 S 51st St NW</i>	<i>11/21/20</i>
<i>...</i>	<i>Stephen J Smith</i>	<i>5130 Dodson Ave</i>	<i>11/22/20</i>
<i>...</i>	<i>Howard L. Bell</i>	<i>5048 Gibbs</i>	<i>11/24/20</i>
<i>...</i>	<i>"</i>	<i>5048 Gibbs</i>	<i>11-24-20</i>
<i>...</i>	<i>McLissa L Erwin</i>	<i>2001 2425 S 53rd</i>	<i>11/24/20</i>
<i>...</i>	<i>Casey A Carter</i>	<i>2322 Key Ln</i>	<i>11/22/20</i>
<i>...</i>	<i>Todd Hoffman</i>	<i>5015 Gibbs Rd</i>	<i>11/21/20</i>
<i>...</i>	<i>Benjamin Buck - owner</i>	<i>5135 Dodson Rd</i>	<i>12/19/20</i>
<i>...</i>	<i>Rm Tech automobiles inc. Ruben Marquez y Jimenez</i>	<i>5105 Gibbs Rd SE</i>	<i>11/24/2020</i>

Protest Petition Guidelines

6 of 6

Kansas Department of Health and Environment
Office of Vital Statistics
CERTIFICATE OF DEATH

1. Decedent's Legal Name (First, Middle, Last) ELLEN LOU BELL		3. Sex FEMALE		5. Date of Birth (Month, Day, Year) 02/15/2020		7. Social Security Number 715-28-2598		9. State File Number 02/26/2020	
6. Last Name Prior to First Marriage BRITTON		2. Date of Birth 09/22/1928		4. Place of Birth (City And State Or Foreign Country) 91 Years Old BENNSALEAR, INDIANA		8. Decedent Died In U.S. Armed Forces NO		10. Date Died By Date Signature 02/26/2020	
11. Place of Death 5048 GIBBS RD WYANDOTT, MO		12. Facility Name (If Not Institution, Street And Number) 5048 GIBBS RD		13. County Of Death WYANDOTT, MO		14. State Of Death MISSOURI		15. Decedent's Residence 5048 GIBBS RD WYANDOTT, MO	
16. Date of Death 02/26/2020		17. Marital Status MARRIED		18. Spouse (Name Prior to First Marriage) HOWARD LEWIS BELL		19. Spouse's Social Security Number 5048 GIBBS RD		20. Spouse's Date of Death 6/1/96	
21. State or Foreign Country KANSAS CITY		22. County or Precinct MARION		23. City or Town KANSAS CITY		24. State MISSOURI		25. Trade City Code YES	
26. Decedent's Ancestry AMERICAN		27. Decedent's Race WHITE		28. Decedent's Religion WYANDOTT, MO		29. Decedent's Religion WYANDOTT, MO		30. Decedent's Religion WYANDOTT, MO	
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131. Decedent's Religion WYANDOTT, MO		132. Decedent's Religion WYAND							



Planning and Urban Design

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: January 28, 2021

Re: **COZ 3243 and Master Plan Amendment MP-2020-8**

GENERAL INFORMATION

Applicant:
William Buck

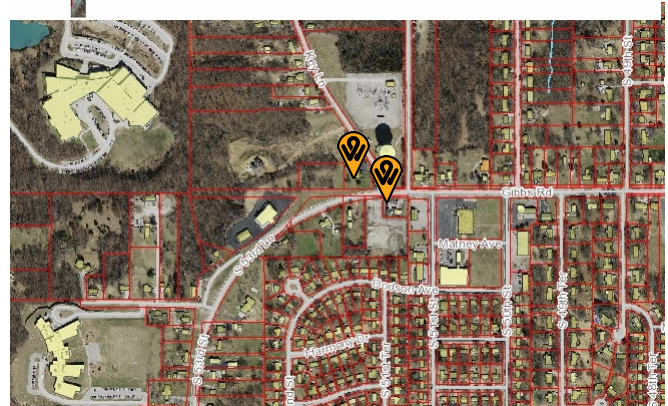
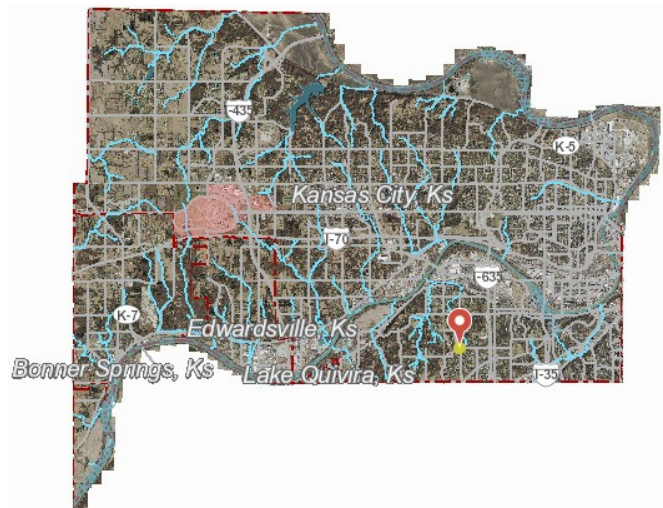
Status of Applicant:
Representative
BHC Rhodes
7101 College Boulevard, Suite 400
Overland Park, Kansas 66210

Requested Actions:
Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:
October 30, 2020

Purpose:
Change of Zone from R-1 Single-Family District and C-1 Commercial District to RP-4 Planned Garden Apartment District.



Amendment of Master Plan land use designation from Community Commercial and Low-Density Residential to Medium-Density Residential.

Property Location:	5115 and 5125 Gibbs Road Kansas City, Kansas 66106
Commission Districts:	District Commissioner: Angela Markley (District 6) Commissioner At Large: Tom Burroughs (At-Large District 2)
Existing Zoning:	5115 Gibbs Road: 1.96 Acres 5125 Gibbs Road: 0.86 Acres
Adjacent Zoning:	North: R-1 Single-Family District South: R-1 Single-Family District East: C-1 Limited Business District; CP-1 Planned Limited Business District; CP-3 Planned Commercial District West: R-1 Single-Family District
Adjacent Uses:	North: Single-family residences; Board of Public Utilities facility South: Single-family residences East: Auto body shop; Landbank property West: Single-family residence
Total Tract Size:	5115 Gibbs Road: 1.96 Acres 5125 Gibbs Road: 0.86 Acres
Master Plan Area:	The subject property is not within a Master Plan Area.
Master Plan Designation:	The City-Wide Master Plan designates this property as Community Commercial and Low Density Residential.
Major Street Plan:	The Major Street Plan designates Gibbs Road as a Collector Street.
Required Parking:	R-1 Single-Family District: Section 27-454(e) requires two (2) off-street parking spaces to be provided on the premises for each single-family dwelling, one (1) of which shall be in a garage or carport. C-1 Limited Business District: Section 27-464(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building.

R-4 Garden Apartment District: Section 27-459(d) requires one and one-half (1.5) parking spaces to be provided for each dwelling unit that has one (1) bedroom or less and requires two (2) parking spaces to be provided for each dwelling unit that has two (2) bedrooms or more. The proposed multi-family development will have 10 one (1)-bedroom units and 31 two (2)-bedroom units, requiring a total of 77 parking spaces. The proposed parking plan has 77 parking spaces, four (4) of which are ADA-compliant; all quantities of parking spaces meet the Zoning Code.

Advertisement:

The Wyandotte Echo – November 19, 2020 for Change of Zone and Master Plan Amendment Letters to Property Owners – November 18, 2020, December 31, 2020 and January 21, 2021

Public Hearings:

December 14, 2020, January 7, 2021 (item was pulled prior to the final agenda) and January 28, 2021

Public Support:

Staff has received emails from one (1) neighbor in support of the development.

Public Opposition:

Staff has received emails from several neighbors and neighborhood groups in opposition to the development. There were nine (9) people that spoke in opposition to this project at the December 14, 2020 City Planning Commission meeting. A valid 52.56% protest petition has been submitted.

PROPOSAL

Detailed Outline of Requested Action: The applicant, William Buck with BHC Rhodes, is requesting a Change of Zone and Master Plan Amendment, and has submitted a Preliminary Plat, all for the subject properties at 5115 and 5125 Gibbs Road. The applicant is requesting a Change of Zone from R-1 Single-Family District and C-1 Limited Business District to R-4 Garden Apartments District. The applicant is requesting a Master Plan Amendment of the City-Wide Master Plan land use designation from Community Commercial and Low-Density Residential to Medium-Density Residential. The applicant has submitted a Preliminary Plat for the TOWER VEIW APARTMENTS Plat. The multi-family development will consist of five (5) multi-family structures containing 10 one (1)-bedroom units and 31 two (2)-bedroom units. The development will also retain a pre-existing single-family residence to be used as both an office and residence for a live-in apartment manager, a storage facility, and a water retention pond.

Code Enforcement History: There are no outstanding Notices of Violation associated with the property.

FACTORS TO BE CONSIDERED

Change of Zone

1. Neighborhood character.

There are some commercial properties along Gibbs Road, to the east of the subject properties. After Gibbs Road turns to the southwest and becomes South 53rd Street, however, the properties are exclusively single-family residences situated on narrow, deep lots. Furthermore, there is a neighborhood of single-family residences directly to the south of the subject properties.

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

Along Gibbs Road the properties are zoned commercial, while behind the collector street the neighborhoods are zoned for single-family residences. Multi-family housing is often used as a buffer between or a transition from commercial uses to single-family residences. In this way, the proposed use is acceptable for the nearby zoning and uses, if not compatible with them.

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

Staff has already received letters of opposition from neighbors, who are expressing concern that the removal of restrictions will detrimentally affect the nearby properties.

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

It is unclear how long the parcels have been vacant.

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

Addressing the dearth of middle-housing in Wyandotte County is an important public policy issue. The applicant has yet to provide the expected rental rates for the apartment units, but the more the rental rates align with the identified middle-housing rental rate, the more necessary an apartment building is to the community.

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

Constructing a 40-unit apartment building on a 2.76-acre plat within a predominately single-family residential neighborhood will cause an increase in both traffic and parking demands in a way that could affect road capacity, safety, and parking problems.

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

The Community Commercial and Low-Density Residential land use designations are not compatible with a Change of Zone to R-4 Garden Apartments District. As such, the applicant has simultaneously applied for a Master Plan Amendment in order to change the land use designations from Community Commercial and Low-Density Residential to Medium-Density Residential.

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

Construction will always cause environmental harm. A major factor determining the environmental damage caused by construction is the increase in impermeable surfaces. In this situation that factor is mitigated by the fact that 5115 Gibbs Road already has an impermeable, concrete foundation from a demolished building. Therefore, the increase in impermeable surface area will not be as great as if the same apartment building and parking lot were built on an undeveloped lot.

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

a. *Water service*

Water lines must be installed on the property as part of the site development if they have not been installed already from the previous development.

b. *Sanitary sewer service*

Sanitary sewer lines are available on South 51st Street to the east and on Dodson Avenue to the south. Sewer lines may need to be extended and expanded to accommodate the proposed uses.

c. *Storm water control*

Storm water mains are located along Gibbs Road/South 53rd Street.

d. Police

Police service is provided by South Division, District #334.

e. Fire

Fire service is provided by Fire Station #17.

f. Transit

There are no public transportation lines that run within a reasonable distance of the property.

g. Schools

Public education is provided by Oak Grove Elementary School, Turner Middle School, and Turner High School, under Turner USD 202.

h. Streets

No additional streets will be created.

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

The development will create additional housing and property taxes on a previously vacant property.

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

Under Section 27-459(g), all Changes of Zone to R-4 are subject to planned zoning, due to the fact that developments allowed after the rezoning process are often different enough from their surrounding neighborhood that a well-planned transition is “important to the public welfare”. Therefore, the proposed use will meet all applicable ordinances by working with Staff as part of the planned zoning requirements.

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

As previously addressed, increasing middle housing options in Wyandotte County is important to the future growth of the county. While this would create a gain for the public as a whole, there are still concerns about the detrimental effects a 40-unit apartment building would have on the neighbors. Due to these concerns, Staff cannot yet assert that there is a relative gain of the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners until the applicant submits the requested responses found in the “Staff Recommendations” section of this report.

Master Plan Amendment

1. *Neighborhood character*

See Change of Zone Review Factor #1.

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

The parking requirement for the R-4 Garden Apartment District stipulate that one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less, and two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. A 40-unit apartment building therefore would require anywhere from 60 to 80 parking spaces. On-site parking concerns aside, such a sharp increase in vehicles on Gibbs Road may have an effect on road capacity or safety.

3. *The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.*

5115 Gibbs Road used to have a commercial building, and 5125 Gibbs Road still has a residence on it. Given the history of the subject properties, there is likely already utility lines serving the property; but these lines may need to be extended, expanded, or repaired before they can satisfactorily serve the proposed use. Staff can confirm that sanitary sewer lines are available on South 51st Street to the east and on Dodson Avenue to the south, and that storm water mains are valuable and are located along Gibbs Road/South 53rd Street.

4. *The difference between the existing and proposed Master Plan.*

The existing land use designation for the property in the City-Wide Master Plan is Community Commercial and Low-Density Residential, and the proposed land use designation is Medium-Density Residential. Community Commercial is a land use designation intended to promote and accommodate commercial businesses and Low-Density Residential, while a residential land use designation, recommends only “3 to 5 dwelling units” per acre. Medium-Density Residential, however, is a residential land use designation that recommends “4 to 16 dwelling units per acre”. Medium-Density Residential accommodates and recommends housing densities that match the proposed use, while Community Commercial is an inappropriate land use designation and Low-Density Residential does not accommodate the proposed level of density.

5. *Analysis of the impact on surrounding properties.*

See Change of Zone Review Factors #2, 3, and 6.

6. Estimate the future costs and revenues to the Unified Government and property owner and Market Impact.

See Change of Zone Review Factor #10.

Preliminary Plat

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

See Change of Zone Review Factor #9.

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

The applicant should follow all recommendations outlined in the Wyandotte County Conservation District letter, dated November 17, 2020. An abridged copy of the letter can be found in the “Attachments” section of this report.

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

The preliminary plat shows vehicular access to Gibbs Road and South 51st Street. Providing multiple entry and exit points to and from the property is encouraged due to fire safety and vehicular impact concerns.

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

The preliminary plat shows five (5) multi-family buildings spread out around the subject property. The multiple buildings reduces the footprint and height of any single building, which creates an aesthetic transition from the single-family neighborhood to the south. The applicant must still provide development plans for supporting features of the plat, including public sidewalks, internal paths accessing the public sidewalk, and the required amenities.

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

The subject property is the site of a bowling alley. Although the building has been demolished, the concrete foundation remains. Much of the natural topography of the land has been previously eliminated by the former development. Therefore, few natural features remains to be protected and enhanced. The landscaping plan, however, does show trees serving as buffers along adjacent properties.

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

The preliminary plat has not provided information regarding spaces for community services or even for apartment amenities.

UPDATE

1. The applicant requested that this application be continued from the January 7, 2021 Board of Commissioners meeting to the January 28, 2021 meeting.
2. A valid protest petition is in place (attached to this document).
3. The applicant submitted front, back and side elevations to the staff on January 21, 2021 (attached to this document).

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on November 30, 2020 in person, via Skype. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the “Attachments” section of this report).

KEY ISSUES

Development Plans
Erosion Control Mitigation Measures
Parking
Site Design
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 4 to recommend **APPROVAL** of Change of Zone Application #3243 to **RP-4 Planned Garden Apartment District** and Master Plan Amendment #MP-2020-8, subject to:

- 1) **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.**
- 2) **Compliance with the Multi-Family Residential Guidelines;**
- 3) **Rearrangement of the trees south of Gibbs Road and west of the driveway to Gibbs Road in order to reduce visibility issues;**
- 4) **Include a sidewalk along Gibbs Road adjacent to the property. The sidewalk must be at least six (6) feet wide, include curb cuts at intersections with driveways, and comply with all other UG standards;**

- 5) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 6) The applicant has not provided proposed amenities for the development. All amenities shall be built within the first phase of the development. For a subdivision of this size, two (2) amenities are required;
- 7) 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;
- 8) Applicant will need to file and maintain a current business occupation tax application with the Business License Division;
- 9) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 10) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 11) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and
- 12) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Sec.8-610 through Sec.8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department ,701 N.7th Street, KS 66101, 913-573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, 913-573-8620.

STAFF RECOMMENDATIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **Petition #3243** and **Master Plan Amendment #MP-2020-8**, subject to all comments and suggestions outlined in the staff reports, and the conditions of the City Planning Commission.

ATTACHMENTS

December 14, 2020 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Preliminary Plat Submitted by the Applicant
Site Plan and Parking Plan Submitted by the Applicant
Landscaping Plan Submitted by the Applicant
Grading Plan Submitted by the Applicant
Utility Plan Submitted by the Applicant
Photos of Property Provided by Staff, Dated November 21, 2020
Summary of Letter from Wyandotte County Conservation District,
Dated November 17, 2020
Neighborhood Meeting Materials, November 30, 2020
Neighborhood Letters of Support
Neighborhood Letters of Opposition
Protest Petition
Front, Back and Side Elevations (submitted 1/21/2021)

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Change of Zone	December 14, 2020 Approval	January 28, 2021
Master Plan Amendment	December 14, 2020 Approval	January 28, 2021
Preliminary Plat	December 14, 2020 Approved	N/A

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

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **3243**, as meeting all the requirements of the City code and being in the interest of the public health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **3243**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MP-2020-8**, as meeting all the requirements of the City code and being in the interest of the public health safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MP-2020-8**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

December 14, 2020 City Planning Commission Minutes:

Hearing starts at 2:01:35:

MASTER PLAN AMENDMENT #MP-2020-8 – WILLIAM BUCK WITH BHC RHODES – SYNOPSIS: Master Plan Amendment from Community Commercial/Low Density Residential to Medium Density Residential at 5115 and 5125 Gibbs Road.

CHANGE OF ZONE APPLICATION #3243 – WILLIAM BUCK WITH BHC RHODES – SYNOPSIS: Change of Zone from R-1 Single Family, C-1 Limited Business and CP-1 Planned Limited Business Districts to R-4 Garden Apartment District for a multi-family development (Tower View Apartments) at 5115 and 5125 Gibbs Road.

TOWER VIEW APARTMENTS – SYNOPSIS: Preliminary Plat for forty (40) multi-family units on two (2) lots at 5115 and 5125 Gibbs Road.

Detailed Outline of Requested Action: The applicant, William Buck with BHC Rhodes, is requesting a Change of Zone and Master Plan Amendment, and has submitted a Preliminary Plat, all for the subject properties at 5115 and 5125 Gibbs Road. The applicant is requesting a Change of Zone from R-1 Single-Family District and C-1 Limited Business District to R-4 Garden Apartments District. The applicant is requesting a Master Plan Amendment of the City-Wide Master Plan land use designation from Community Commercial and Low-Density Residential to Medium-Density Residential. The applicant has submitted a Preliminary Plat for the TOWER VEIW APARTMENTS Plat. The multi-family development will consist of five (5) multi-family structures containing 10 one (1)-bedroom units and 31 two (2)-bedroom units. The development will also retain a pre-existing single-family residence to be used as both an office and residence for a live-in apartment manager, a storage facility, and a water retention pond.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated December 14, 2020;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Planning Commissioner Ernst stated that he was contacted by several members of the community.

Recording Secretary Parker stated that she received an email with twelve (12) names in opposition to this project.

Present in Support:

- William Buck, applicant, BHC Rhodes, 7101 College Boulevard, Suite 400, Overland Park, Kansas 66210
- Conrad Miller, 7199 West 98th Street, Overland Park, Kansas 66212
- Mike Makris, BHC Rhodes, 7101 College Boulevard, Overland Park, Kansas 66210

Present in Opposition:

- Mary Ann Grindel, 3419 Gibbs Road, Kansas City, Kansas 66106
- Joe Magerl, 2218 Key Lane, Kansas City, Kansas 66106
- Dennis Grindel, 3419 Gibbs Road, Kansas City, Kansas 66106
- Sheri Johnson, 2531 North 51st Street, Kansas City, Kansas 66106
- Cindy Ayala, 2035 South 21st Street, Kansas City, Kansas
- Senator Pat Petty, 5315 Lakewood Street, Kansas City, Kansas
- Alexandria (Alex) Craddock, 3009 South 53rd Street, Kansas City, Kansas 66106
- Barb Kill, 5638 Pawnee Avenue, Kansas City, Kansas 66106

➤ Chandra Ward, 5124 Lakewood Street, Kansas City, Kansas 66106

Staff Recommendation starts at 3:02:00: Planning Director Hand stated that affordability was mentioned several times at the meeting and cannot be used as a factor to consider. There was a traffic impact study completed as an exhibit to the application that showed no major impact on other required improvements. This use would have less trips than the bowling alley that formerly occupied the site. Also, the apartment buildings could never be five (5) stories as the height limit of the R-4 zone district is two and a half stories or 35 feet unless a variance was obtained. There will be 40 multi-family units and one (1) will be used for the manager. Staff worked with the applicant regarding sidewalks, landscaping, etc. in order to comply with the Commercial Design Guidelines. He further stated that this application is heavily conditioned and would require a final plan review if approved. Director Hand stated that this multi-family development would serve as a buffer from single-family to adjacent commercial zones and is consistent with traditional neighborhood development patterns. Staff recommends approval subject to the conditions in the staff report.

Planning Commissioner Jones asked Mr. and Mrs. Grindle if the response by the applicant and comments by Director Hand satisfied their concerns. Senator Pat Petty and Mrs. Grindle responded at 3:05:50.

Director Hand stated that he would like to clarify the staff report as it states that a response is needed from the applicant regarding the required amenities. For a subdivision of under 250 units it is required to have two (2) amenities – one (1) regular and one (1) small. Director Hand stated that if there is a motion for approval, staff would request that the stipulation in the staff report (#3) be revised to include two (2) amenities.

Motion and Vote starts at 3:12:10:

On motion by Mr. Reasons, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment #MP-2020-8:**

Carson	Aye
Armstrong	Not Present
Cho	Not Present
Connelly	Aye
Ernst	No
Huey	Aye
Jones	Aye
Miller	No
Mohler	No
Pauley	No
Reasons	Aye

Motion to RECOMMEND APPROVAL Passed: 5 to 4

Subject to all comments and suggestions in the staff report

On motion by Mr. Connelly, seconded by Ms. Huey, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone Application #3243 to RP-4 Planned Garden Apartment District:**

Carson	Aye
Armstrong	Not Present
Cho	Not Present
Connelly	Aye
Ernst	No
Huey	Aye
Jones	Aye
Miller	No
Mohler	No
Pauley	No
Reasons	Aye

Motion to RECOMMEND APPROVAL Passed: 5 to 4

Subject to:

- 1) 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.
- 2) Compliance with the Multi-Family Residential Guidelines;
- 3) Rearrangement of the trees south of Gibbs Road and west of the driveway to Gibbs Road in order to reduce visibility issues;
- 4) Include a sidewalk along Gibbs Road adjacent to the property. The sidewalk must be at least six (6) feet wide, include curb cuts at intersections with driveways, and comply with all other UG standards;
- 5) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 6) The applicant has not provided proposed amenities for the development. All amenities shall be built within the first phase of the development. For a subdivision of this size, two (2) amenities are required;
- 7) 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;
- 8) Applicant will need to file and maintain a current business occupation tax application with the Business License Division;
- 9) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 10) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 11) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and

- 12) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Sec.8-610 through Sec.8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department ,701 N.7th Street, KS 66101, 913-573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, 913-573-8620.

On motion by Mr. Reasons, seconded by Ms. Huey, the Planning Commission voted as follows to **APPROVE Tower View Apartments Preliminary Plat:**

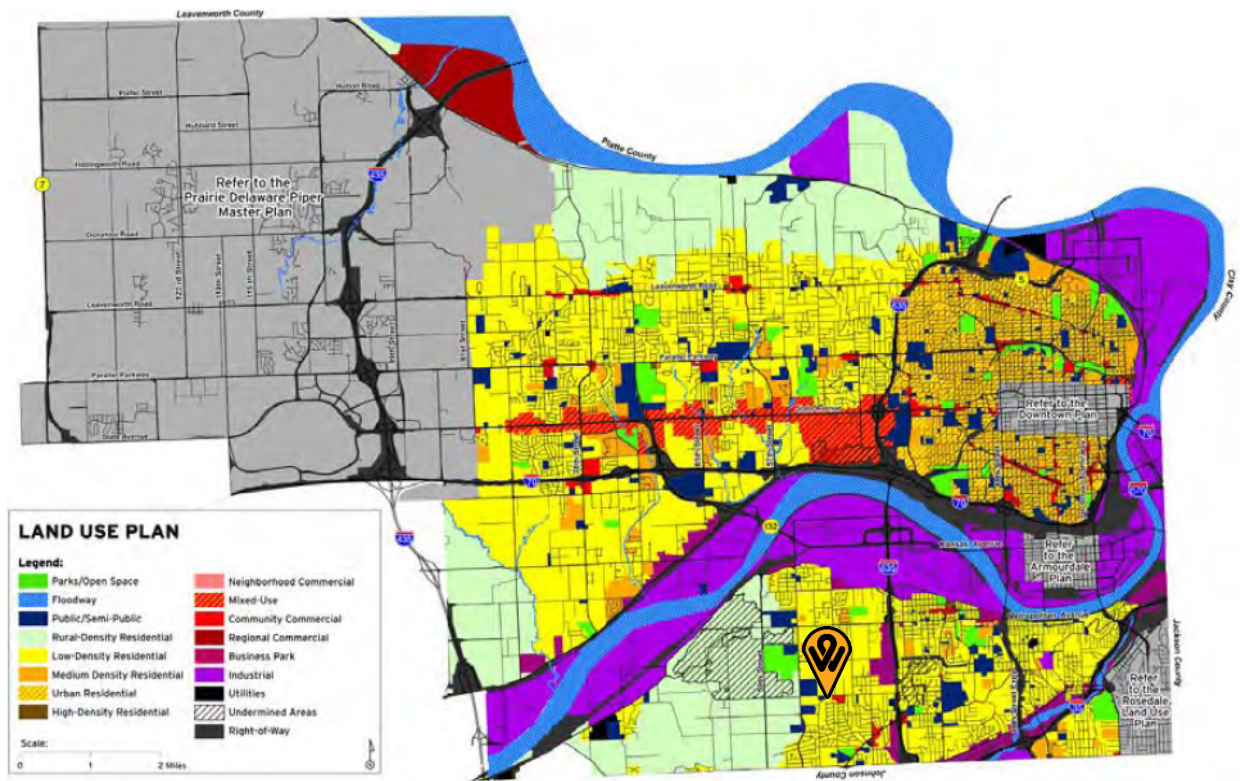
Carson	Aye
Armstrong	Not Present
Cho	Not Present
Connelly	Aye
Ernst	No
Huey	Aye
Jones	Aye
Miller	No
Mohler	No
Pauley	No
Reasons	Aye

Motion to APPROVE Passed: 5 to 4
Subject to:

- 1) Compliance with the Multi-Family Residential Guidelines;
- 2) Rearrangement of the trees south of Gibbs Road and west of the driveway to Gibbs Road in order to reduce visibility issues;
- 3) Include a sidewalk along Gibbs Road adjacent to the property. The sidewalk must be at least six (6) feet wide, include curb cuts at intersections with driveways, and comply with all other UG standards;
- 4) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 5) The applicant has not provided proposed amenities for the development. All amenities shall be built within the first phase of the development. For a subdivision of this size, two (2) amenities are required;
- 6) 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;
- 7) Applicant will need to file and maintain a current business occupation tax application with the Business License Division;
- 8) A building permit is required. Please contact the Building Inspection Department to begin that process;

- 9) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 10) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and
- 11) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Sec.8-610 through Sec.8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department ,701 N.7th Street, KS 66101, 913-573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center,4953 State Avenue, Kansas City, KS 66102, 913-573-8620.

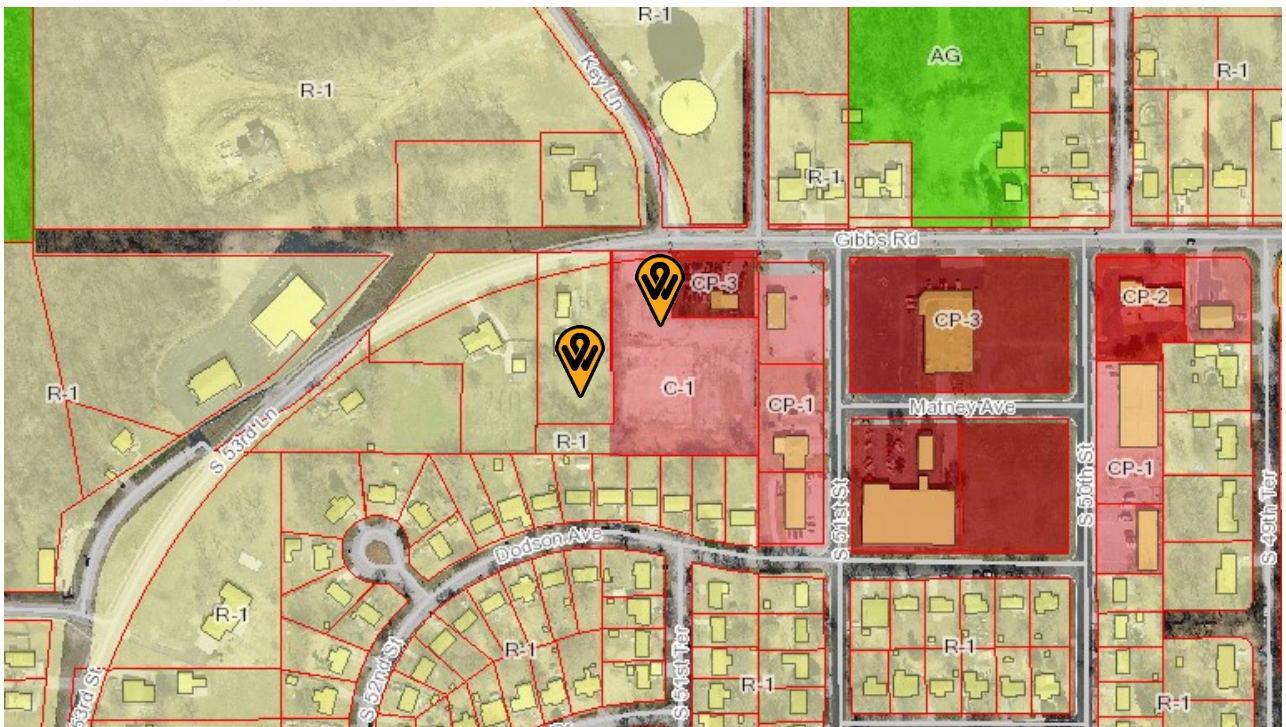
LAND USE MAP



AERIAL MAP



ZONING MAP





Oct 30, 2020 - 10:59am Plotted By: mike.makris V:\029270-3tower view apartments\04-CMG\Eng\Sheet\PDF\029270-SHTS-PDF-SITE.dwg Layout: SITE PLA



Oct 30, 2020 - 11:13am Plotted By: mike.makis V:\029270-tower view apartments\04-DWG\Eng\Sheet\PDF\029270-SH-TS-PDF-LNSC.dwg Layout: LANDSCAPE PLAN



Max 24, 2020 = 4.10pm Plotted By: mikemcbride K:\2020-Base View Apartments\04-0607\Fig\Draw\BOP\2020-Base-BOP-0607.dwg 1:100.0. GFA2020.Plan



Nov 24, 2020 - 4:27pm Plotted By: mike.makris Y:\C29270-Tower View Apartments\34-DWG\Eng\Sheet\PDF\C29270-SWTS-PDP-UTL.dwg Layout: UTILITY PLAN



PHOTOS OF PROPERTY PROVIDED BY STAFF, DATED NOVEMBER 21, 2020



SUMMARY LETTER FROM WYANDOTTE COUNTY CONSERVATION DISTRICT,
DATED NOVEMBER 17, 2020



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

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

November 17, 2020

RE: COZ 3243 Subdivision Preliminary Plat for Tower View Apartments, 40 multifamily units on 2 lots at 5115 and 5125 Gibbs Rd

Dear Mr. Hand:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the subdivision preliminary plat review of Tower View Apartments at 5115 and 5125 Gibbs RD.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwelling and Small Commercial Buildings
Soil Features

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

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes and Sharpsburg-Urban land complex, 4 to 8 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- The Erosion Control Plan is limited on this site. Silt fence around the perimeter and sediment basins are not adequate to control erosion off site.
- There is a lot of paving and building materials to be removed. After grading, there also needs to have temporary seeding and mulch.

SUMMARY LETTER FROM WYANDOTTE COUNTY CONSERVATION DISTRICT,
DATED NOVEMBER 17, 2020, CONT.

- I did not see any erosion control for the area that drains to the east. Sediment will flow right into South 51st Street if there is no control. Grubbing, grading, and paving all need to follow one another immediately. *Tree removal*
- Sediment basins need to be cleaned out when 25 percent of the design capacity is lost. The outlet for the sediment basin needs to have a silt fence protective barrier around it. This is a reinforced frame surrounded with silt fence.
- All erosion practices need to be checked weekly and after each rain event.
- The Best Management Practices in this report can be used to improve the erosion control.

The following Best Management Practices are recommended for this plat:

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

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

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

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

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

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

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

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

TURNER TOWNHOMES, LLC
7199 W. 98TH TERR, SUITE 130
OVERLAND PARK, KS 66212

November 19, 2020

JOELLEN M. WATTERSON
2427 S 51ST CT
KANSAS CITY, KS 66106

SUBJECT: 5115 and 5125 Gibbs Road
Neighborhood Meeting

This letter is to let you know that we have filed an application with the Department of Urban Planning and Land Use # **#CZ-20401-00030**. The purpose of this change of zoning to construct a 40 Unit Apartment Complex on the 4 acres at 5115 and 5125 Gibbs Road. This is the presently the vacant site where the Tower Lanes Bowling Alley once was located and the house next door. I have enclosed a site plan and relief showing the development. It will consist of 30 two bedroom units and 10 one bedroom units in 5 buildings. This is a market rate project and is not being subsidized in any manner by section 8 or HUD. Management and ownership is local and the project is designed to replace an eyesore and to buffer the single family homes from commercial development with the least amount of impact to our neighbors.

We are having a neighborhood meeting on November 30, 2020 at 5:30 p.m. and because of Covid restrictions it will be conducted via Skype. The call in number is (913) 905-1560 and the passcode is 91127. You may also join at the web address indicated <https://meet.ihhc.com/mike.makris/05BMSLKR>. Please try to join us a little early so we can make sure everyone is on before we start and be sure to mute your microphone when getting on the call. Everyone will have ample time to ask questions.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. If you are unable to attend and you have questions or concerns, please contact me on my cell number at (913) 244-2658, my office number at (913) 912-7070 or via email at conrad@mlfcs.com (please put in the subject "Turner Townhomes").

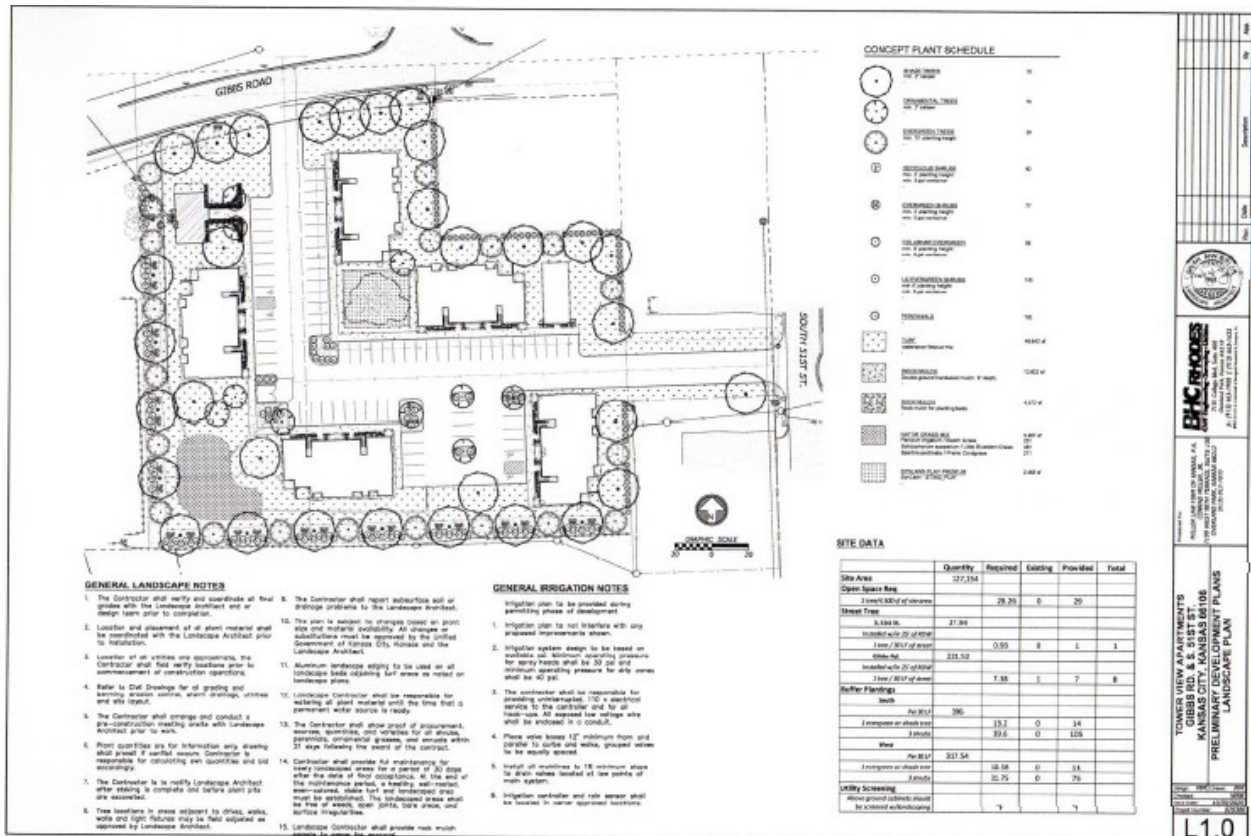
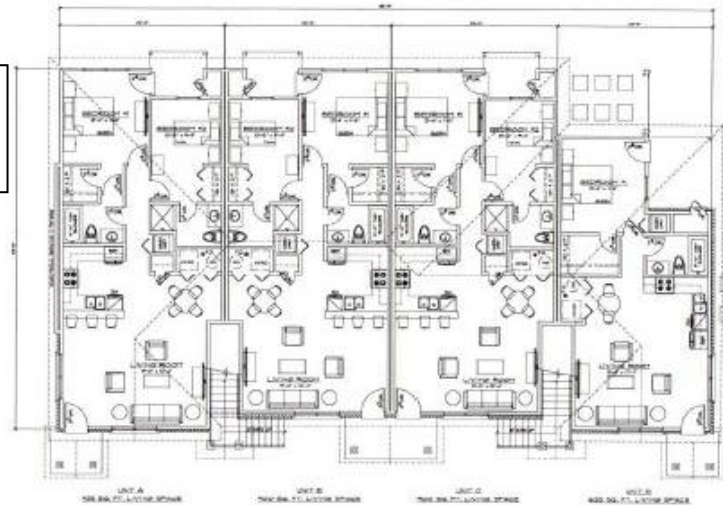
I look forward to seeing you at the neighborhood meeting.

Sincerely,

Conrad Miller, Jr.

Notice of Neighborhood Meeting, Dated November 19, 2020
--

Attachments to Notice of
Neighborhood Meeting,
Dated November 19, 2020



NEIGHBORHOOD MEETING MATERIALS, NOVEMBER 30, 2020, CONT.

Application Number CZ-20401-00030

Date and Location: November 30, 2020

Meeting called to order at: 5:25 PM

Neighborhood Meeting Minutes,
November 30, 2020

Names of people in attendance:

Conrad Miller, Jr. and Mike Markis for applicant

Rusty Quick, 2437 S 53rd Lane, Kansas City, Kansas 66106

Cindi Krenzer, 5141 Gibbs Rd, Kansas City, Kansas 66106

Presentation by applicant and/or team:

Conrad Miller explained that the project was a 40 unit apartment project with 5 buildings. There will be 30 two bedroom units and 10 one bedroom units. Cost will be around \$5,000,000 and will be attractive buildings with some brick façade and siding. A site plan and rendering of the buildings was enclosed with the notice of the meeting.

Questions and answers (include the following):

1. Mr. Quick was concerned with the management of the units and the market rates. He also had concerns about the traffic on Gibbs Road and 51st Street around the fire station.

Mr. Markis explained the traffic study and the relocation of the entrance and the impact on traffic.

Mr. Miller explained the management team with an onsite manager and that the rents would be market rates for the area.

He further explained that the Fire Station on 51st Street was expected to be decommissioned in the near future making the entrance off of 51st street less problematic.

2. Ms. Kenzer occupies the property adjacent to the project immediately to the west. Her concerns were the landscaping to help block the view from the balconies of the units, drainage from the property to her property and noise from the units.

Mr. Markis explained that the drainage would be dealt with by a detention pond and that it would be for overflow and not a permanently filled pond. He also explained that the water would be piped from the detention area to the storm sewer at the front of the project on Gibbs Road. He further explained that the present structure will remain for the time being and will be renovated and painted to match the new buildings. It will be utilized as an office and onsite management facility. The team promised that any drainage from this structure will be redirected with the other water to the front of the property.

Mr. Miller explained that there will be ample landscaping to protect Ms. Kenzer's privacy and committed to putting up a privacy fence to join her present fence and extend it to the front of the property as the codes allow. He also committed to leaving the present tree on the front of the property as an additional screen.

She had a concern about the density and the change from the initial concept of townhomes and Mr. Miller explained that in his opinion there was less impact on the area with one ownership of several units rather than several different owners and the effect that this might have on the upkeep and safety of the area.

He explained the ownership and management of the units and his commitment to keep the area safe and clean.

No other parties joined in the meeting. Comments had been received by Mr. Miller prior to the meeting and it appears that those concerns have been dealt with. Copies of those emails are attached to the minutes.

Meeting adjourned at: 6:00 PM

Minutes taken by: Conrad Miller, Jr.

NEIGHBORHOOD MEETING MATERIALS, NOVEMBER 30, 2020, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF JOHNSON)

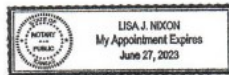
Comes now Conrad Miller, Jr., of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #CZ-20401-00030.
2. That I conducted a neighborhood meeting on November 30, 2020.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department and attachments thereto.

Further affiant saith not.


Conrad Miller, Jr., Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this December 1, ~~2000~~ ²⁰²⁰.




Notary Public

My commission expires 27th of June, ~~200~~ ²⁰⁰, 2023

Affidavit of Neighborhood Meeting

NEIGHBORHOOD LETTERS OF SUPPORT

1 of 4

From: Calvin Burgess <burgesscalvin2536@outlook.com>
Sent: Wednesday, November 11, 2020 11:47 AM
To: William Buck <william.buck@ibhc.com>
Subject: 5115 & 5125 Gibbs Road

Good morning sir,

I am a resident in the Turner area of KCKs. I have been made aware of a proposed development to be constructed at 5115 & 5125 Gibbs Road in Kansas City, Kansas.

The description of the project has raised several concerns I wish to get clarification on before sending my comments to the Unified Government Planning Department. My comments are to be received no later than November 17, 2020. Therefore a prompt reply will help me in making a decision on my stance either for or against this project.

Please be assured I wish to make an informed and un-biased comment regarding this development.

The scope of the project as I understand it will be to construct two multi family apartments consisting of forty units in each building.

My concerns regarding this project are:

- Traffic ingress & egress to the development.
- Type of apartment housing that is being planned.
- Section Eight (HUD)
- Criminal activity in the Highland Crest Area
- Adding 80 families in concentrated development in an established neighborhood that was developed as R-1 (Single family dwellings)
- Adding more rental properties to the Highland Crest Area
- Name and location of the owners for this development

As a long time resident (44 years) and a homeowner the sheer number of rental properties in the area do not sit well with me. I am of the old school that homeowners, and not tenants are the more responsible residents and are usually less of a nuisance to others living around them.

- Currently my initial reaction is to oppose this development.
- Do you have any additional information that may change my opinion?
- What are the chances this type of development will be properly managed and maintained in the future?
- Will it become, or will be initially occupied under HUD regulations allowing Section 8 subsidized rent for the occupants?
- What consideration have you allowed for the ten single family dwellings this project will border?

I remember when the Tower Lanes Bowling Alley burned down. The business was never an issue to the neighborhood as far as I know. I hoped it would be re-built after the fire. The bowling alley was a gathering place for many of the nearby residents.

As a resident I am always encouraged to see vacant or abandoned properties in Wyandotte County remain or become a benefit to the neighborhood in which they are located. On the surface, this project has raised flags in my mind as to what the intention, design and occupancy will ultimately do to the neighborhood. If it can make the area better, I'm all for it. If not, I will stand in opposition.

Thank you for taking time to address my concerns. As I stated earlier, I have until next Tuesday to submit my comments to the Planning Commission. I will submit my comments with or without your input, however your comments would greatly help me with my decision.

Calvin Burgess
burgesscalvin2536@outlook.com

NEIGHBORHOOD LETTERS OF SUPPORT, CONT.

Conrad Miller

From: Calvin Burgess <burgesscalvin2536@outlook.com>
Sent: Friday, November 13, 2020 6:07 PM
To: Conrad Miller
Cc: William Buck
Subject: RE: Turner Townhomes

Thank you for addressing my concerns. I am now more comfortable with the overall plan than what I was led to believe it would be.

My comments to the planning commission and our District Representative, (Angela Markley) will be favorable for this project to proceed. I too want to see something other than a weed covered lot remain where the bowling alley once stood.

My compliments on your plan and design for this site.
Calvin Burgess

From: Conrad Miller
Sent: Friday, November 13, 2020 12:09 PM
To: burgesscalvin2536@outlook.com
Cc: William Buck <william.buck@ibhc.com>
Subject: Turner Townhomes

Mr. Burgess,

Thank you for emailing in regard to the proposed development at 5115 and 5125 Gibbs Road. First, let me clear up one misconception, this is a development of 40 total units, 30 two bedroom and 10 one bedroom. Not 2 building of 80 units. There will be 5 buildings with 8 units in each building. I have attached a preliminary plan that shows where the building will be located and the floor plan for the buildings.

In regard to your other concerns:

- Traffic ingress & egress to the development.
We will be adding ingress from Gibbs Road and eliminating the present entrances. We will also be adding an entrance from 51st Street which will cross over the area that used to be where the Tower sat.
- Type of apartment housing that is being planned.
These will be first class units with upgraded amenities.
- Section Eight (HUD)
No Section 8 or HUD Financing.
- Criminal activity in the Highland Crest Area
These will be locally managed with a resident manager on site. No criminal activity will be tolerated and strict parking and access regulation will be enforced. Further, extensive screening will be implement to avoid putting any criminal elements into the development.
- Adding 80 families in concentrated development in an established neighborhood that was developed as R-1 (Single family dwellings)
This will actually be downzoning the property from a commercial use to a residential use. This was the site of the old Tower Lanes Bowling Alley and we did not want to replace that use with a more intense use. Also, this is only 40 units, not 80 and is less than what could be put on the property according to the zoning.
- Adding more rental properties to the Highland Crest Area

We think that the area can absorb 40 units and that it is desperately needed in the Kansas City Area. We also think this is a good buffer zone between the commercial property and the residential properties.

- Name and location of the owners for this development
We are local developers. I'm one of the members and Drake Zschoke is the other. I was born and raised in Kansas City Kansas and actually grew up working at the bowling Alley from the time I was 12. I have been trying to find a good development for the site since it burned down and I think this is the one. We've had chances to have more intense uses on the site, but didn't think it would be a good fit.
Drake is a local real estate developer with several rental properties. You will always be able to contact one of us. I've practiced law in Kansas City of 35 years and my father practice here for 60 years before his death. I also remember the bowling Alley and had many great memories from years of working there. Unfortunately the family just didn't want to rebuild after the fire especially after my mother's death.

Hopefully this will clear up any misconceptions and reduce any fears of a misuse of the property. If you have any further concerns, please feel free to contact me at this email, my office or on my cell phone at 9130244-2658. Thanks.

Conrad Miller, Jr.
Miller Law Firm of Kansas, P.A.
7199 W. 98th Terr, Suite 130
Overland Park, KS 66212
(913) 912-7070 (Office)
913-244-2658 (Cell)
913-912-7182 (Fax)

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2 of 4

3 of 4

NEIGHBORHOOD LETTERS OF SUPPORT, CONT.

Conrad Miller

4 of 4

From: Calvin Burgess <burgesscalvin2536@outlook.com>
Sent: Friday, November 13, 2020 7:19 PM
To: JParker@wycokck.org
Cc: Conrad Miller; William Buck; Markley, Angela
Subject: Zone application #3243

Re: 5115 & 5125 Gibbs road, Kansas City Kansas

To the Unified Government / Kansas City Kansas Planning Commission

Upon first hearing of the proposed development of these lots in the Turner Area I was skeptical at best about what the master plan for this site would consist of. My wife & I live nearby this site and frequently travel along Gibbs Road, & Key Lane to various locations. One of my greatest concerns was the increased traffic flows, ingress & egress at this intersection. The Traffic Control Plan provided by Mr. Conrad Miller, as I understand it, is reasonable and should not cause significant issues.

I contacted Angela Markley, our District Representative, and also BHC Rhodes for additional information. Both Mrs. Markley and BHC Rhodes have responded with positive feedback in a prompt and timely manner.

Mr. Conrad Miller (Miller Law Firm) has also replied, addressing my several points of concern. After reading his reply, and reviewing the information submitted to me, I am in favor of this project moving forward.

The former bowling alley was a great place for neighbors and friends to congregate before it burned down many years ago. As a resident of the Turner Area it was always my wish to see this lot be put to some beneficial use that would enhance the area once again.

I believe a small mom & pop business here could greatly benefit the area however, the plan submitted by BHC Rhodes would turn this vacant property once again into a tax paying property while offering quality housing that will provide approximately 70 bedrooms for its residents. My only remaining concern would be providing an appropriate buffer between the new housing units and the ten existing homes located directly behind this project along Dodson Ave. thus helping to alleviate future conflicts with the existing homes and the new development.

I wish to thank the commission for considering my opinion, and I wish to thank Mr. Conrad Miller, and our 6th District Representative Angela Markley for helping me to better understand this proposal.

*Calvin Burgess
2536 S 37th St
Kansas City, Kansas 66106-3971
Burgesscalvin2536@outlook.com*

NEIGHBORHOOD LETTERS OF OPPOSITION

From: Barb <bkill@kc.rr.com>
Sent: Monday, November 16, 2020 7:54 PM
To: Parker, Janet <jparker@wycokck.org>
Cc: Chandra Ward <chanward09@gmail.com>; Mary Jean Grindel <grindelmj@gmail.com>
Subject: Re: December 14, 2020 BOZA and CPC Applications

Good evening Janet,

This evening the Board of Directors of Turner Community Connection voted to oppose the apartment building proposed for 5115 and 5125 Gibbs Road. It is #3243 under change of zone application and also listed under subdivision plats and Master Plan Amendments.

Please send us the information for the zoom meeting when it is planned with the neighborhood.

Thanks,

Barb Kill

From: South Turner <southturnerkck@gmail.com>
Sent: Monday, November 16, 2020 3:01 PM
To: Parker, Janet <jparker@wycokck.org>
Subject: Zoning and Planning Meeting 12/14/2020, item # 3243

On behalf of the South Turner Neighborhood Association, we are writing to express our opposition to the change of zoning to R-4 Garden Apartments District, proposed for 5115 Gibbs Rd, and 5125 Gibbs Rd. We oppose a 40-unit, multi-family apartment complex at this location for the following reasons:

1. This apartment complex would adjoin the Highland Crest development, which already has a high population density.
2. This area has aging and inadequate infrastructure, completed hastily in the 1950's, following the Argentine flood of 1951.
3. Poor access to public transportation and shopping areas.
4. The developer made no effort to contact the local neighborhood group.

Beyond these immediate points, we as a group have many questions, and do not feel that this proposal would be a net gain for an already distressed area. We appreciate your time, and hope that these concerns are taken into consideration. Please let us know if you have any questions.

Thank you,

Marc Magerl, President,
South Turner Neighborhood Association

Alex Craddock, Secretary,
South Turner Neighborhood Association

NEIGHBORHOOD LETTERS OF OPPOSITION, CONT.

From: Nancy Hilgardner <nhilgardner@yahoo.com>

Sent: Thursday, December 3, 2020 5:18 PM

To: Hand, Gunnar <gband@wycokck.org>

Subject: Re: Emails for board

Many thanks! I'm concerned about the property development at 51st and Gibbs!

I know your familiar with it!

I wasn't sure if my negative concerns would make any difference !

Nancy

From: Nancy A Hilgardner <nhilgardner@yahoo.com>

Sent: Friday, December 4, 2020 10:22 AM

To: Hand, Gunnar <gband@wycokck.org>

Cc: Parker, Janet <jparker@wycokck.org>

Subject: Re: Emails for board

City planners and board of commissioners

I am writing to voice my concern and opposition to the proposed apartment development at 51st and Gibbs road.

I know that research has been done on this proposal, but I'm hoping you would consider those of us that use this area each and every day.

This would include the Turner school buses that go at least twice and sometimes four to five times a day.

The intersection that one of the proposed entrances is Gibbs and Keylane. A very busy area to say the least. Many many instances drivers only slow down and never stop, even tho there is a stop sign there. Many times we

have had to call the police on this and others close to it for monitoring. Your development would only decrease the safety of our residents, that include many school children.

We also have a fire station within at least 500 feet of this development. This station is used each and everyday for Ones that have lived here several years and we would hate to have an accident to our emergency responders. Please do further research on this alone.

My understanding is there will be a waste pit, that is supposed to be used. I'm hoping it has been considered that any standing water will only draw mosquitoes and other insects, plus an ORDOR, that will not let us, that live in this area, to be able to enjoy our yards during summer months. You can say that this will not happen! But after years on this earth, I know it will. Accidents do happen. Let's guard against that happening.

Also brought to my attention is that the apartments will not be senior nor low income housing? You and I both know that will perhaps last one to two years. This is because our area will not draw anyone that can pay nor will pay the \$1000 to \$1300 that will be asked. It's only a matter of time that you will be renting to low income. This will bring our home values even lower, while our taxes are increased yearly.

Please deny this development and refer the developer to other areas in Wyandotte county, if that's what you want. BUT DO NOT PASS THIS PLANNED DEVELOPMENT!

Sincerely

Nancy A Hilgardner



Protest Petition Map for COZ #3243 (5115 and 5125 Gibbs Road)



Protest Petition Guidelines

These guidelines are designed to assist those who wish to exercise their right to file a Protest Petition in opposition to the granting of a rezoning or a special use permit by the Unified Government of Wyandotte County/Kansas City, Kansas. This document is only a guide. There may be other issues which are not addressed herein. You should consult with your attorney in regard to the completion and filing of your specified Protest Petition.

Quick Advice

1. Protest petitions properly signed and acknowledged must be filed with the Clerk's Office on the 3rd Floor of City Hall at 701 North 7th Street, no later than 14 days after the Planning Commission has concluded its public hearing. The day following the Planning Commission hearing shall be counted as the first day. (Example: If the Planning Commission met on September 8th, then September 9th is the first day and September 22nd is the last day.)
2. Owners of at least 20% of the land area within 200 feet of the property subject to the rezoning or special use permit (SUP), excluding public streets and rights-of-way, must properly sign and acknowledge the protest petition for it to constitute a valid protest. If a valid protest is filed, at least nine of the eleven members of the Unified Government Board of Commissioners must vote to approve in order for the rezoning application to be approved. Without a valid protest petition, the affirmative votes of just six members of the Governing Body are needed to approve the rezoning application.
3. Only signatures of owners of property within 200 feet of the property subject to the rezoning or SUP will be counted when determining if the 20% minimum requirement has been met. Signatures from owners of property that is located within 200 feet of the property subject to the rezoning or SUP, but is outside of the city limits or across a county line, shall also be considered in this determination. If the area outside the city limits or across a county line is unincorporated, the distance to be counted increases to 1000 feet.
4. Meeting the necessary requirements takes considerable time, so even though there are 14 days after the Planning Commission meeting to file, you should start the process as soon as possible.
5. In the particular case of applications initiated by the Planning Commission or the Governing Body and not the landowner(s), special rules apply. Please contact the Department of Planning + Urban Design at 913-573-5750 for these rules.

Acknowledgement and Verification

(Please carefully read the verification statement before signing)

STATE OF KANSAS)
) SS
COUNTY OF WYANDOTTE)

I, Mark Quick (Rusty), 2437 S 53 Lane,
(Name) (Address)

being first duly sworn, under oath, depose and state that I have read and examined the foregoing Protest Petition, the Protest Petition Guidelines provided by the Unified Government of Wyandotte County/Kansas City, Kansas, and the signatures and addresses placed on the Protest Petition, and further state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition and that I personally witnessed their signature, that I am one of the signers of the Protest Petition and own property within the statutory area of notification related to the area for which a REZONING/SPECIAL USE PERMIT is sought, and that
(Circle One)

3 to the best of my knowledge the signers of the Protest Petition are owners of land located within the statutory area of notification for this REZONING/SPECIAL USE PERMIT application. The
(Circle One)

statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT is sought; or, if the
(Circle One)

area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT
(Circle One)

is sought and the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a REZONING/SPECIAL USE PERMIT is sought.
(Circle One)

[Signature]
(Signature)

Subscribed and sworn to before me this 18 day of December, 2020,
by Mark Quick, who is personally known to me to be the same person whose
name is subscribed to in the foregoing instrument.

Notary Public John Tyler Ryan

My Commission Expires: 1/23/2022

JOHN TYLER RYAN
Notary Public-State of Kansas
My Appt. Expires 1/23/2022

4

Petitioner's Contact Information

The Protest Petition process frequently requires dialogue between Unified Government Staff and the petitioner. In order to facilitate this dialogue, please provide the following contact information:

Name Mark Quick Phone Number 913 226 0553
 Address 2437 S 53 lane E-mail biggbarbecue@yahoo.com

5

Protest Petition

Protest Petition Against Rezoning or Special Use Permit No. 3243

We, the undersigned property owners, do hereby protest the above referenced application at the following address: 5115 AND 5125 Carvers Rd

We, the undersigned, realize that this petition of protest must be submitted to the Office of the Unified Government Clerk within fourteen (14) days from the date of the conclusion of the Planning Commission public hearing regarding this rezoning or special use permit (SUP) application. Further, we realize that this Petition is in opposition to the rezoning or SUP application and our signatures cannot be removed after filing unless certain lawful actions are taken to remove the Protest Petition. This Petition may be filed pursuant to the laws of Kansas, K.S.A. 12-757; and of the Unified Government of Wyandotte County/Kansas City, Kansas Sec 27-1049(d) and shall be subject to the rules contained therein.

We, the undersigned, are owners of real property located within the statutory area of notification related to the area for which a rezoning or SUP is sought, whereby, our signatures shall hereafter be verified by one of the signers of the Protest Petition as true and correct signatures in order for this Protest Petition to be valid. The statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a rezoning or SUP is sought; or, if the area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a rezoning or SUP is sought and the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a rezoning or SUP is sought.

Petition Number:

Legal Signature of Property Owner (All owners of property must sign)	Printed Name of Property Owner (Please take care to print legibly)	Property Description (Address and/or lot and block number)	Date
<i>Sh. Q. Wilken Properties, IV, LLC</i>	LYNN ANN WILKEN	2122 24th St NW S.W.	11/21/20
<i>Shakana Chowdhury</i>	Shakana M & H MCB Inc.	2106 S. 9th St SE	11-21-20
<i>Rm Tech automobiles inc.</i>	Robert Marquez	5105 Gibbs Rd NW	11-21-20
<i>Al K...</i>	Pauli K...	5141 G. Hwy 20 NW	11-21-20
<i>...</i>	Rehnd W Baca	2500 S 51 St	11/21/20
<i>...</i>	Yvonne Ward	5119 Dawson LLC KS	11/21/20
<i>...</i>	Pamela Stark	2431 S 51st Ct NW	11/21/20
<i>...</i>	Jillian M. Witherson	2427 S 51st Ct NW	11/21/20
<i>...</i>	Stephen J Smith	5130 Dodson Ave	11/22/20
<i>...</i>	Howard L. Bell	5048 Gibbs	11/24/20
<i>...</i>	"	5044 Gibbs	11-24-20
<i>...</i>	McLissa L. Erwin	2001 2425 S 53rd	11/24/20
<i>...</i>	Casey A. Carter	2322 Key Ln	11/22/20
<i>...</i>	Todd Hoffman	5015 Gibbs Rd	11/22/20
<i>...</i>	Benjamin Buck - owner	5135 Dodson NW	12/19/20
<i>...</i>	Rm Tech automobiles inc. Ruben Marquez y Jimenez	5105 Gibbs Rd NW	12/24/2020

Protest Petition Guidelines

6 of 6



Staff Request for Commission Action

Tracking No. 20634

Full Commission Meeting Date: 1/28/21

Committee: Economic Development & Finance

Date of Standing Committee Action: 1/4/21

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
1/22/2021	Debbie Jonscher	x5847	djonscher@wycokck.org	Finance

Item Description:

A Resolution adopting the Second Amendment to Multi-Sport Stadium Specific Venture Agreement to increase the ticket tax by \$1.25 to cover the debt service for the parking improvements and the ground lease costs associated with said parking improvements. This Second Amendment will increase the ticket tax on Sporting KC tickets from \$2.25 to \$3.50 per ticket.

Action Requested:

Approve resolution and advance to 1/28 Full Commission

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution approving Second Amendment to SVA, Second Amendment to SVA - revised

RESOLUTION NO. R-____-21

A RESOLUTION ADOPTING THE SECOND AMENDMENT TO MULTI-SPORT SPECIFIC VENTURE AGREEMENT

WHEREAS, the Unified Government and Kansas Unified Developer, LLC (“Developer”) previously entered into the Multi-Sport Stadium Specific Venture Agreement, dated January 19, 2010 (the “SVA”); and

WHEREAS, on April 9, 2015 the Parties entered into that certain First Amendment to Multi-Sport Venture Agreement (the “First Amendment to SVA”).

WHEREAS, the Unified Government and Developer agree that the current amount of the Ticket Tax provided for in the First Amendment to SVA is insufficient to cover the costs of the debt service on the parking improvements and the lease payments associated with those parking improvements, and both parties desire to amend to SVA as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the Unified Government Board of Commissioners hereby approves the Second Amendment to Multi-Sport Venture Agreement (“Second Amendment to SVA”) in substantially the form attached hereto as Exhibit 1.

Section 2. That the Mayor of the Unified Government is hereby authorized to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, the Third Amendment, and any other certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS ____ DAY OF JANUARY, 2020.**

ATTEST:

Unified Government Clerk

(Seal)

**SECOND AMENDMENT TO MULTI-SPORT STADIUM
SPECIFIC VENTURE AGREEMENT**

THIS SECOND AMENDMENT TO MULTI-SPORT STADIUM SPECIFIC VENTURE AGREEMENT (the “Second Amendment to SVA”) is entered into between the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) and Kansas Unified Development, LLC (“Developer”) (collectively “the Parties”), and is dated as of the date set forth on the Unified Government’s signature page (the “Effective Date”).

RECITALS

- A. The Unified Government and Developer previously entered into the Multi-Sport Stadium Specific Venture Agreement, dated January 19, 2010 (the “SVA”).
- B. On April 9, 2015 the Parties entered into that certain First Amendment to Multi-Sport Venture Agreement (the “First Amendment to SVA”). The Specific Venture Agreement, as amended, shall be referred to as the “Amended SVA”.
- C. Paragraph 8(c)(i) of the First Amendment to SVA provides for a Ticket Tax of \$2.25 per ticket in order to pay for certain parking improvements. The Parties agree that the current revenues generated by the Ticket Tax are insufficient to cover the debt service for the parking improvements and the ground lease costs associated with said parking improvements.
- D. Capitalized terms used in this Second Amendment to SVA but not otherwise defined shall have the meanings ascribed to them in the Amended SVA, as modified herein.
- E. The Parties desire to amend the Amended SVA as provided herein.

NOW, THEREFORE, in consideration of the foregoing, and of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

- 1. Modifications, Amendments, and Agreements to Miscellaneous SVA Provisions.

The language in Section 8(c)(i) of the First Amendment to SVA is hereby deleted in its entirety and replaced with the following:

“The Parties agree that the SVA, including any amendments or modifications thereto, and specifically including that certain Supplemental Letter Agreement regarding Off-Site Parking Agreements (“Supplemental Letter”), dated November 4, 2010 which provided for a \$1.00 Ticket Tax, and that certain First Amendment to Multi-Sport Specific Venture Agreement dated May 9, 2015 (“First Amendment to SVA”) which provided for a \$2.25 Ticket Tax, that such Ticket Tax shall be

increased to \$3.50 per ticket sold for all ticketed events as the Stadium, with such \$1.25 incremental increase being defined herein as the “**Second Additional Ticket Tax**”. The Parties agree that such Second Additional Ticket Tax shall apply to all tickets sold on or after December 13, 2020. Developer shall be responsible for paying any \$1.25 incremental increase on tickets sold on or after December 13, 2020 for which such incremental increase was not incorporated into the price of the ticket at the time of purchase. All revenues resulting from each of the Second Additional Ticket Tax shall be made available (x) first, to the UG for payment of the Rent incurred by the UG under the Parking Lease, and (y) second (and only after the Rent under the Parking Lease has been paid), to pay the Annual Parking Amortization; and (z) finally, if and to the extent that all such Rent and Annual Parking Amortization under subparagraphs (x) and (y) have been covered, the excess shall be equally divided by the UG and Developer, with 50% of such excess to the UG and 50% of such excess to Developer, and the UG agrees that Developer may use its half of any such excess in connection with the payment of costs related to the development of certain additional projects with respect to the Specific Venture, which projects may include without limitation, additional parking improvements, increased Stadium seating, team stores, additional hospitality assets, or a hotel; provided that such projects shall be approved by the UG in its reasonable discretion.

2. The Amended Agreement, together with all the Exhibits attached hereto and incorporated by reference herein, constitutes the entire undertaking between the Parties hereto, and supersedes any and all prior agreements, arrangements and understandings between the parties. The Amended Agreement shall not be modified or amended unless such amendment is set forth in writing and executed by both Parties.
3. By executing this Second Amendment to SVA the signatory represents that they possess the required authority of their respective party.
4. If for any reason any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment to SVA as of the Effective Date.

**THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS:**

By: _____
David Alvey
Mayor/CEO

Date: _____

KANSAS UNIFIED DEVELOPMENT, LLC:

By: _____

Date: _____



Staff Request for Commission Action

Tracking No. 20636

Full Commission Meeting Date: 01/28/21

Committee: Economic Development & Finance

Date of Standing Committee Action: 1/4/21

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
1/22/2021	Stephanie Moore	x5743	smmoore@wycokck.org	Economic Development

Item Description:

Resolution for the UG to enter into the Kansas City Regional Brownfields Assessment Coalition with the Mid-America Regional Coalition, Kansas City, MO and Jackson County, MO, to accept and implement a Brownfields Assessment Coalition Grant funded by a Cooperative Agreement with the EPA. The total grant is for \$600,000 to be divided by the Coalition members.

*On January 4, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Action Requested:

Execute a Resolution authorizing the UG Mayor/CEO to execute the Memorandum of Agreement with MARC, KCMO and Jackson County, MO, as part of the Kansas City Regional Brownfields Assessment Coalition.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution.authorizing.Coalition.MOA 2021, KC Regional Assessment Coalition MOA 11232020

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER
INTO THE KANSAS CITY REGIONAL BROWNFIELDS ASSESSMENT
COALITION WITH THE MID-AMERICA REGIONAL COUNCIL, THE CITY OF
KANSAS CITY, MISSOURI AND JACKSON COUNTY, MISSOURI**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (Unified Government), the Mid-America Regional Council (MARC), the City of Kansas City, Missouri (KCMO) and Jackson County, Missouri wish to enter into the Kansas City Regional Brownfields Assessment Coalition (Coalition) to implement a Brownfields Assessment Coalition Grant funded by a Cooperative Agreement with the United States Environmental Protection Agency (EPA); and

WHEREAS, the EPA awarded MARC a Brownfields Coalition Assessment Grant in the amount of \$600,000.00 on behalf of the Coalition; and

WHEREAS, the Coalition shall equitably distribute its resources between the Unified Government, KCMO and Jackson County, MO to perform site inventory preparation, site selection criteria development, hazardous materials and petroleum environmental site assessments, planning (including cleanup and reuse planning) relating to brownfield sites, outreach materials and community engagement, and other eligible activities identified in the Work Plan approved by EPA for the Cooperative Agreement, administrative costs and programmatic costs to the extent allowed by EPA for brownfields assessment grants, and as the Coalition members may agree; and

WHEREAS, the Unified Government must enter into a Memorandum of Agreement with MARC, KCMO and Jackson County, MO which sets forth each parties' responsibilities and requirements relating to the grant and formally establishes the Coalition.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

1. That the Unified Government Mayor is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, the Memorandum of Agreement, in substantially the form attached as Exhibit 1 hereto.

2. That the Mayor/CEO, County Administrator and other Unified Government staff are hereby authorized to take all necessary actions to carry out the terms of the Resolution.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF JANUARY 2021.**

Unified Government Clerk

**KANSAS CITY REGIONAL BROWNFIELDS ASSESSMENT COALITION
MEMORANDUM OF AGREEMENT BY AND BETWEEN THE
MID-AMERICA REGIONAL COUNCIL
AND
CITY OF KANSAS CITY, MISSOURI
AND
JACKSON COUNTY, MISSOURI
AND
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

This Memorandum of Agreement (Agreement or MOA) is entered into on the ____ day of December, 2020 by and between the MID-AMERICA REGIONAL COUNCIL (hereinafter referred to as “**MARC**”); THE CITY OF KANSAS CITY, MISSOURI, a constitutionally chartered municipal corporation of the State of Missouri (hereinafter referred to as “**KCMO**”); UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, a municipal corporation of the state of Kansas (hereinafter referred to as “**UNIFIED GOVERNMENT**”); and JACKSON COUNTY, MISSOURI (hereinafter referred to as “**JACKSON COUNTY**”) (collectively the “Coalition Members”). This Agreement documents the roles and responsibilities of the various parties involved in the Assessment Coalition with regards to the Kansas City Regional Brownfields Coalition Assessment Grant Project.

RECITALS

WHEREAS, the parties hereto, through their respective chief elected or appointed officials, each have previously declared their intent to enter into the Kansas City Regional Brownfields Assessment Coalition (hereinafter “Coalition”) and have confirmed their authority to enter into a cooperative agreement; and

WHEREAS, on May 6, 2020, a Brownfields Coalition Assessment Grant in the amount of \$600,000.00, (hereinafter the “Grant”), was awarded to MARC on behalf of the Coalition by the U.S. Environmental Protection Agency (EPA); and

WHEREAS, EPA and MARC have entered into a federal grant cooperative agreement No. BF 97782401, (hereinafter the “Cooperative Agreement”) to fund the Coalition (as defined below) and its activities.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements hereinafter expressed, the parties mutually agree as follows:

1. The Coalition Members hereby agree to enter into the Coalition Memorandum of Agreement, (hereinafter the “Agreement”), for the purpose of implementing the Cooperative Agreement funded by the Grant. MARC shall be the Lead Member of the Coalition.

2. The Coalition shall be comprised of four members. The representation of the Coalition shall be as follows: one representative of MARC shall be appointed by the Executive Director of MARC, one representative of KCMO shall be appointed by the Mayor of Kansas City, Missouri; one representative shall be appointed by the Mayor/Chief Executive Officer of the UNIFIED GOVERNMENT; and, one representative of JACKSON COUNTY shall be appointed by the County Chief Executive. Each Coalition Member may appoint an alternate representative or designee to act in the designated representative’s stead.

3. Cooperative Agreement funds through the Coalition may be used for site inventory preparation, site selection criteria development, hazardous materials and petroleum environmental site assessments, planning (including cleanup and reuse planning) relating to brownfield sites, outreach materials and community engagement, and other eligible activities identified in the Work Plan approved by EPA for the Cooperative Agreement (as defined below), administrative costs (direct and indirect) and programmatic costs to the extent allowed by EPA for brownfield assessment grants, and as the Coalition members may agree (“Coalition Activities”).

4. It shall be an objective of the Coalition Members that the amount of Coalition

Activities funded, the number of sites and projects assisted by the Coalition, and the overall pool of Coalition resources shall be equitably distributed between the KCMO, JACKSON COUNTY and UNIFIED GOVERNMENT, and shall be equitably distributed across the geographical area of the Coalition program boundaries, to the extent practicable and consistent with the Cooperative Agreement and the goals, objectives and tasks of the Work Plan (as defined below).

Lead Coalition Member Responsibilities

5. MARC is responsible to EPA for management of the Cooperative Agreement and compliance with the statutes, regulations, and terms and conditions of the award, and, with the cooperation of the other Coalition Members, ensuring, to the extent practicable, that all members of the Coalition are in compliance with the terms and conditions of the Cooperative Agreement.

6. It is the responsibility of MARC to provide timely information to the other Coalition Members regarding the management of the Cooperative Agreement and any changes that may be made to the Cooperative Agreement over the period of performance. If any changes or amendments to the Cooperative Agreement alter the responsibilities of the Coalition Members, either individually or collectively, under this Agreement, then this Agreement shall be amended to reflect such changes, subject to the approval of each of the Coalition Members, which approval shall not be unreasonably withheld, conditioned or delayed.

7. MARC shall administer the Cooperative Agreement and ensure compliance with all terms and conditions of such agreement with assistance from KCMO pursuant to a subaward agreement (as further provided herein, below). A copy of the Cooperative Agreement is attached to this Agreement as Attachment 1. MARC shall administer a Work Plan, as amended and approved by EPA (the “Work Plan”), for the purpose of implementing the Cooperative Agreement. To the extent possible, the terms of the Work Plan, including the Work Plan budget and schedule,

shall be acceptable to all Coalition Members. A copy of the current Work Plan is attached to this Agreement as Attachment 2.

8. The Work Plan identifies three priority sites to be addressed by the Grant: the Chouteau Courts Priority Site at 1200, 1408 Independence Ave. in Kansas City, MO; the Grandview Priority Site at 519 Blue Ridge Boulevard in Jackson County, MO; and the Northeast Grocery Priority Site at 1726 Quindaro Boulevard in Kansas City, KS. In addition to these three priority sites, MARC will ensure that a minimum of seven (7) non-priority sites are assessed over the life of the Cooperative Agreement unless otherwise agreed to by the Coalition Members, subject to EPA approval. There shall be assessed a minimum of two (2) sites nominated by KCMO, a minimum of two (2) sites nominated by UNIFIED GOVERNMENT, and a minimum of two (2) sites nominated by JACKSON COUNTY. At least one additional non-priority site will also be approved by the Coalition. No single site, or group of properties treated as a single site, will utilize a total of more than \$100,000 of the Coalition Grant resources without the unanimous written consent of the Coalition Members. Additional non-priority sites identified by Coalition Members will be selected for assessment, funds permitting.

9. Except as otherwise herein provided, all Coalition actions, including the selection of sites and approval of assessment projects, shall be approved by a majority vote of Coalition Representatives in attendance at a public meeting, after members of the public have been invited to provide input. In the event of a tie vote, the motion voted upon shall fail in accordance with Roberts Rules of Order. Notwithstanding the foregoing provisions regarding Coalition voting, no site shall be selected, or assessment project approved, without the approval of the Coalition Member(s) in whose municipal jurisdiction(s) the site or project is located. In addition, all sites and projects shall be selected according to a process and set of criteria agreed upon by the Coalition that includes public participation, confirms site and program eligibility, advances the goals and objectives of the

Grant and Work Plan, and strives to ensure that projects will address the needs of disadvantaged communities. Selected sites and projects will be evaluated by MARC for eligibility under the Cooperative Agreement. Eligibility evaluations will be submitted to EPA for review and concurrence to ensure eligibility prior to any site-specific work being conducted.

10. For Coalition Activities approved at designated sites in all Coalition member jurisdictions, MARC shall procure environmental or other eligible professional services, manage contracts, and pay eligible expenses using Grant funds, all in accordance with the Cooperative Agreement terms and conditions. MARC, with assistance from KCMO pursuant to a sub-award agreement (discussed below), will work independently and with Coalition members to ensure compliance with all Cooperative Agreement terms and conditions for all Coalition activities, including site eligibility determinations, procurement, design of eligible assessment project scopes of work, project management, progress reporting, ACRES entries, and other eligible programmatic activities related to Coalition site activities.

11. MARC shall conduct procurement for eligible Coalition activities and costs in compliance with the Cooperative Agreement and applicable federal grant administration regulations. MARC may issue Requests for Proposals, Requests for Qualifications, or utilize other appropriate solicitation methods for the purpose of completing work plan activities. Coalition jurisdictions will assist MARC in selection processes and MARC will be the entity solely responsible for the final selection and award of contracts.

12. In accordance with the budget of the approved Work Plan, up to 5 percent of the Grant funds may be utilized by MARC for eligible administrative direct or indirect costs associated with the implementation of the Cooperative Agreement, the Coalition program and specific Coalition activities. In addition, MARC may utilize Grant funds for eligible programmatic activities, such as ensuring compliance with the Cooperative Agreement, including community

outreach and information, progress reporting, and financial reporting and recordkeeping.

13. In compliance with applicable federal grant administrative regulations concerning procurement, and in accordance with the budget of the approved Work Plan, MARC may enter into contracts with consultants and other professionals for performance of approved activities funded by the Grant through the Cooperative Agreement, including a Qualified Environmental Professional to provide technical support for Coalitions site assessment activities.

14. As provided by the approved Work Plan and budget, MARC will also enter into a sub-award agreement with KCMO to obtain programmatic and project management support to establish and operate the Coalition program for environmental assessments. Support may include assistance with solicitation, procurement, oversight and day to day management of environmental assessment and planning activities, and related programmatic activities to ensure compliance with Cooperative Agreement terms and conditions, including requirements concerning reporting obligations, data quality, ACRES database entries, Davis-Bacon Act, MBE/WBE/DBE, etc.) Under the sub-award agreement, MARC may also request and receive assistance from KCMO in performance of eligible programmatic activities, including the following grant management responsibilities: monitoring compliance with cooperative agreement terms and conditions; preparing quarterly progress reports; preparing and updating property profile forms; tracking and reporting minority-owned enterprise (MBE) and women-owned enterprise (WBE) participation; and other grant management activities in accordance with the approved Work Plan.

15. MARC shall work with Coalition Members to develop, adopt and implement an appropriate Community Involvement Plan (CIP).

16. MARC shall work with Coalition Members to prepare and post notices and convene public stakeholder meetings, provide meeting space, translation and accessibility services (as needed), and coordinate public outreach and involvement activities as directed by the CIP.

17. MARC shall coordinate Coalition project activities with other relevant MARC regional partnerships and initiatives to promote awareness of Coalition program assistance and resources with communities and unincorporated areas throughout the Coalition project area.

18. MARC will be responsible for submitting all financial and programmatic reports to EPA to fulfill conditions of the Kansas City Regional Brownfields Coalition Assessment Grant and will provide for an annual audit for the grant.

Coalition Members General Responsibilities

1. Coalition Members shall designate and authorize a representative to participate on their behalf in the Coalition and Coalition-related activities. Coalition Members shall ensure their representatives to the Coalition are duly appointed and will actively participate in the meetings and activities of the Coalition.

2. Coalition Members shall comply with all terms and conditions of the Cooperative Agreement and Work Plan that are applicable to the Coalition Members, including laws, regulations, executive orders and policies made applicable by the Cooperative Agreement.

3. No Coalition Member, other than MARC, shall expend, obligate, or pledge any funds of MARC, the Grant, or the Cooperative Agreement for Coalition Activities, or enter into any agreement to expend, obligate, or pledge such funds.

4. Coalition Members shall provide to each other, and contractors undertaking Coalition activities, access to properties, documents, reports, and information, as allowed by law, within their control or possession concerning the activities of the Coalition.

5. Coalition Members shall provide to each other such other reasonable non-monetary assistance, as necessary, to ensure compliance with the terms and conditions of the Cooperative Agreement. No Coalition Member shall undertake any activity or task that may, in any way, hinder the MARC's ability to maintain compliance with the Grant or the Cooperative Agreement.

Ownership of Documents

It is the intent of the parties to this Cooperative Agreement that all information, data, photographs, field notes, works of authorship, research papers and other work product and materials of every kind created or produced pursuant to this Cooperative Agreement and the Work Plan approved by EPA ("Work Product") shall be considered public documents and not subject to copyright or intellectual property.

Amendments to this Cooperative Agreement

Any changes or amendments to this Cooperative Agreement requires the written approval of all parties.

Termination of this Cooperative Agreement

1. Any party entering into this Cooperative Agreement may seek termination of this Agreement at any time by giving the other parties to this Agreement a written of request.
2. In the event of any such termination request, the party seeking to terminate this agreement will remain responsible for completing project tasks and associated reporting requirements supported by this EPA grant.

Notices

Any action required under this Agreement requires notice to the contacts for each authorized representatives of the Coalition. Contact information for the authorized representatives of the Coalition is as follows:

For MARC:

Executive Director David Warm (or designee)
Mid-America Regional Council
600 Broadway, Suite 200
Kansas City MO 64105-1659
dwarm@marc.org

With a copy to:
Tom Jacobs
Mid-America Regional Council
600 Broadway, Suite 200
Kansas City MO 64105-1659
tjacobs@marc.org

For UNIFIED GOVERNMENT:

Mayor/CEO David Alvey (or designee)
Unified Government of Wyandotte County/Kansas City, Kansas
One McDowell Plaza
701 N. 7th Street
Kansas City, KS 66101
dalvey@wycokck.org

With a copy to:
Stephanie Moore
Management Analyst
Unified Government of Wyandotte County/Kansas City, Kansas
One McDowell Plaza
701 N. 7th St., 4th Floor
Kansas City, KS 66101
smmoore@wycokck.org

For KCMO:

Mayor Quinton Lucas (or designee)
City of Kansas City, Missouri
City Hall, 29th Floor
414 E. 12th Street
Kansas City, MO 64106
Quinton.lucas@kcmo.org

With a copy to:

Andrew Bracker
Brownfields Coordinator
City Hall, 16th Floor
414 E. 12th Street

Kansas City, MO 64106
Andrew.bracker@kcmo.org

For JACKSON COUNTY:

Frank White, Jr. (or designee)
Jackson County Executive
Jackson County Courthouse
415 E. 12th Street, 2nd Floor
Kansas City, MO 64106
fwhite@jacksongov.org

With a copy to:

Matt Davis
Project Manager
Rock Island Rail Corridor Authority
Jackson County Parks & Recreation
22807 SW Woods Chapel Rd
Blue Springs, MO 64015
mdavis@jacksongov.org

Miscellaneous

1. The provisions of this Agreement are severable. In the event that any provision of this Agreement is held to be invalid, illegal or unenforceable to any extent, then the remaining provisions of this Agreement and the portion of the offending provision (or any application thereof) which is not invalid, illegal or unenforceable shall remain in full force and effect.
2. This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all which together shall constitute but one and the same instrument.
3. The Recitals are incorporated into this Agreement and shall be binding upon the parties as if fully set forth in this Agreement.

SIGNATURE PAGES TO FOLLOW.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives the day and year first above written.

FOR MID-AMERICA REGIONAL COUNCIL

Date: _____

By: _____
David A. Warm
Executive Director

FOR CITY OF KANSAS CITY, MISSOURI

A Constitutionally Chartered Municipal
Corporation of the State of Missouri

Date: _____

By: _____
Quinton Lucas
Mayor

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/ KANSAS CITY, KANSAS**

Date: _____

By: _____
David Alvey
Mayor/CEO

FOR JACKSON COUNTY, MISSOURI

Date: _____

By: _____
Frank White, Jr.
County Executive

Attachment 1
Cooperative Agreement

Attachment 2
Work Plan, Budget and Schedule



Staff Request for Commission Action

Tracking No. 20637

Full Commission Meeting Date: 1/28/21

Committee: Economic Development & Finance

Date of Standing Committee Action: 1/4/21

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
1/22/2021	Katherine Carttar	x5176	kcarttar@wycokck.org	Economic Development

Item Description:

Resolution of Intent to issue Industrial Revenue Bonds in the amount not to exceed \$20,000,000 to finance the costs of acquiring, constructing, improving and equipping a student housing facility for the benefit of the Kansas City Kansas Community College Foundation (sales tax exemption only).

*On January 4, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Action Requested:

Approve and move to Full Commission

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution of Intent (KCKCC Foundation)

RESOLUTION NO. R __-21

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE AMOUNT OF NOT TO EXCEED \$20,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A STUDENT HOUSING FACILITY FOR THE BENEFIT OF THE KANSAS CITY KANSAS COMMUNITY COLLEGE FOUNDATION AND ITS SUCCESSORS AND ASSIGNS (SALES TAX EXEMPTION ONLY)

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the Kansas City Kansas Community College Foundation, a Kansas not for profit corporation (the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, constructing and equipping an approximately 100,000 square foot student housing facility located on the campus of Kansas City Kansas Community College, as more fully described in the Application (collectively, the “Project”) through the issuance of its industrial revenue bonds in one or more series in the amount of not to exceed \$20,000,000 (the “Bonds”), and to lease the Project to the Company, or its successors and assigns, in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act in a principal amount of not to exceed \$20,000,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project shall be generally located on the main campus of Kansas City Kansas Community College (7250 State Avenue), in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project

out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed \$20,000,000, to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the Unified Government; (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 5. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be acceptable to the Unified Government.

Section 6. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Indenture. The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Required Disclosure. Any disclosure document prepared in connection with the placement or offering of the Bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE UNIFIED GOVERNMENT CONTAINED UNDER THE CAPTIONS "THE UNIFIED GOVERNMENT" AND "LITIGATION - THE UNIFIED GOVERNMENT" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE UNIFIED GOVERNMENT, AND THE UNIFIED GOVERNMENT MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

Section 8. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such

funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 9. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 10. Termination of Resolution. This Resolution shall automatically terminate three (3) years from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit has been issued by the Unified Government for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 11. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 12. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the bonds and other actions contemplated hereunder.

Section 13. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

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**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON JANUARY 28, 2021.**

By: _____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Unified Government Clerk



Staff Request for Commission Action

Tracking No. 20510

Full Commission Meeting Date: 1/28/21

Committee: Economic Development & Finance

Date of Standing Committee Action: 1/4/21

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
1/22/2021	Rick Mikesic, Andrea Parra	x8046, x8226	rmikesic@wycokck.org, aparra@wycokck.org	Treasurer

Item Description:

A presentation of the Unified Government's Cash and Investments Policy and a resolution adopting said policy, submitted by Rick Mikesic, Director of Revenue/County

Treasurer. This annual review and adoption is required by State statute.

*On January 4, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution Adopting Cash Management Policy, Cash-Investment Policy-Draft 2020-Final 11.12.2020, Cash-Invest Policy Revision 1.4.21 Presentation

(Published in *The Wyandotte Echo* on _____, 2021)

RESOLUTION NO. R-_____-21

**A RESOLUTION ADOPTING THE UNIFIED
GOVERNMENT'S CASH MANAGEMENT POLICY.**

WHEREAS, the purpose of the Cash Management and Investment Policy (the "Policy") is to identify the policies and statements of the Unified Government regarding the safe and responsible management of Unified Government funds and to authorize and establish procedures for the management and investment of Unified Government funds to achieve the Policy objectives.

WHEREAS, the Policy shall be reviewed on an annual basis by the Cash Management Committee and shall be reviewed and approved annually by the Board of Commissioners. If it deems it necessary, the Cash Management Committee will recommend changes to the Policy to the Board of Commissioners. Any recommended modifications to the Policy must be reviewed and approved by the Board of Commissioners.

WHEREAS, the Cash Management Committee met on October 20, 2020, to review the Policy. The Committee voted to make various revisions to the Policy as set forth in Exhibit A, attached hereto.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF THE UNIFIED GOVERNMENT:**

SECTION 1. Adoption of Cash Management and Investment Policy. The Board of Commissioners of the Unified Government hereby approves and adopts the Policy, as set forth in Exhibit A, attached hereto. The Board of Commissioners finds that the attached Policy sets forth procedures which will allow the Unified Government to invest funds in a manner that will meet daily cash flow demands while providing a reasonable rate of return with the maximum security in conformity with all Kansas statutes governing the investment of public funds.

SECTION 2. Effective Date. This Resolution shall be effective upon adoption by the Unified Government Board of Commissioners.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT THIS 28th DAY OF JANUARY, 2021.**

Mayor/CEO

Unified Government Clerk



Unified Government of Wyandotte County and Kansas City, Kansas

Cash and Investment Policy

Commission Resolution:
R-XX-20

Last Adopted: XX/XX/2020

Section 1. General Purpose Statement

The Board of Commissioners has authority to invest all funds held by or belonging to Wyandotte County/Kansas City, Kansas ("Unified Government" or "UG"). The purpose of this Cash Management and Investment Policy is to identify the policies and statements of the Unified Government regarding the safe and responsible management of the Unified Government funds; and to authorize and establish procedures for the management and investment of Unified Government funds to achieve the Policy objectives.

Section 2. Legal Authority

The Unified Government Board of Commissioners is granted the authority to invest temporarily idle funds, i.e. those funds which are not immediately required for the purposes for which the moneys were collected or received and the investment of which is not subject to or regulated by any other statute, under K.S.A. 12-1675 and 12-1677b which also identifies the types of investments the Unified Government may purchase.

Section 3. Policy Statement

The policy of the Unified Government is to invest its funds in a manner which will provide a reasonable rate of return with the maximum security while meeting the daily cash flow demands of the Unified Government and conforming to all statutes governing the investment of such funds.

Section 4. Scope

This Cash Management and Investment Policy shall apply uniformly to all officials, employees, departments, agencies, representatives and authorized agents in the performance of their official duties and to the processing and management of all investment transactions of the Unified Government's idle funds. All participants in the investment process shall act responsibly as custodians of the public trust. Investment officials will conduct themselves as good stewards of public funds that will promote public confidence in the Unified Government's ability to govern effectively.

This Cash Management and Investment Policy applies to the Unified Government's cash management and investment activities primarily focused on idle funds and general obligation bond proceeds held by or under the control of the Unified Government. Debt service funds, reserve funds, and other financial assets held by various fiscal agents and trustees as provided under various bond ordinances are invested at the direction of the Unified Government but are not held by the UG nor under the direct control of the Director of Revenue/County Treasurer.

Section 5. Adoption and Annual Review

This Cash Management and Investment Policy shall be adopted by resolution of the Board of Commissioners. The Policy shall be reviewed on an annual basis by the Cash Management Committee

and shall be reviewed and approved annually by the Board of Commissioners. If it deems it necessary, the Cash Management Committee will recommend changes to this Policy to the Board of Commissioners. Any recommended modifications to the Policy must be reviewed and approved by the Board of Commissioners.

Section 6. Cash Management Committee; Delegation of Authority

A Cash Management Committee shall be established. The Cash Management Committee (CMC) shall consist of the following voting members: Unified Government's Chief Financial Officer, the Clerk, the Director of Revenue/County Treasurer, the Chief Counsel or designee and the following non-voting members: the Legislative Auditor or designee, Accounting Manager, Cash Manager and one member from the municipal advisory firm of the Unified Government. The Chief Financial Officer shall serve as the Chairperson of the CMC.

Responsibility for the operation of the investment program is delegated to the CMC which shall establish procedures and internal controls for the operation of the investment program consistent with this Policy.

Daily and routine investments of Unified Government idle funds will be made by the Chief Financial Officer or designee, under the guidelines set forth in this Policy and as recommended by the CMC.

Section 7. Investment Procedures

This Policy is administered through a separate set of written Investment Procedures, which should be referred to in conjunction with this Policy. The Cash Management Committee is hereby authorized to adopt written Investment Procedures consistent with this Cash Management and Investment Policy. Such Procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the Procedures adopted by the Cash Management Committee. The Director of Revenue/County Treasurer shall be responsible for all transactions undertaken and shall establish a system of internal controls to regulate the activities of subordinate officials.

In the development of the system of internal controls, consideration shall be given to documentation of strategies and transactions, techniques for avoiding collusion, separation of functions, delegation of authority, limitations of authority, and custodial safekeeping.

Section 8. Staff Qualifications

- A. The Unified Government shall hire a Cash Manager or shall retain an outside manager to manage investments. The Cash Manager will have the necessary qualifications to perform investment duties as outlined in the Cash Management and Investment Policy and the Cash Management and Investment Procedures and will be supervised by the Chief Financial Officer or designee.
- B. Duties of the Cash Manager position include the following:
 - 1. Management of the short-term and long-term investment portfolios in accordance with K.S.A. 12-1675 and 12-1677b and amendments thereto, with any other applicable statutes or ordinances or resolutions, and with this Cash Management and Investment Policy and the Cash Management and Investment Procedures and amendments thereto;
 - 2. Tracking investment transactions; ensuring accuracy and security of investments, monitoring record keeping of investments;

3. Performing inspections on safekeeping receipts held as collateral to cover investments; alerting banks regarding insufficient collateral;
 4. Prepare cash flow forecasts;
 5. Generate investment performance statistics and activity reports; and
 6. Other duties as assigned by the Chief Financial Officer or the Director of Revenue/Treasurer.
- C. Specific qualifications include a bachelor's degree in Finance, Accounting, Economics, Business, or Public Administration and two years of progressively responsible investing or accounting experience, or any equivalent combination of education and experience sufficient to successfully perform the essential duties of the job. If the individual appointed to the Cash Manager position does not possess the requisite investment experience, the individual will attend government investment training approved by the Chief Financial Officer within one year of appointment.

Section 9. Investment Advisor

The Chief Financial Officer, with the approval of the Cash Management Committee, may appoint an independent Investment Advisor registered with the Securities and Exchange Commission pursuant to the Investment Advisers Act of 1940 and the rules adopted thereunder, or a "Municipal Advisor" as defined by Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, amending Section 15B of the Securities Exchange Act of 1934, and interpreted by the Securities and Exchange Commission in its final rules adopted September 10, 2013, to advise the Unified Government on investment activities. The Investment Advisor will be selected through a competitive process under the Unified Government's Procurement Code. The terms and conditions of such relationship shall be set out in a contract. The duties and responsibilities of the Investment Advisor at a minimum shall include the following.

1. Providing advice and analysis on the Unified Government's Investment Policy, portfolio management techniques, portfolio structures, and new investment securities and products;
2. Assistance in developing or improving and implementing cash flow modeling;
3. Providing advice on investment benchmarking and performance reporting;
4. Evaluation of the capabilities and usage of software utilized in management of and accounting for the investments;
5. Assisting in any investment related presentations to the Cash Management Committee or Board of Commissioners; and
6. Providing analysis, advice, and assistance on other investment-related matters, including investment of bond proceeds.

Section 10. Standards of Care

A. Prudence

The standard of prudence to be used by investment officials shall be the "prudent person standard" and shall be applied in the context of managing an overall portfolio. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering first the safety and liquidity of their capital

and next the probable income to be derived. If outside investment professionals are retained, they shall be held to the “prudent expert standard,” that is, they shall exercise the judgment, care, skill, prudence and diligence, under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments so as to minimize the risk of large losses, unless, under the circumstances, it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar funds, considering the probable income as well as the probable safety of their capital.

The Chief Financial Officer, other investment officials, and the members of the CMC, when acting in accordance with the written Investment Procedures and the Cash Management and Investment Policy, and when exercising due diligence, shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

B. *Ethics and Conflict of Interest*

Unified Government officers and employees authorized to perform investment duties shall refrain from personal business activity that could conflict with proper execution and management of the investment program, or that could impair their ability to make impartial decisions. For purposes of this Policy, “officers and employees” means voting members of the Cash Management Committee and the Cash Manager; it shall not mean elected officials.

No officer or employee shall use his or her official position or office to obtain direct or indirect personal financial gain for himself or herself, his or her family, or any business in which the officer or employee has a financial interest. Officers and employees are governed by this Policy, the Unified Government Code of Ethics, and any applicable state laws.

Investment staff shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Unified Government.

Officers and employees shall disclose annually to the Legislative Auditor and to the Ethics Administrator any financial interest in financial institutions with which the Unified Government conducts business or any benefit which the officer or employee obtains from any Unified Government contract or from placement of an investment of Unified Government funds. For purposes of this Policy, “financial institution” means banks, savings banks, or savings and loan associations as defined in K.S.A. 12-1675a and amendments thereto. For purposes of this Policy, “financial interest” means (a) ownership or any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than \$5,000 per year, or its equivalent; (b) ownership of such interest in any property or any business as may be specified by the Ethics Commission; or (c) holding a position in a business such as an officer, director, trustee, partner, employee, or the like or holding any position of management. Financial interest does not include household operating accounts or a depository relationship with a financial institution.

Each financial institution in which the Unified Government deposits funds and each investment manager and each consultant retained by the Unified Government shall be notified of this

section of the Policy and shall conform to its provisions and shall not participate in any violation of this section or in any effort to influence any officer or employee to breach the standards of ethical conduct set forth in this section.

Section 11. Objectives

The primary objectives of the Unified Government investment activities, in priority order, shall be:

- A. *Safety.*** Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of principal in the overall portfolio. The objective will be to mitigate credit and interest rate risk.

1. *Credit Risk*

Credit risk, the risk of loss due to the failure of the security issuer or backer, will be minimized by:

- a. Limiting investment to the safest types of securities;
- b. Pre-qualifying financial institutions, broker/dealers, intermediaries, and advisors with whom the UG will do business; and
- c. Diversifying the investment portfolio so that potential loss on individual securities will be minimized.

2. *Interest Rate Risk*

Interest rate risk, the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, will be minimized by:

- a. Structuring the investment portfolio so that the securities mature to meet cash requirements of the general operating fund, thereby avoiding the need to sell securities prior to maturity; and
- b. Investing general operating funds primarily in shorter-term securities.

B. *Diversification.*

1. *In General*

It is the policy of the Unified Government to diversify its investment portfolio so as to protect its funds from material losses due to issuer defaults, market price changes, technical complications leading to temporary lack of liquidity, or other risks resulting from an over-concentration of assets in a specific maturity, a specific issuer, or a specific class of securities.

2. *By Institution*

Investments will be diversified so that reliance on any one issuer or financial institution will not place an undue financial burden on the Unified Government in the event of default. Accordingly, no more than 25% of the total investment portfolio shall be with the same financial institution or issuer, except US treasuries, unless it would be prudent to do so under prevailing circumstances. If the above limit is exceeded, the Chief Financial Officer will notify the CMC.

3. *By Instrument Type*

Market and credit risk will be minimized by diversification among investment types. The following are maximum limits for the percentage of Unified Government investable funds to be invested in each investment type.

a.	Certificates of deposit	100%
b.	U. S. Treasury bills, notes or bonds	100%
c.	U. S. Government agency obligations	50%
d.	Kansas Municipal Investment Pool	50%
e.	Repurchase agreements	25/100%*
f.	Bank trust department municipal pools	25%
g.	Temporary notes or no-fund warrants	10%

Because of distortion created by deposit of proceeds from the sale of temporary notes issued by the Unified Government, measurement of the maximum limits on investments by institution and by instrument type for purposes of this subsection 11.B. shall occur at least one week after the deposit of such proceeds.

* NOTE: Investments in short term securities shall be limited to 10% of investable funds, and investments in repurchase agreements shall be limited to 25% of investable funds, except as set out below. While it is not the goal to invest 100% of investable funds in either short term securities or repurchase agreements, the ability to invest the maximum limit in these two investment types is recognized as an option in certain market circumstances when these investments offer higher returns than other investment types at minimal risk. The option to invest more than the 10% or 25% limit respectively will be used only when the Cash Manager determines, with the concurrence of the Chief Financial Officer and the Unified Government's municipal advisory firm, that it is advantageous and prudent to do so.

C. *Liquidity.*

1. The Unified Government's investment portfolio will remain sufficiently liquid to enable it to meet all operating requirements that might be reasonably anticipated without incurring material losses by structuring the portfolio so that securities mature concurrent with anticipated cash needs. Since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets.
2. The Unified Government understands the importance of having sufficient funds invested in overnight sweep accounts to meet weekly payrolls, accounts payable, scheduled debt service, and extraordinary expenses that may occur, which may range from 10% to 25% of available investment funds.
3. It is important for a county government to have the necessary funds for the scheduled tax distributions to other governmental entities. In particular, liquidity is essential for the January and June tax distributions. Therefore, it is the policy of the Unified Government that such funds be held liquid to provide assurance as to the availability and

safety of these funds held on behalf of the other governmental entities under the Unified Government's trust.

D. *Maturity.*

1. All investments shall be made to mature in accordance with cash needs identified in regularly prepared and updated cash flow forecasts. The Unified Government recognizes that the laddering of investments is a sound approach to mitigate short-term interest rate fluctuations. Additional considerations in the structuring of investments shall include:
 - a. Review of economic and financial indicators, such as Federal Reserve monetary policy position statements and the U.S. Treasury yield curve; and
 - b. Input from the Unified Government's municipal advisory firm.
2. The Unified Government has adopted the following maturity target ranges for its core investment portfolio. Core investments include all operating funds of the Unified Government and exclude bond proceed funds held by a bond trustee for the purpose of project construction, debt service payments, debt reserves or other escrow requirements.

a.	0 – 12 months	30% to 60%
b.	12 – 24 months	20% to 40%
c.	24 – 36 months	15% to 30%
d.	36 – 48 months	10% to 20%

The maturity targets are provided as a guideline. Notwithstanding the above maturity target ranges, cash flow requirements and existing interest rate markets may dictate the need to adjust the timing of investment maturities.

4. The sale of securities before maturity shall require the prior approval of the Chief Financial Officer based on the following reasons:
 - a. A security with declining credit quality may be sold early to minimize loss of principal.
 - b. Liquidity needs require a security to be sold.
 - c. It is advantageous to the portfolio to sell such securities.
 - d. Financial failure of the issuer is likely.
5. As long as this Policy continues to be approved by the State Pooled Money Investment Board, the maximum maturity for investments shall be four years. Otherwise the maximum maturity for investments shall be two years.

E. *Return on Investment.* The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the UG's investment risk constraints, state statutes, cash flow characteristics of the portfolio, and

prudent investment principles. As a benchmark for risk-free investment transactions, the U.S. Treasury Bill rate for the Unified Government's total portfolio weighted average maturity term will be the minimum standard for the portfolio's rate of return. Return on investment is the last in importance compared to the safety, diversification, liquidity and maturity objectives described above.

Section 12. Performance Evaluation and Reporting

Investment performance shall be continually monitored and evaluated by the CMC. Investment performance statistics and activity reports will be generated by the Cash Manager. Summary investment reports will be provided quarterly to the Economic Development and Finance Standing Committee of the Unified Government Board of Commissioners, with copies to the County Administrator, the Unified Government Commission, and the Cash Management Committee.

Reports shall include but not be limited to information on interest received, interest earned, investment yield, types of investments, distribution by type of investments, maturity schedule by month, weighted average days to maturity, evaluation of portfolio to selected benchmark, and any other information deemed necessary by the Chief Financial Officer or requested by the County Administrator or the Board of Commissioners.

Section 13: Eligible Financial Institutions

A. *Minimum Qualifications for Depositories*

1. In order to ensure the safety of principal, the Unified Government shall deposit funds, including those designated for investment purposes, only in eligible financial institutions which meet the minimum criteria set forth below. Financial institutions failing to meet the minimum criteria shall not be considered eligible.
2. Financial institutions must meet the following minimum qualifications:
 - a. The deposits of the financial institution are insured by the Federal Deposit Insurance Corporation (FDIC).
 - b. The financial institution meets the criteria for eligibility under state law for active or idle funds as appropriate.
3. If a financial institution loses its eligibility under state law after Unified Government funds are deposited or invested, no additional funds shall be deposited in such institution. Funds shall be removed as quickly as is prudent under the circumstances, but funds invested with a prescribed time for maturity need not be withdrawn before such maturity.

B. *Depositories for Active Funds*

1. *Security Required.* If a financial institution is designated as an official depository for active funds, before any Unified Government funds are deposited, satisfactory security must be obtained for such deposits. Satisfactory security is as described in K.S.A. 9-1402, as amended, and this Policy.

2. *Selection Criteria.* In addition to the required criteria listed above, the Unified Government may also consider the following when selecting a financial institution as a depository for active funds:
 - a. Full service capabilities
 - b. Submission of financial statements and availability schedules
 - c. Acceptable staff experience
 - d. Statement of equal opportunity employment practices
 - e. Extent of reinvestment of deposits in Wyandotte County.
3. *Competitive Selection.* The Chief Financial Officer shall solicit proposals prior to the designation of one or more depositories. The Unified Government's purchasing policies shall be followed when obtaining proposals on the Unified Government's depository specifications. Selection of the depositories shall be based on the capacity of an institution to perform the services required and on the most favorable terms and conditions for handling of Unified Government funds.
4. *Governing Body Designation.* K.S.A. 9-1401, as amended, requires the governing body of the Unified Government to designate by official action the financial institution or institutions, which shall serve as depositories of its active funds.

C. Idle Funds

1. *In General.* Idle funds shall be invested only in the manner set out in K.S.A. 12-1675 and 12-1677b, and amendments thereto, and in this Policy. Investment transactions shall only be conducted with:
 - a. Qualified financial institutions which meet the minimum requirements contained in this Section 13 and the criteria for eligibility under state law; or
 - b. Qualified primary government security dealers and broker/dealers as set out below.
2. *Certification.* In order to be qualified for investment of Unified Government idle funds, a financial institution, securities dealer, or broker/dealer must certify in writing that the person responsible for the investment has read and understood and agreed to comply with this Policy.
3. *Competitive Selection.* Investments of idle funds will be offered to all approved institutions and dealers who have requested to be on the list of interested bidders. Investments will be awarded through a competitive process involving solicitation of bids from qualified institutions and dealers.

A list will be maintained of financial institutions authorized to provide investment services. In addition, a list will be maintained of approved primary government security dealers and broker/ dealers.

4. *Primary Government Securities Dealers and Broker/Dealers.*

Investment transactions may be conducted with primary government securities dealers which report to the market report division of the Federal Reserve Bank of New York or any broker-dealer which is registered in compliance with the requirements of Section 15 or 15C of the Securities Exchange Act of 1934 and registered pursuant to K.S.A. 17-12a401, and amendments thereto.

In order to be qualified to conduct investment transactions with the Unified Government, broker/dealers must meet the minimum requirements for credit worthiness established by the Kansas Pooled Money Investment Board, including minimum capital requirements and years of operation, and must be approved by the Cash Management Committee.

All broker/dealers who wish to become qualified for investment transactions must supply to the Chief Financial Officer on an annual basis the following items as appropriate:

- a. A copy of the most recent audited annual financial statement;
- b. If requested by the Unified Government, a copy of the most recent, unaudited annual financial statement;
- c. Proof of Financial Industry Regulatory Authority (FINRA) certification;
- d. Proof of state registration with the Kansas Securities Commission;
- e. Completed broker/dealer questionnaire (non-primary dealers only);
- f. Business resume of individual assigned to UG account; and
- g. Notice of any regulatory action taken against the broker/dealer.

5. *Safekeeping and Custody.*

All security transactions, including collateral for repurchase agreements, shall occur on a delivery versus payment basis. This ensures that securities are deposited in the eligible financial institutions prior to the release of funds. Safekeeping and custody agreements will be maintained with third-party financial institutions. All securities, including those acquired by repurchase agreements, shall be perfected in the name of the Unified Government and shall be delivered to a third-party custodian designated by the Unified Government and evidenced by safekeeping receipts.

Section 14. Authorized Investments

A. *Idle Funds*

The investments authorized for the idle funds (those funds not immediately required for the purposes for which the moneys were collected) under this Policy shall be in conformance with K.S.A. 12-1675, K.S.A. 12-1677b, and amendments thereto, and any other applicable statutes or ordinances or resolutions and amendments thereto. As long as this Policy continues to be approved by the Kansas Pooled Money Investment Board, the investments permitted by K.S.A. 12-1677b shall be authorized investments under this Policy. For purposes of this Policy, "investment rate" means a rate which is the equivalent yield for United States government securities having a maturity date as published in the Wall Street Journal, nearest the maturity date for equivalent maturities. The 0-90 day rate shall be computed on the average effective federal funds rate as published by the Federal Reserve system for the previous week.

If for any reason this Policy is not approved by the Kansas Pooled Money Investment Board, the investments permitted by K.S.A. 12-1675 shall be the only authorized investments under this Policy until such time as this Policy obtains the approval of the Kansas Pooled Money Investment Board.

As long as this policy continues to be approved by the Kansas Pooled Money Investment Board, the following are authorized investments, pursuant to K.S.A. 12-1675 and 12-1677b. The maximum maturity for investments under this subsection shall be four years.

1. *United States Treasury and Agency Securities.* Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of United States-sponsored enterprises which under federal law may be accepted as security for public funds, except that such investments shall not be in mortgage-backed securities. Investments under this paragraph shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.
2. *Interest-bearing Time Deposits.* In any banks, savings and loan associations, and savings banks which have a main or branch office in Kansas.
3. *Repurchase Agreements.* With banks, savings and loan associations, and savings banks which have a main or branch office in Kansas or with a primary government securities dealer which reports to the market reports division of the Federal Reserve Bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government-sponsored enterprises which under federal law may be accepted as security for public funds.
4. *Temporary Notes Issued by the Unified Government.*
5. *Municipal Investment Pool Fund.* The fund established in K.S.A. 12-1677a and amendments thereto and managed by the Kansas Pooled Money Investment Board.
6. *Multiple Municipal Client Investment Pools.* Managed by the trust departments of banks which have offices located in Wyandotte County or with trust companies incorporated under the laws of Kansas which have contracted to provide trust services under K.S.A. 9-2107, and amendments thereto. Moneys invested under this paragraph shall be secured as provided in K.S.A. 9-1402, and amendments thereto, and this Policy.

B. *Local Emphasis*

1. Subject to the other requirements of this Policy, funds available for investment under this section will be offered first to eligible financial institutions with a main or branch office located in Wyandotte County. If such financial institutions cannot or will not make the investments available at interest rates equal to or greater than the investment rate as defined in K.S.A. 12-1675a, and amendments thereto, or if such financial institutions are limited from bidding on the investment by the diversification requirements of this Policy,

then the funds may be offered to other eligible financial institutions or entities permitted under this Policy.

2. Notwithstanding any other requirements of this Policy, the Unified Government will offer \$235,000 to every financial institution with a main or branch office located in Wyandotte County if such financial institutions will make the investment at interest rates equal to or greater than the investment rate as defined in K.S.A. 12-1675a, and amendments thereto, at a maturity term to be determined by the Unified Government.

C. *Investment of Bond Proceeds*

The Unified Government will invest proceeds of bonds (other than industrial revenue bonds for which the Unified Government is merely a conduit issuer) and temporary notes in conformance with K.S.A.10-131, and amendments thereto. The following lists the investments, which the Unified Government will consider, and which shall be authorized for the investment of bond proceeds:

1. Investments authorized for idle funds by K.S.A. 12-1675 and this Policy.
2. The municipal investment pool established pursuant to K.S.A. 12-1677a.
3. Direct obligations of the United States government or any agency thereof;
4. Temporary notes issued by the Unified Government.
5. Interest-bearing time deposits in commercial banks located in Wyandotte County.
6. Obligations of the Federal National Mortgage Association, Federal Home Loan banks and Federal Home Loan Mortgage Corporation.
7. Repurchase agreements collateralized by direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or the Federal Home Loan Mortgage Corporation.
8. Investment agreements with or other obligations of a financial institution, the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's Investors Service or Standard and Poor's Corporation;
9. Investments in shares of units of a money market fund or trust, the portfolio of which is comprised entirely of direct obligations of the U.S. government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.
10. Receipts evidencing ownership interest in securities or portions thereof in direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.

11. Municipal bonds or other obligations issued by any municipality of the State of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which are general obligations of the municipality issuing the same.
12. Bonds of any municipality of the State of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.
13. No moneys shall be invested in a derivative as that term is defined in K.S.A. 10-131, and amendments thereto.

D. Arbitrage

The Internal Revenue Code provides that on a periodic basis the Unified Government is required to compute rebate on each bond issue. Rebate is the calculated dollar amount representing the difference between what the issuer actually earned from the investment of certain funds related to the bond issue and the amount the issuer would have earned had those same funds been invested at an interest rate equal to the yield on the bond issue. Absent an exception to rebate, the Unified Government is required to pay or “rebate” to the United States the dollar amount representing these excess earnings.

For each bond issue, rebate must be calculated and paid at least once every five years and within 60 days after the last bond of the issue is paid. Payment of rebate is a condition to maintaining the tax-exempt status of each bond issue, and failure by the Unified Government to comply with the rebate requirements may cause the interest on an issue of bonds to become taxable, retroactive to their date of issuance.

The Unified Government’s investment position is to pursue the maximum yield on investments without jeopardizing the tax-exempt status of the bonds. To the extent possible, the Unified Government will seek to comply with applicable exceptions to rebate and when necessary rebate any excess earnings to the United States. The potential rebate of excess earnings will not influence the Unified Government’s investment policies.

Section 15. Collateral Requirements

- A. Full Collateralization Required.** All Unified Government deposits shall be fully insured or collateralized at all times.
- B. Initial Placement.** Moneys to be deposited in financial institutions shall not be released until the financial institution has executed and adopted a security agreement and required custodial agreements.

- C. Allowable Collateral.** Acceptable collateral for Unified Government deposits, including idle fund investments, as permitted by K.S.A. 9-1402, and amendments thereto, shall be limited to:
1. Except as otherwise set out in this subsection C.1., the financial institution may pledge or assign securities owned directly or indirectly by it, the market value of which is equal to 105% of the total deposits at any given time. The following are allowable securities:
 - a. Direct obligations of or obligations that are insured as to principal and interest by, the United States or any agency thereof.
 - b. Obligations including letters of credit and securities of United States-sponsored corporations which under federal law may be accepted as security for public funds, subject to the following restrictions:
 - (1) The letter of credit must be in the format acceptable to the Director of Revenue.
 - (2) The Unified Government must be designated as the irrevocable and unconditional beneficiary of the letter of credit.
 - (3) The issuer and the depository bank must notify the Director of Revenue by certified or registered mail at least 45 days prior to the cancellation or the non-renewal of a letter of credit.
 - (4) The issuer may not provide letters of credit for any one depository bank in an amount which exceeds ten percent of the issuer's capital and surplus.
 - (5) If a letter of credit issued by the Federal Home Loan Bank is to be pledged as collateral, the amount of the letter of credit shall be equal to 100% of the deposits to be collateralized plus the interest expected to be received by the Unified Government upon maturity of the investment.
 2. The following securities may be used as collateral only if the financial institution pledges or assigns them in an amount, the market value of which is equal to 125% of the Unified Government deposits. Not more than 5% of the Unified Government's total idle funds portfolio may be collateralized by the following securities.
 - a. Bonds of any Kansas municipality which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a

bank, of direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by the United States.

- b. Bonds of the State of Kansas.
 - c. General obligation bonds of any Kansas municipality.
 - d. Revenue bonds of any Kansas municipality if approved by the state bank (or savings and loan) commissioner and which are rated at least Aa by Moody's Investors Service or AA by Standard and Poor's Corporation Bonds secured by revenues of a utility which has been in operation for less than three years will not be accepted as collateral.
 - e. Temporary notes of any Kansas municipality which are general obligations of the municipality issuing the same.
 - f. Warrants of any Kansas municipality, the issuance of which is authorized by the State Court of Tax Appeals and which are payable from the proceeds of a mandatory tax levy.
 - g. Commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm.
3. For overnight repurchase agreements in which the Unified Government is the buyer, the seller shall deliver the following securities to the custodian for the Unified Government in the amount of 102% of the market value of the securities on the purchase date:
- a. Direct obligations of or obligations that are insured as to principal and interest by the United States or any agency thereof, or
 - b. Obligations and securities of U.S. government-sponsored corporations which under federal law may be accepted as security for public funds, subject to any restrictions contained in Section C.1.b. above.
- D. *Peak Period Agreements.*** Peak-period agreements permitted under K.S.A. 9-1403 are not permitted under this Policy.
- E. *Collateral Substitution.*** Collateralized investments often require substitution, additions and/or deletions of collateral. Any financial institution requesting these actions must contact the Chief Financial Officer or the Director of Revenue/County Treasurer. Substitution of collateral shall be required whenever, in the opinion of the Unified Government Chief Financial Officer, the collateral no longer satisfies or complies with the security requirements established under this Policy.
- F. *Valuation of Collateral.*** For purposes of compliance with this section, all collateral shall be priced on a market value basis no less than monthly. Collateral requirement is

defined as the outstanding amount of Unified Government funds deposited plus accrued interest thereon less federal deposit insurance coverage.

- G. *Collateral Compliance Report.*** Each financial institution with Unified Government deposits shall submit monthly to the Chief Financial Officer or the Director of Revenue/County Treasurer, or more frequently if requested, a report documenting the institution's compliance with the collateral requirements of this Policy.
- H. *Custodial Agreement.*** Each depository bank depositing securities with a custodial bank shall enter into a written custodial agreement with the custodial bank and the Unified Government for the safekeeping of the securities.
- I. *Failure to Meet Collateral Requirements.*** If a depository bank fails to meet requirements established by this Policy, the depository bank shall be offered the following options:

 - 1. Close the account and return to the Unified Government all principal and accrued interest without penalty; or
 - 2. Convert the deposit to a repurchase agreement under terms acceptable to the Unified Government.

CASH AND INVESTMENT POLICY ANNUALLY REQUIRED UPDATE

Economic Development & Finance Standing Committee

January 4, 2021

Presented by:

Kathleen VonAchen, Richard Mikesic and Andrea Parra

SUMMARY OF REVISIONS

Minimal Formatting Corrections

- Section 11. Objectives; D. Maturity. #2; removed duplicated (.)
- Section 11. Standards of Care; D. Maturity. #4; Indent correction
- Section 14. Authorized Investments. C. Investment of Bond Proceeds; Indent Correction

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

REGULAR SESSION
DECEMBER 17, 2020

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, December 17, 2020, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Emerick Cross, Melissa Sieben and Alan Howze, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Kathleen VonAchen, Chief Financial Officer; Katherine Carttar, Director of Economic Development; Gunner Hand, Director of Planning and Urban Design; Jud Knapp, Interim Land Bank Manager; Misty Brown, Deputy Chief Counsel; Alley Porter, Commission Liaison, Casey Meyer, Assistant Counsel, and Patrick Waters, Senior Counsel.

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

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public 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.

MAYOR ALVEY called the meeting to order.

ROLL CALL: Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Alvey.

INVOCATION was given by Commissioner Harold Johnson, Faith Deliverance Church of God in Christ.

MAYOR ALVEY asked, are there are any revisions to tonight's agenda? **Bridgette Cobbins, UG Clerk**, said, yes, Mr. Mayor. A blue sheet has been distributed. We have two items under the blue sheet. Under the Standing Committee, Item No. 2 is a resolution and an agreement for the District Coroner. This item was submitted at the Administration & Human Services Committee and was requested to be fastracked for tonight.

The second item on the blue sheet is under the Administrator's Agenda, Item No. 4, which is a resolution with the MOU with IBEW Local #53.

MAYOR'S AGENDA

No items

CONSENT AGENDA

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

Commissioner Townsend said I would like to have Consent Agenda Item No. 5 dealing with the resolution with respect to the Quindaro Ruins project set aside for a review of a new submission for some corrections and specifications in the resolution.

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

ITEM NO. 1 – 20533...ORDINANCE: SCHLITTERBAHN CID TERMINATION

Synopsis: An ordinance terminating the Schlitterbahn Community Improvement District and repealing Ordinance No. O-23-13, submitted by Katherine Carttar, Director of Economic

December 17, 2020

Development. On November 30, 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-117-20**, “An ordinance of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, terminating Schlitterbahn Community Improvement District and repealing Ordinance No. O-23-13.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook Bynum, Burroughs, Townsend, McKiernan, Ramirez.

ITEM NO. 2 – 20532...RESOLUTION & ORDINANCE: LANIER UNITED, LLC DOWNTOWN DEVELOPMENT IRBs AND TGT FUNDS

Synopsis: Request consideration of the following actions regarding the Lanier United, LLC downtown development project, submitted by Katherine Carttar, Director of Economic Development.

- Resolution of Intent to issue IRBs, not to exceed \$23,260,000 (sales tax exemption only)
- Ordinance authorizing Transient Guest Tax Funds

On November 30, 2020, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-86-20**, “A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its industrial revenue bonds in the amount not to exceed \$23,260,000 to finance the costs of acquiring, constructing and equipping multi-use commercial and recreational facilities for the benefit of Lanier United, LLC and its successors and assigns (sales tax exemption only).” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there

were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

Action: **ORDINANCE NO. O-118-20**, “An ordinance of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, making certain findings and authorizing the use of certain transient guest tax funds pursuant to Charter Ordinance No. CO-1-18 and a development agreement entered into by the Unified Government and Lanier United, LLC.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

ITEM NO. 3 – 20534...RESOLUTION: LEGENDS APARTMENTS AND GARAGE DEVELOPMENT AGREEMENT AMENDMENT AND ASSIGNMENT & ASSUMPTION AGREEMENT

Synopsis: A resolution adopting the amended and restated development agreement for the Legends Apartments and Garage project and related assignment and assumption agreement, submitted by Katherine Carttar, Director of Economic Development. On November 30, 2020, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-87-20**, “A resolution adopting amended and restated development agreement for Legends Apartments and Garage and related assignment and assumption agreement.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

ITEM NO. 4 – 20520...RESOLUTION: SALE GO BONDS, TEMPORARY NOTES & PBC BONDS

Synopsis: A resolution authorizing the offering for sale of Municipal Temporary Notes and General Obligation Bonds (Bonds 2021-A and Notes 2021-1) and requesting the Public Building Commission to issue its leasehold revenue bonds, submitted by Debbie Jonscher, Deputy Chief Financial Officer. On November 30, 2020, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-88-20**, “A resolution authorizing the offering of for sale of Municipal Temporary Notes and General Obligation Bonds of the Unified Government of Wyandotte County/Kansas City, Kansas; requesting the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its leasehold revenue bonds.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

ITEM NO. 5 – 20575...RESOLUTION: REVISED MOU FOR QUINDARO RUINS PROJECT AND APPOINTMENT OF BOARD OF DIRECTORS

Synopsis: A resolution and a revised memorandum of understanding authorizing the Mayor/CEO and In-District Commissioner to appoint members to the Board of Directors for the Quindaro Ruins Project. On November 30, 2020, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to forward to full commission provided that language be modified whereby the Mayor will appoint two members of the Board of Directors and the In-District Commissioner will appoint the third.

Commissioner Townsend said with regard to the version of the resolution that was disseminated, after I reviewed it, there’s still some language in there that limits the ability of the In-District Commissioner in District 1 to appoint members to the board in those circumstances where the

number of board members would increase. The proposed resolution would allow for three appointments by the Unified Government, a board of seven. The Mayor would have two and the In-District Commissioner one, but beyond that, if the numbers should increase or decrease, there's no allowance for the In-District Commissioner to have additional placement, and that's what the language is about.

There is some proposed language, I don't know if Counselor Moore is on this program tonight online, or if Counselor Patrick Waters, who's come up with new and acceptable language to me, but I would propose other than that we may have to just read the new proposal into the record. I would defer to counsel, either Counselor Moore or Counselor Waters, if they're in attendance.

Patrick Waters, Senior Counsel, said the new proposed language states that in Section 1 of the resolution. Should the size of the board increase to nine members as set forth in the MOU, then the Mayor/CEO shall have the authority to appoint two members and the In-District Commissioner shall have the authority to appoint two commissioners. Should the size of the board decrease to five members pursuant to the proportional representation set forth in the MOU, the Mayor/CEO and In-District Commissioner shall each have the authority to appoint one member. Any additional changes to the numerical composition of the board beyond that set forth herein shall require approval of the Unified Government. That is the proposed edit.

Mayor Alvey said, Commissioner, it sounds good to me. I like it. Does that language work for you? **Commissioner Townsend** said yes, it does, Mayor. I appreciate Counselor Waters and Counselor Moore working on this. It was my intention not to have the In-District Commissioner, whoever that person is, limited to just one appointment if this becomes a fluctuating number, in terms of the board. So, I think it's fair and equitable and his language also talks about what would happen if the numbers go down, if there's a change not contemplated by the current language, then it would come back to the board for further review and action. I move that the resolution as amended and read by Counselor Waters be accepted. **Commissioner Johnson** said second.

Mayor Alvey asked, any comments or questions? **Ms. Mayes** said I do not see any hands.

Action: **RESOLUTION NO. R-89-20**, “A resolution approving a revised memorandum of understanding and authorizing the Mayor/CEO of the Unified Government and the In-District Commissioner to appoint members to the Board of Directors for the Quindaro Ruins Project.” **Commissioner Townsend made a motion, seconded by Commissioner Johnson, to adopt the resolution as amended.** Roll call was taken and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

ITEM NO. 6 - MINUTES

Synopsis: Minutes from regular session of October 29, 2020.

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

ITEM NO. 7 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 3 and 10, 2020.

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

PUBLIC HEARING AGENDA

ITEM NO. 1 – 20531...PUBLIC HEARING/RESOLUTION: HOMEFIELD INDUSTRIAL REVENUE BONDS

Synopsis: Conduct a public hearing to consider a resolution approving the intent of the UG to issue industrial revenue bonds in the aggregate amount not to exceed \$100,000,000 to benefit HFS KCK, LLC, for the Homefield multi-use recreational and commercial project, submitted by Katherine Carttar, Director of Economic Development. On November 30, 2020, the Economic

December 17, 2020

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

Public Hearing & Resolution – Homefield IRBs

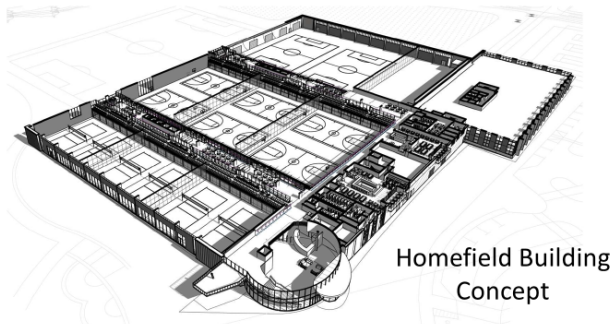
- A resolution approving the intent of the UG to issue industrial revenue bonds in the aggregate amount not to exceed \$100,000,000 to benefit HFS KCK, LLC, for the Homefield multi-use recreational and commercial project.

Katherine Carttar, Director of Economic Development, said the public hearing tonight is on really a procedural item. This is something that you all have seen this project as well as approved this kind of IRBs, in concept, a few weeks ago with the development agreement for the Homefield project. This is actually the resolution of intent and statutory public hearing that are necessary to move forward with that.



Just a quick reminder of what we're talking about. This is kind of a master plan of the entire site. All we're kind of discussing and referring to tonight with the IRBs is solely this center section, if you can see with my mouse, right in the middle. We're really just talking about the core Homefield project.

December 17, 2020



That includes the Homefield building, which is their primary training center;



their outdoor concept, which is a crystal lagoon; as well as some retail right around that,

Homefield
Baseball Concept



and then finally the baseball concept just across the way.



So, once again, really just that core, and I guess the baseball over here, but Homefield is actually building themselves, not the ancillary of retail as well as other items that they're doing.

Public Hearing & Resolution – Homefield IRBs

- Previously approved via the Development Agreement on Nov 5, 2020
 - Abatement of sales tax on construction materials of the Homefield core project
 - A "certainty IRB" with a PILOT payment equal to 100% of the estimated property tax for the Homefield core project.
 - Open to an application for the 100% PILOT on the multi-family in the future
 - Additional development will pay 100% property tax as assessed

As I mentioned, the development agreement was approved on November 5th by the full Commission. What we had discussed in that was that there'd be an abatement, really an exemption, not an abatement; an exemption of sales tax on construction materials for, again, just the core Homefield project.

And then, what we call certainty IRBs. This is a concept you all have seen before in other projects where we determine what we think is a fair, kind of what that property tax will be. What would a 100% property tax be and then kind of set that as a payment in lieu of taxes. This provides certainty on both sides so the applicant, the developer knows they can have a schedule, know exactly what they are going to owe as that payment in lieu of taxes for 10-years, as well as the Unified Government and other taxing agencies, we know exactly what we will be collecting. This helps for a project that is a little outside the box, not really sure with BOTA and other things how that could be assessed in that process.

December 17, 2020

Public Hearing & Resolution – Homefield IRBs

EXHIBIT 18 Homefield Project PILOT Schedule

- With the PILOT schedule identified, each taxing jurisdiction has a significant positive annual rate of return
- Part of a larger amount of revenue generation of entire project buildout:
 - Total property tax revenue at buildout is \$3.9 million annually
 - Sales tax revenue at buildout (Dedicated Sales Tax Fund & EMS Fund) is \$150,000 annually

Homefield Tax Certainty PILOTs

	Tax Payment Amount
Year 1	\$ 370,219.07
Year 2	\$ 373,921.26
Year 3	\$ 377,660.47
Year 4	\$ 381,437.08
Year 5	\$ 385,251.45
Year 6	\$ 389,103.96
Year 7	\$ 392,995.00
Year 8	\$ 396,924.95
Year 9	\$ 400,894.20
Year 10	\$ 404,903.14

*Excludes capital outlay mills not subject to IRB.

Here is what we have agreed upon in terms of a PILOT schedule. Again, this is just the core Homefield piece. The kind of remaining development, with the exception of the multi-family which we'll discuss at a future meeting, but all the retail would be assessed as normal with then normal property tax. So, everyone is paying normal property tax with the exception of this certainty, kind of PILOT schedule as laid out here. That's all I have. Any questions?

Mayor Alvey opened the public hearing. Is there anyone who would like to speak in favor of this item? If so, please state your name and city of residency for the record. You'll be given up to three minutes to state your comments.

Ms. Cobbins said I don't see any hands, Mr. Mayor. **Mayor Alvey** said thank you.

Mayor Alvey asked, did we receive any notification from the public? **Ms. Cobbins** said no requests from the public.

Mayor Alvey asked, is there anyone in opposition who would like to speak on this item? **Ms. Cobbins** said I don't see any hands. **Mayor Alvey** said all right.

Mayor Alvey asked, Clerk, have we received any notification from the public prior? **Ms. Cobbins** said no notifications from the public to the Clerk's Office.

Mayor Alvey said if there are no further comments or questions, I will close the public hearing.

Mayor Alvey asked, Commission, any questions or comments?

Commissioner Burroughs said in discussion at the committee there were questions about some areas within the contract that were left blank and a funding agreement dated as of such and such. I asked if, and Katherine may have to remind me or Legal, I asked about a dollar amount or a rate? I don't know, I'm hoping that this was the project, if not, I just know that our contract here doesn't have a date filled in on it within the contract on page 7, lower paragraph 3.2, funding agreement dated as of November. We are now into December. Just wanted to bring that to the attention of the body.

Doug Bach, County Administrator, said right project, but the item where the interest rate is Item No. 1 on the Standing Committee Agenda, that's the one you moved forward so that one will be presented with the interest rate by Ms. VonAchen and our financial advisors on that item. It does not have anything to do with the IRB. **Commissioner Burroughs** said thank you. **Mr. Bach** asked, was there another question; it was just about that interest rate? **Commissioner Burroughs** said 3.2 dealing with the termination, the funding agreement dated as November blank of 2020. We are in December. I don't know if that needs to be corrected. I just thought I'd bring it to the attention of the body. **Ms. Carttar** said that was received. That was an oversight. It was received in November and we will make sure that the actual specific day is referenced. **Commissioner Burroughs** said thank you.

Mayor Alvey asked, any other comments or questions?

Action: **RESOLUTION NO. R-90-20**, "A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its industrial revenue bonds in the aggregate amount of not to exceed \$100,000,000 to finance the costs of acquiring, constructing, improving and equipping a multi-use recreational and commercial project for the benefit of HFS KCK, LLC, and its successors and assigns." **Commissioner Walters made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there

were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 20523...ORDINANCE: VILLAGE EAST PROJECT AREAS 2B, 3 AND 5 (HOMEFIELD) STAR BONDS

Synopsis: An ordinance authorizing the issuance of sales tax special obligation revenue bonds (Village East Project Areas 2B, 3 and 5) Series 2020, in an aggregate original principal amount not to exceed \$130,000,000, submitted by Kathleen VonAchen, Chief Financial Officer. On November 30, 2020, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to advance this item to full commission for further discussion and action.

Mayor Alvey said before staff presents, I'd ask Commissioner Burroughs, who chaired the meeting, if he has anything to add. **Commissioner Burroughs** said no, Mayor, I don't. It was a unanimous decision.

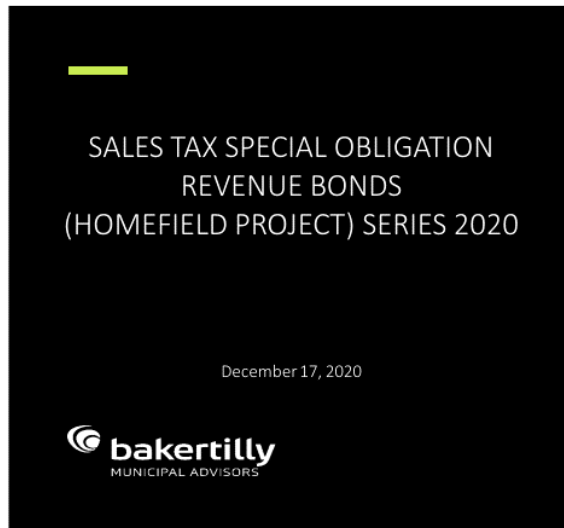
Kathleen VonAchen, Chief Financial Officer, said tonight, we're asking for approval for the adoption of the bond ordinance issuing STAR bonds for the Homefield project, which are those project areas as you mapped out on the title of the agenda item.

Before I introduce the financing team who will be making the presentation, I wanted to make a few comments or introductory comments. The financing team has undergone a thorough due diligence process to ensure that we are protecting the UG residents' interest. The bond payments are solely paid for by revenues derived from the project. Not any property tax or general funds are being used for debt service or securing these debt service payments. The project is a complicated setup. Circumstances have been thoroughly discussed and analyzed.

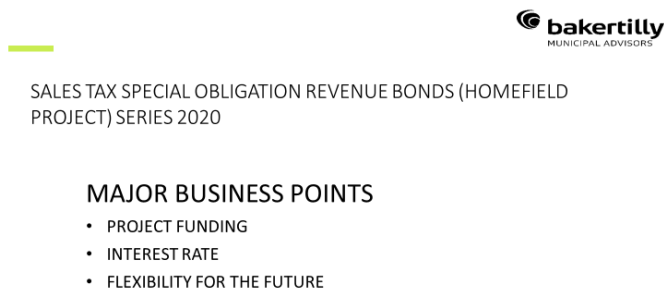
This is proposed as private placement bond issue with a limited number of investors. Once the project is constructed and completed and starts to generate sales tax as anticipated, the UG will refinance it at the public bond sale and the interest rate will reflect the lower riskiness of the project given the established mature revenue streams.

At this point now, I would like to introduce to you two members of our finance team that are now with Baker Tilly. They were previously with Springstead. As you may remember

Springstead, that company is now Baker Tilly. Dave MacGillivray is certainly a financial advisor who you have seen in the past. A new person we're introducing, who is his partner in crime, is Elizabeth Bergman. Another resource who we have is very valuable, who we relied upon greatly, is Gina Riekhof, who is with Gilmore & Bell, our bond counsel. I'm now going to open PowerPoint and then they can get started.



David MacGillivray, Baker Tilly, said with me is my colleague Elizabeth Bergman. As Kathleen set the stage, this is a major transaction. Large parts of it are driven by the development agreement. In our presentation, which is actually fairly brief, we've tried to focus on the three major components that drive the transaction and the goals of the transaction. Some are goals and some are what we call drivers, meaning essential items which form the transaction.



The three major business points are the project funding that's necessary to get the project going and have a viable project. The second is the interest rate. The third is flexibility for the future. As Kathleen alluded to, you know, we have a situation just at the outset of this project and we want

December 17, 2020

to provide options for the Unified Government moving forward once this project takes shape and gains maturity. So, with that introduction I'm going to turn it over to Elizabeth to take us through the first slide.



Major Financial Business Points

Project Funding	\$75,000,000
Repayment Term	20 years/last payment 2040
Interest Rate (2 sources)	6.85%
Coupon Rate	3.8%
Supplemental (Discount)	3.05%
Issue Size	\$130,000,000 (Max)
Discount	\$41,100,000*
Discount 'contingent' interest thru 2040-	a portion paid annually
Future Flexibility	Ability to refinance
	Upon reaching market 'thresholds'

* Approximate subject to change

Elizabeth Bergman, Baker Tilly, said pleased to be here to talk you through the big picture of this deal. I just wanted to start by outlining the major financial points. The Homefield project is requesting \$75M of funding for construction. \$75M is the amount needed. The bonds, that have already been noted, will be repaid with sales tax revenues over the next 20 years, or if sales tax revenues come in very strong, they could be paid down sooner; but the expectation is 20 years of sales tax revenue.

The interest rate would be 6.85% and this is where this deal is a little bit different, perhaps, than something that you're used to seeing because that interest rate will be made up of two components. One part is the coupon rate, or the flat interest rate of 3.8%. Then, the second part is a 3.05% that's a discount. So, these will be issued as discount bonds, meaning that the issue size will actually be \$130M in order to get \$75M in project costs because the difference between the \$130M and \$75M, well the max is \$130M, the size will depend a little bit on the market on the day of sale, but the difference is about \$41M represents that supplemental interest, that 3.05% interest. Instead of having that as a face value, it will be paid as part of the principal repayment in each year over the next 20 years. It's really sort of a contingent interest cost, if you will.

Finally, as has been discussed, the expectation is that these bonds would be refunded once the fundamentals of the bonds are marketable on a public market. So, reach the market threshold, which we'll talk about at a late slide.



Interest Rate

Two components: Risk of repayment & inflation

- Sales Tax Revenue Bonds are extremely risky
Only source of repayment is sales taxes paid over 20 years
- Sales Taxes basically don't exist now
- Limited number of tax generators – Still in business thru 2040?
- Current Credit Quality is 'non-investment grade' or 'junk bonds'
- Non-marketable in general municipal bond market.

Who invests in these types of 'original' STAR bonds?

- Investors linked or knowledgeable about development project
- This is case with Homefield

Talking about the interest rate. Interest rates always have a component of two different pieces. One is inflation and that's kind of, you know, what the market is and it's there. Then you add on top of that, the risk of repayment. These bonds supported by sales tax revenues, are more risky and less clear in their repayment, the probability of repayment, than your general obligation bonds would be. So, you'd see a difference in the interest rate on a sales tax revenue bond than you would on a general obligation bond because sales tax is the only source that's coming from a number of businesses that don't exist now, with a relatively limited number of generators. The question becomes for investors, will the Mernards that's paying sales tax this year in 2020, still be in business in 2040. Those kind of questions.

As the result of this revenue mix of sales tax from these different generators, these are bonds that would be called non-investment, junk-grade, dirt bonds, any number of silly names that are attached to these, but make them bonds that aren't marketable in the general bond market the way the Unified Government's AA rated general obligation bonds are.

Because of the risk profile of these bonds, the investors are different. It's not your Fidelity's or your familiar names of large financial institutions. They tend to be individual investors who have some interest or knowledge in the development and that's exactly what's happening here at Homefield. An investor who is willing to take a little riskier bonds but is interested in some return and a higher return on their investment and return, if you will.



Interest Rate

Why Discount?

- Overall Historical Market Anomaly
- US Treasuries at a multi-decade market low
- 10-year UST approx 0.8% - rare for it to go below 2.0%
- State law: interest rate cannot exceed 10-Yr UST + 3%
- Max interest rate expected 3.8%
- Discount is the contingent string of annual future supplemental interest payments – only paid while these bonds outstanding

The discount, which is a concept that is a little unusual and probably one that has not been seen before to this extent from the UG. It's really the result of an overall market anomaly. Right now, US Treasuries are extremely low. Some of the lowest rates we've seen. In recent months, it's been about 0.8%. I think today the treasury is .93%; 10-year US Treasury is that. It's very rare for it to go below 2.0%. Given that Kansas state law doesn't limit coupons to be the 10-year treasury so that 0.8% or 0.9%, we'll see where it ends up once we set the pricing on this deal, and then plus 3%. So, the maximum interest rate that you can pay on the face value is at 3.8%. To make up the difference between the 6.85% and the 3.8%, payments come in over the life of the debt as principal payments, but really making up that different interest rate component.



Interest Rate

Interest rate of 6.85%

- Each STAR Bond has its own risk story – very difficult to compare
- Very infrequent issuances
- 6.85% in a range of appropriate interest rates

EX: Original Schlitterbahn bonds sold to investor linked to project

- 5-years later, 2015, project built and generating sales taxes
- Now acceptable credit quality for general bond market issuance
- 2015 Bonds: 5.7%

6.85% is the expected rate or the agreed rate on these bonds. How we got there, if that's what anybody is thinking, it's a great question. It's really hard with the interest rate on these STAR bonds because each STAR bond deal is different, each one has its own risk profile depending on what the revenue stream is, how long the revenue stream has been there, and then beyond that. These STAR bonds are issued infrequently so it's not like the UG's general obligation bonds where you have a lot of market information.

Looking at previous deals from the UG and looking at the overall market profile and the risk of this, we've deemed that the 6.85% is in the range of appropriate interest rates for this deal. You can see in the slide below, the original Schlitterbahn deal was also sold to a private investor similar to this, but five years later when the project was in place and the fundamentals of the revenue stream were such that the bonds were available to go out in the general market, we remarketed those bonds at a 5.7%. Generally, what you're going to see is a market rate is lower than what you'd see in this early startup phase with a STAR bond.

Future Flexibility

Goal: Not pay 6.85% ~~over 20 years~~ but refinance at lower rate

Must obtain sufficient revenue to cover debt service at general market sale

'Thresholds' for marketable credit quality

- Development projects must be built
- Track record of sales tax performance
- Sales tax performance needs to be greater than just enough to cover debt: Minimum \$1.25 of revenues for each \$1.00 of annual debt paid

Then, finally, I think you know, as has been discussed previously, our expectation would be that the 6.85% interest rate is really something that we have in place in the early years, but once the project is up and running and the sales taxes are coming in as expected, there would be an opportunity to refinance these bonds in the market. A couple of things that would allow us to do that would be all the projects should be built. We want to see a track record with sales taxes and in general, when we see a market issue with a STAR bond we want to see at least \$1.25 of revenue for every \$1.00 that needs to be paid out in debt service as market investors are looking for a higher degree of security than the initial investors that would be. I think those are the big picture theme of this deal. I'd be happy to take questions at this time.

Mayor Alvey asked, are there any questions?

Commissioner Kane said I have a question, Mayor, more of a comment. I sure hope we use as many local contractors as possible. I know they said that's their goal, but it really should be a positive effort to use those folks that are in this surrounding area.

Commissioner Johnson said under the conditions that the interest rates change and rather than go down, they increase, what would be the position on that? Will we still be paying that premium or that discount, that discount on the coupon—above the coupon rate if the rates go up? **Ms. Bergman** said this rate would be locked in when we sell these bonds. The only change to the interest rate would be if the UG decided to refinance the debt. Obviously, that decision would be taken well, it would be taken for a number of potential reasons, but primarily, I think, the hope here and the expectation is that it would be taken because of a decrease in interest rates because the project was established and able to be marketed more widely.

If interest rates were to go up and comparability to 6.85% was a more favorable rate, the UG would not need to refinance these; always would have the option for what the lowest potential interest rates. That's how it would—**Commissioner Johnson** said to say it in a different way, we would never pay any more than 6.85% over the course. **Ms. Bergman** said correct. **Commissioner Johnson** said thank you.

Commissioner Ramirez said since finance is not one of my fortes can someone put into a “Dummy 101” what the discount, what exactly is that compared to the interest rate? **Mayor Alvey** said, I think I understand that if you have—in order to reach \$75M in funding for the project, you are basically financing \$130M in bonds. The difference between what you are financing, which is \$130M, and what you yield, which is \$75M, that different between \$75M and \$130M, is basically the interest rate built into that amount. **Commissioner Ramirez** said okay. I think I am following.

Mayor Alvey said it's actually easier for me to show it on paper, but what they do is instead of saying you borrow \$100 and you have a 5% interest on that, well, another way to do that is you borrow \$1, but you're only given \$.90 cents to get to that \$1. **Commissioner Ramirez** said okay, with that analogy, I understand it better. That was the only question I had. I understood everything else but the discount and all of that was kind of going over head, but thank you.

Commissioner Burroughs said this is the item that I stated that when the committee moved forward, it was a unanimous decision of the committee to advance this to the full commission for discussion. Basically, what we're doing is we're providing a tremendous amount of income for the investors because of the risk associated to the project. Those additional dollars of interest on

those bonds go back to the investors. Not knowing who the investors are, they're going to be making nearly doubling their money on this project from the investment of \$75M.

The question we have before us is the amount of sales tax that we're giving up in addition to the monies that are going back to the investors to help the project along. If it pays off earlier, it's a benefit to us to move on from that. I just wanted to bring it to the body's attention 6.85% is a generous rate. This project, as is stated, I think Bond Counsel made comment, I don't want to call them junk bonds, but these are risky bonds because of the project.

We have, the determination before us this evening is if we want to accept the 6.85% back to the investor over the life of the project to see the project come to fruition and with the STAR bonds. The sales tax from, I believe, our other businesses out in that corridor, Menards being one, will go towards paying those bond investors back. That's what I wanted to bring to the attention. That number 6.85% was a number the committee was waiting for when we chose to go ahead and advance it to the full commission. Thank you for that opportunity, Mayor. **Mayor Alvey** said thank you.

Commissioner Bynum said I'd like to ask a couple of questions with regard to the bonds. Commissioner Burroughs had indicated that retailers—sales tax collections on places such as Menards would be helping to pay down this bond issuance. I want to clarify for myself and the public that that's the case. Does that mean also, Mr. Bach, that everything in that project area that generates sales tax is paying down this bond because that's not what I understood. If we could go back to that map that Katherine Carttar was showing, it was leaving me with the—I realize it was a different item, but it was leaving me with the notion that we were talking specifically about the Homefield project itself. I need clarification.

I'll just say my second thing. It's my understanding, as was explained here, that once the project is built, then the potential refinance to the lower rate can occur. What would be the timeline that we would anticipate by which that could happen?

Mr. Bach said I will start with the second part of that and then I may turn it over to the finance team to explain how the flow of funds works within the project area to move from one area to the next. These are bonds that are not marketable. I think the term junk bonds is actually accurate for these because Springstead did check on this to see what they could do with these, and there's

underwriters noted that they are not ones they could take to market. Once the project builds, and this is a similar formula that we used early on in the stage of Village West where there was private financing done on the project area. The owner or investors within the development bought the bonds through private financing. We established all provisions within it, which Elizabeth discussed there, but I would anticipate a full build out somewhere and to make the call provision.

The most practical for us to do it will probably be around 2025, 2026. It's going to build. You got a couple of years to get it built, then you've got a couple more years, so it will be up and operating for a couple of years then we ought to be able to, I would hope, unless the interest rate market, I think that's where Commissioner Johnson was going, plus the interest rates go really high in a similar bond market today, and that's what you have to work with, you can assume that we'd probably be able to refinance these, get a better interest rate and save money from that perspective.

Commissioner Bynum said I did want to step back and say that when we approved the development agreement for this in November, that I do recall us talking about a split with the Menards sales tax so, I just kind of wanted to step back and clarify, but if you wouldn't mind. **Mr. Bach** said right and I maybe, and I don't know if Elizabeth wants this or maybe Gina Riekhof, with Gilmore Bell, is pretty well versed on how we we're working through the financing, but it is set up so that we will move into 2021. We won't dedicate money initially to it, but then project dollars, I believe, midway through 2021 will begin to come from the Menards project to go for this.

I just want to hit the practical application of that, because while they're not dedicated within the current bond issue that's out there, the current bond issue contemplated we would come back in with subsequent ones to cover the infrastructure project that we had built out in that area, which is another \$10M that went into the curb. We'd anticipated, we'd probably, when they built the revenue or retailers, we would have to take money from those project areas to cover it. Menards built. We didn't do a subsequent bond issue because we weren't ready to do anything with the Schlitterbahn group because they hadn't done anything there, so we just controlled it separately. Now, that money is available back into the project area and that's why we're building it into the bond issue.

Kathleen or Gina, do you want to talk about how that will work from the flow of funds over the years between the project areas and the number of years where it stops? There's also some complexities about the state dollars pay for a number of years and they stop and they go down to different percentages as well. **Ms. VonAchen** said I'm going to let Gina go ahead and answer that part of the question.

Gina Riekhof, Gilmore & Bell, said as Doug mentioned, there is a sharing of the revenues that are generated from the Menards, specifically where in the early years, a portion of the sales tax revenues generated at Menards were used to pay for those 2015 bonds that Doug talked about which were used to finance infrastructure out in this area. Once Homefield, the Homefield project itself is completed, those revenues shift and more of those revenues then are used to repay these new bonds. It goes from a 25/75 split originally then when Homefield is completed, then that flip-flops. It will be 25% of the Menards' revenues are used to repay these infrastructure bonds and 75% gets used to repay the Homefield bonds.

The other projects that are, or the other retailers that are out in this area, in the Project Areas 2B, 3, and 5 in the Village East area will be used, the full time to repay these new 2020 bonds. There is an additional, sort of rationing once the developer has met certain development metrics and has the project up and running and there are additional sales tax generators, then the sales tax from Menards gets split yet again, and 20% of the Menards' sales tax revenues from the state go to the infrastructure bonds and 80% go to the Homefield project. Once the infrastructure bonds are paid off, then 20% of the Menards revenue is released back to the state and 80% is used for the Homefield project.

One other part of the Commissioner's question was about where these various areas are. I'd be happy to share a map if you would like. The Homefield project proper is really located in Project Area 1. The sales taxes generated within Project Area 1 are already dedicated to existing STAR bonds that are outstanding, including the infrastructure bonds that we talked about. The revenues from the Homefield project itself will not be used to repay these bonds that we're talking about this evening. Instead, the areas that we're talking about are a little bit to the west of that over to I-435 north, not quite to where the existing auto dealerships are, south to the southern edges of this area. It looks like Katherine is going to share a map for us. Katherine, do you want to walk through the project areas there?



Ms. Carttar said generally, kind of that core project area that we were discussing in the previous item, which is that core Homefield area, that's Project Area 1. That's the area that Gina mentioned that these bonds that we're discussing now will go to build this, yet the sales tax from this area will actually go to pay off the previous Schlitterbahn bonds. Then this area over here with Menards, as well as some future retail, that'll be just south of that, is Project Area 3 and that's what really, that's the core that will actually be going to pay off the bonds we're discussing today.

Ms. Riekhof said Project Area 2B is just a little bit to the north of that where that number 5 is located and Frontier Justice. Project Area 5 is in over there about where kind of number 7 is. Those are the geographic areas in which the sales taxes, the retailers are located in those areas. The sales taxes generated from those areas will be used to repay these bonds. Thanks, Katherine, for the help with the map there.

Commissioner Bynum said I really appreciate the updated explanation. You could repeat it to me again next month and the month after that, but I really do appreciate it.

Mr. Bach said I will underline the complexity behind this is great within it. What's interesting is we issue the bonds for the project. They help pay for the Homefield. We used some of those Menards' bonds to help stimulate the project move forward, but as the project turns and the Homefield comes out and helps us pay down the bonds that are already outstanding today that much sooner. We actually return those sales tax that are coming off like the car lots and those quicker if the project builds out as anticipated and makes it all flow.

Commissioner Philbrook said what I'm hearing is though, and I was listening really close, that you said after a certain point that the state will finally start getting their 20%. Am I hearing the state has given us carte blanche to use all that money to pay this off, that they're really happy with this development, that's why they're doing it that way? **Mr. Bach** said yes. **Commissioner Philbrook** said okay. I just wanted to make sure. **Mr. Bach** said I mean, it's for a time period. **Commissioner Philbrook** said I know. **Mr. Bach** said they're investing into it because they want to see it happen. **Commissioner Philbrook** said that's the point I wanted to make that we have support from the state level on this project or we wouldn't be able to push back off that 20% until later. That's good to hear.

Commissioner Ramirez said to Kathleen or to Katherine, I'm going to be needy and ask if you would be able to—I know you presented this before in kind of a step-by-step format, but if I could have that in a document of the step-by-step funding mechanism for this, that would be very helpful. I'm a very visual person especially when it's one, two, three, four, in numerical order of how this funding is going to happen. That would really help me. I'm catching on to what the gist of all the different fundings, but I think, like I said, if I could have it in a more numerical order or a picture format to help me fully understand it so I know if a constituent were to ask me about it, I could be more confident in explaining that to them. If that could be done, that would very helpful. Thank you. **Mr. Bach** said we'll work on something like that to break that down for you, Commissioner.

Commissioner Burroughs said in light of the 6.85% that is being requested as the interest rate, is there any other state that we know of, or other projects that are paying that kind of money even on possibly junk bonds? **Mr. MacGillivray** said we can research that. We know that there are transactions out there that are similar in terms of economic development that have commenced interest rates in that neighborhood. We can do some market research of things in the recent past that have priced and see what we come up with and supply those to Kathleen and Doug for dissemination. **Commissioner Burroughs** said thank you. I think it would be of benefit if we knew what the market—had an idea of what the market rate might be. \$55M return on a \$75M investment is a healthy return, and I do know that there's risks involved. I was just looking out for the interest of not only our community, but also the state's interest in this project. I want nothing more, like a number of the other commissioners, in this room to see this project succeed

and be the quality development that's been proposed. Just begs the question, is this a fair rate and is it a competitive rate compared to others with challenges that have economic development challenges like ours?

Mr. MacGillivray said we'll be able to provide something that says here's this sampling of projects as we said in our prepared remarks. There's no exact comparison. This has three or four sales tax generators over 20 years. There are rates out in that neighborhood. Give us a chance to review the market again and get back to you. **Commissioner Burroughs** said thank you.

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

Action: **ORDINANCE NO. O-119-20**, "An ordinance authorizing the issuance of sales tax special obligation revenue bonds (Village East Project Areas 2B, 3 and 5) Series 2020 in an aggregate original municipal amount not to exceed \$130,000,000; authorizing and approving the execution of certain documents in connection with the issuance of said bonds; and authorizing certain other actions in connection with the issuance of said bonds." **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

ITEM NO. 2 – 20572...RESOLUTION/AGREEMENT: DISTRICT CORONER

Synopsis: A resolution appointing Dr. Altaf Hossain as District Coroner for the 29th Judicial District of the State of Kansas and approving an agreement for him to provide district coroner services, submitted by Chase Cook, Assistant Counsel. On December 14, 2020, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and fast track to the December 17, 2020 full commission meeting.

Mayor Alvey said, Commissioner Markley, you chaired the meeting. Any comments? **Commissioner Markley** said, no, Mayor. This was unanimously approved. There's just a timeline issue, I think, with regard to some travel for someone involved. We're just trying to speed it along to get it approved prior to that travel.

December 17, 2020

Commissioner Philbrook said I would just like for our Administrator to explain why we need a coroner. Why do we need a coroner?

Mayor Alvey said I'm going to turn it over to Casey Meyer for a presentation.

Casey Meyer, Assistant Counsel, said, Commissioner Philbrook, I am happy to answer that question for you. We need a coroner for several reasons. Number one, it's statutory, but outside of the statute, the coroner is responsible for determining when to perform autopsies on various death investigations. He or she is responsible for making sure the disposal of decedent's bodies gets taken care of. Also, responsible for getting death certificates completed in a timely manner, as well as autopsy reports. He's also responsible for keeping statistics and getting those to the Kansas Department of Health and Environment in a timely manner. The Office of the Coroner has a lot of responsibilities and that's why we need one.

Commissioner Philbrook said thank you. I just wanted the public to understand how important it was for us to have the official coroner. We take a lot of things for granted because we work in this arena, but some other folks don't so, thanks. **Ms. Meyer** said absolutely.

Mayor Alvey asked, any other comments or questions from the commission?

Action: **RESOLUTION NO. R-91-20**, "A resolution appointing Dr. Altaf Hossain as District Coroner for the 29th Judicial District of the State of Kansas."
Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution. Roll call was taken on the motion and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 20576...ORDINANCE: AMEND EFFECTIVE REPEAL DATE OF EMERGENCY ORDINANCES

Synopsis: An ordinance amending the effective repeal date of emergency ordinances provided in Section 27-621, Chapter 27, Article VIII, and Sections 32-103, 32-186, and 32-382, Chapter

32, Article III, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Gunnar Hand, Director of Planning and Urban Design.

Doug Bach, County Administrator, said these are the ordinances that were brought forward by the Planning staff earlier this year. The Commission had asked us to go forward and come up with some exceptions that we could put in place for our various businesses around the community in reaction to COVID. Recognizing that COVID is still in place, they expire at the end of this year. This allows us to continue into 2021 anticipating there could be some restrictions moving into the year.

Mr. Hand is here to present if you would like to go back through those, but we thought it was the intent of the Commission to keep these in place as we are moving forward so we're bringing this forward for approval tonight.

Action: **ORDINANCE NO. O-91-20**, "An ordinance amending the effective repeal date of emergency ordinances provided in Section 27-621, Chapter 27, Article VIII, and Sections 32-103, 32-186, and 32-382, Chapter 32, Article III, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve.** Roll call was taken on the motion and there were ten "Ayes," Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

ITEM NO. 2 – 20577...RESOLUTION: TEMPORARY SUSPENSION OF ENFORCEMENT

Synopsis: A resolution regarding temporary suspension of enforcement of ordinances or portions of ordinances under Chapter 27 of the Unified Government Code of Ordinances due to the COVID-19 pandemic, submitted by Gunnar Hand, Director of Planning and Urban Design.

Doug Bach, County Administrator, said this is the resolution that goes hand-in-hand with the ordinance that we approved in Item No. 1.

Action: **RESOLUTION NO. R-92-20**, “A resolution due to COVID-19 pandemic, enforcement of portions of ordinances under Chapter 27 of the Unified Government Code of Ordinances is temporarily suspended until 11:59 PM on December 31, 2021.” **Commissioner Bynum made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

ITEM NO. 3 – 20630...RESOLUTION: ASSISTED LIVING ASSOCIATES, LLC PROJECT IRBs

Synopsis: A resolution consenting to the assignment and assumption of lease agreements and bond documents in connection with the Assisted Living Associates, LLC Project IRBs, submitted by Katherine Carttar, Director of Economic Development.

Doug Bach, County Administrator, said for this assignment of assumption, I’m going to recognize Katherine Carttar, Director of Economic Development, to clarify which project this is associated to.

Katherine Carttar, Director of Economic Development, said this is a project that is, the client is Assisted Living Associates. Back about seven years ago, there was an IRB that was put in place for this project. This project is now being sold to a company called Foundry Commercial or Foster Senior Living. This is something we’ve seen a number of times, but this is—this new owner is basically taking complete assignment of the development agreement and the bond documents that went along with that industrial revenue bond. So, they are taking full assignment of that and continuing this project as we had envisioned.

Mr. Bach said with that, Mayor, we’d recommend approval of this assignment and assumption.

Action: **RESOLUTION. R-93-20**, “A resolution consenting to the delivery of an assignment and assumption of lease agreements and related bond documents in connection with the \$17,500,000 aggregate principal amount of Industrial Revenue

Bonds (Assisted Living Associates, LLC Project), Series 2014.” **Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

**ITEM NO. 4 – 20632...RESOLUTION: MEMORANDUM OF AGREEMENT (MOA)
WITH IBEW LOCAL 53**

Synopsis: A resolution authorizing the County Administrator 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 to the memorandum of agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, and International Brotherhood of Electrical Workers Local #53, effective January 1, 2020, through December 31, 2021, submitted by Ken Moore, Chief Counsel.

Action: **RESOLUTION NO. R-94-20**, “A resolution that the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby authorized and directed to execute a memorandum of agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, and International Brotherhood of Electrical Workers Local #53, 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 ten “Ayes,” Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez.

COMMISSIONERS' AGENDA

No items

Mayor Alvey said that concludes our regular meeting. We are adjourned in that capacity. Now called back to order as the Land Bank Board of Trustees.

December 17, 2020

Mayor Alvey asked, does any member of the Commission or the County Administrator wish to set-aside any item on the Land Bank Consent Agenda?

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve.**

Commissioner Philbrook said I just want to make a comment because one of them is in my district, that's the one at 6235 Kansas Avenue. It's nice to see a couple of buildings going on that area because we have had a lot of problems with dust and other issues in that area. That will be at least some area that won't be dusty for the people that live around it. Thank you very much to whoever is building it.

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

LAND BANK BOARD OF TRUSTEES' AGENDA

ITEM NO. 1 – 20526...LAND BANK OPTION APPLICATIONS

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

New Construction – Single Family Homes

Charles Endicott - 643 N. 54th St. (Parcel 051619)

Megan Duma

2725 Glenrose Ln. (Parcel 161701), Build home (short-term rental)

New Construction – Commercial

Dustan Fankhauser – 6235 Kansas Ave. (Parcel 923212)

Build two 3,200 square foot buildings ideal for small contractors

Martha E. Gonzalez – 1032 S. 25th St. (Parcel 152017)

Build a building to store and maintain trucks

On November 30, 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.

December 17, 2020

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

PUBLIC ANNOUNCEMENTS

Doug Bach, County Administrator, said, Mayor, before we adjourn, I have a public announcement. **Mayor Alvey** said okay. **Mr. Bach** said I just wanted to take this moment as we conclude this year, we have two members of our staff, as we talked about earlier, that are retiring this year that are often here in our Commission meetings and are with us. One is our Chief Counsel Ken Moore. Ken has been with us since 1991. He served in the Legal Department throughout his career and, of course, Ken is our Chief Counsel. I just want to congratulate him for all his years of service and thank Ken for all his dedication and work to our community.

Also, retiring from our staff, who we have here is Gordon Criswell, Assistant County Administrator. He’s been with me as an assistant ever since I’ve been in as the County Administrator. Gordon has been with the city of Kansas City, Kansas/Unified Government since 1986. Again, a dedicated public servant working in our community. Certainly, we’ll miss Gordon; all of his years of dedication to our community and great work; will be hard to replace. **Mr. Criswell** said thank you.

Mr. Bach said, Mayor, thank you very much for letting me recognize these two.

Mayor Alvey said let’s all give them a round of applause. They will be sorely missed. In fact, we didn’t approve your retirement. It never came to a vote. **Commissioner Johnson** said move to decline. **Commissioner Townsend** said second. Why should they let something small like a pandemic run them off? **Commissioner Philbrook** said second on that. You can’t leave. **Commissioner Townsend** said it was great working with both of these gentlemen. Other people will hold their title, but they are irreplaceable, really. Thank you for all your assistance to me and District 1 over the years. Thank you. Much appreciated.

MAYOR ALVEY
ADJOURNED THE MEETING AT 8:31 P.M.
December 17, 2020

Bridgette D. Cobbins
Unified Government Clerk

tk

December 17, 2020



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: December 31, 2020

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

1. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding a warrant cancellation:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for void</u>
884099	NO	12/11/2020	\$273	160 18000015375	Thomason Reuters-West Pymnt Ctr #32011	Other (Explain)

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 29, 2020

Section III – Separation

Name	Department/Division	Eff. Date	Job Title
Stephen C. Mansaw	Police	12/16/20	Master Detective

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Jeffrey C Payne	Sheriff	1/24/16	Deputy
Jeffrey C Payne	Sheriff	1/24/21	Deputy

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED DECEMBER 31, 2020

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Michelle D Angell	Police	12/17/20	Police Captain	Police Major
Robert A Carl	Police	12/17/20	Sr Sergeant	Police Captain
Dustin M Dierenfeldt	Police	12/17/20	Sr Patrolman	Police Sergeant
Kelly L Herron	Police	12/17/20	Police Major	Assistant Chief
Palmer B McCurry-Jackson	Police	12/17/20	Sr Patrolman	Detective

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Susan Q Alig	Legal	12/24/20	Attorney I	Attorney II
Vacant	NRC/Building Inspection	11/22/20	Admin Coordinator	Commercial Plans Examiner

Action: Received and filed. Copy previously forwarded to Payroll.

4. SUMMONS:

MidFirst Bank vs. Frederick Espinosa et. al., Case No. 2020-CV-000708.

Action: Received and filed. Copy previously forwarded to Legal

5. CERTIFICATES OF INSURANCE:

Harris Milling Company, LLC
Mid-States Excavating, Inc.
Superior Bowen Asphalt Company, LLC

Action: Referred to License.

6. BUSINESS BONDS:

Electrical Contractor's Bonds:

Browning Electric, LLC
Mike Busby DBA Total Home Service
Daryl Cox c/o Sylvester & Cockrum (3)
Heritage Electric, L.L.C.
Indiana Industrial Services, LLC
Lynn Electric and Communications, Inc.
Prestige Electric, LLC
Pride Services, Inc.
Tann Electric, Inc.
True North Management Services, LLC
Santa Fe Air Conditioning & Refrigeration, Inc.
Sun Solar, LLC
Shamrock Electric, Inc.

HVAC Bond:

Martin Hougham DBA Custom Heating & Cooling

Mechanical/HVAC Bonds:

Gatza Heating & Air Conditioning, Inc.
Jones Lang LaSalle Americas, Inc.
Stadium Sheet Metal

Plumber's Bonds:

Cates Service Company
Full Nelson Plumbing, Inc. (3)
Mr. Plumber, LLC (2)

Sign Hanger's Bonds:
Graphic House, Inc.
Vitalsigns Unlimited, Inc.

Action: Referred to License.

7. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds:
American Residential Services, LLC DBA Bob Hamilton Plumbing Heating A/C
& Rooter
Gerald Reinhold
Sachs Electric Company
J Warren Company, Inc.

Mechanical Contractor's Bond:
American Residential Services, LLC DBA Bob Hamilton Plumbing Heating A/C & Rooter
TMS, Inc.

Miscellaneous Bonds:
Allied Electrical Construction, Inc.
Jake Hawk Electric, LLC
Kramer Electric, LLC
Morse Electric, LLC

Plumber's Bonds:
American Residential Services, LLC DBA Bob Hamilton Plumbing Heating A/C
& Rooter
Climate Control Heating & Cooling, Inc.
Five Star Mechanical Contractors, Inc.
KDP Plumbing, LLC
Ray Morrison Plumbing
Tracy Petersen DBA Petersen Plumbing
Plumbing Plus, Inc.
W. Vielhauer, Plumbing, LLC

Second Hand and Junk Dealer's Bonds:
Gold Rush, LLC
Joe's Pawn & Gun

Septic Tank and Cesspool Installer & Cleaner Bond:
Liquid Environmental Solutions

Action: Referred to License.

8. CANCELLATION NOTICES:

Electrical Contractor's Bonds:

Ketner Electric Service, LLC
Marvin Loecker of P1 Group, Inc.
TC Electrical, LLC

HVAC Bond:

Autumn Fitzgerald DBA Autumn Heating & Cooling, LLC

Landscaping Bond:

Harmon Construction, Inc.

Mechanical Contractor's Bonds:

Joe Anderson
P1 Group, Inc.
Summit Heating & Cooling, LLC

Miscellaneous Bonds:

Legacy Service Company, Inc.
PM Contracting, Inc.

Plumber's Bonds:

Doug Harsh DBA B & D Contracting, LLC
P1 Group, Inc.

Action: Referred to License.

9. REINSTATEMENT NOTICE:

Miscellaneous Bond:

Electrical Investments, Inc.

Action: Referred to License.

10. APPLICATIONS FOR CMB LICENSE (PKG):

786 Enterprises, Inc./Khalid Hussain DBA Rapido Mart #1, 748 Washington Blvd.
Bonito Michoacan #3 LLC/Olga Enedina Chavira Rodriguez DBA Bonito Michoacan #3 LLC,
1150 Minnesota Ave.
SMJ, Inc./Josephine Fitzgerald DBA Fast Stop #12, 945 S. 55th St.
QuikTrip Corporation/Jaime Lopez DBA QuikTrip #231, 4202 Kansas Ave.
QuikTrip Corporation/Jaime Lopez DBA QuikTrip #239, 555 N. 78th St.
QuikTrip Corporation/Jaime Lopez DBA QuikTrip #172, 8200 Parallel Pkwy.
S7Q Enterprises, LLC/Douglas Spangler DBA Steele Road Xpress Mart, 1800 Steele Rd.

Action: Referred to License.

11. APPLICATIONS FOR CMB LICENSE (OP):

The CorkHouse, LLC/Lisa K. Lugar DBA Wyandotte County CorkHouse, 509 Armstrong Ave.
HOA Kansas Restaurant Holder, LLC/Kimberly A. Groves DBA Hooters, 1712 Village West
Pkwy.

Maura De-Anda DBA Tacos el Matador, LLC, 1230 Merriam Ln.

Wyandot Barbeque Inc./Ronald E. Williams II DBA Wyandot Barbeque, Inc., 8441 State Ave.

Action: Referred to License.

12. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

William Joseph Bloyd/Thomas Rehorn DBA Amigos Grill & Cantina, 2737 S. 47th St.

Action: Referred to License.

13. APPLICATION FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

AMC ITD, LLC/Michael Turner DBA AMC Theatres Legends 14, 1843 Village West Pkwy.

Action: Referred to License.



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: January 7, 2021

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

1. PUBLIC NOTICES:

Alandon Tow, 6224 Kansas Avenue, held a public auto auction on December 1, 2020 at 10:00 a.m.

All City Tow Service, 1015 S. Bethany, held a public auto auction on December 15, 2020 at 10:00 a.m.

Action: Received and filed.

2. COMMUNICATION:

Pam Kahao, Accounting Manager, regarding a warrant cancellation:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for void (dropdown)</u>
883490	Yes	11/20/2020	\$ 150.92	162 19000025269	Zieg, Jessica #E1628	Lost warrant
883389	Yes	11/20/2020	\$ 153.17	162 19000025269	Riley, Darrell Wayne #E1649	Lost warrant
880407	Yes	8/28/2020	\$ 60.00	113 6300114496	Rock Island Railroad	Wrong vendor

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 5, 2021

Section I - Appointment

Name	Department/Division	Eff. Date	Job Title
Yenny M Santacruz	District Attorney	1/7/21	Admin Supt Specialist

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Gordon M Criswell	County Admin	12/31/21	Executive Director R20
Zachary T Glavin	PW/Fleet	1/7/21	Parts Clerk
Kenneth J Moore	Legal	12/23/20	Chief Legal Counsel

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 7, 2021

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
LaTanya Carrington-Unseld	Transit	1/7/21	Transit Operator Admin Supt
Gaolee Moua	Health	1/7/21	Assistant
Emely Ochoa	Finance/Treasury	1/7/21	Fiscal Supt Assistant
Brittany J Paddock	Police/Animal Services	1/7/21	Program Tech I

Krista L Porter-Holden	Police/Animal Services	1/7/21	Program Aide
Ashley P Towne	Police/Animal Services	1/7/21	Animal Services Officer

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Dwight H Buxton Jr	Sheriff/Detention	12/24/20	Captain	Captain
Kristen R Cervantes	Sheriff/Admin	1/7/21	Deputy	Deputy
James F Florez	Sheriff/Admin	1/7/21	Deputy	Deputy
Timothy D Gist	Sheriff/Admin	1/7/21	Deputy	Deputy
David M Kempker	Sheriff/Admin	1/7/21	Deputy	Deputy
Ernesto C Terrazas	Sheriff/Admin	12/24/20	Captain	Captain
John P Valdez	Sheriff/Admin	1/7/21	Deputy	Deputy

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Francis Altomare	Legal	ACD code change to effective 1/7/21
Vanessa Lopez	Legal	ACD code change to effective 1/7/21

Action: Received and filed. Copy previously forwarded to Payroll.

5. MOTION TO SET ASIDE:

Unified Government vs Carlos Arradondo and Elizabeth Villalvazo, Case No. 2020-PT-1, COA 346-62.

Action: Received and filed. Copy previously forwarded to Legal.

6. NOTICE OF SUIT:

MidFirst Bank vs. Frederick Espinosa, David Sutter, Unified Government of Wyandotte County/Kansas City, Kansas, Unknown Spouse, if any, of Frederick Espinosa a/k/a Frederick Espinoza, John Doe and Mary Doe, Case No. 2020-CV-000708.

Action: Received and filed. Copy previously forwarded to Legal.

7. CERTIFICATES OF INSURANCE:

Aegis Fire Protection, LLC
 Crowd Systems, Inc.
 Rylie Equipment & Contracting Company
 Securitas Holdings, Inc.

Action: Referred to License.

8. BUSINESS BONDS:

Electrical Contractor's Bond:

Superior Electrical Construction, Inc.

Mechanical/HVAC Bond:

Elite Heating and Air

Action: Referred to License.

9. APPLICATIONS FOR CMB LICENSE (PKG):

Cheema Food & Petroleum, Inc./Mudassar Hassan DBA Quick Shop #1, 3200 State Ave.

Cheema Food & Petroleum, Inc./Mudassar Hassan DBA Quick Shop #2, 2425 Metropolitan Ave.

Cheema Food & Petroleum, Inc./Mudassar Hassan DBA Quick Shop #4, 4732 State Ave.

Cheema Food & Petroleum, Inc./Mudassar Hassan DBA Quick Shop #5, 4201 Shawnee Dr.

Prabhrit Corp./William W. Hutton DBA 7-Eleven, 2924 S. 47th St.

Wyandot Barbeque. Inc./Ronald E. Williams II DBA Wyandot Barbeque, Inc., 8441 State Ave.

Action: Referred to License.

10. APPLICATION FOR CMB LICENSE (OP):

Gary Wilson DBA Wilson's Pizza & Grill, 1801 Quindaro Blvd.

Action: Referred to License.

11. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Alfonso Herrera Hernandez/William Hutton DBA El Toro Loco Legends, LLC, 1706 Village West Pkwy.

Action: Referred to License.

12. APPLICATION FOR PRIVATE CLUB CLASS B

Mark A. Robinson DBA April's Firelight Lounge, 2046 N. 18th St.

Action: Referred to License.



Suite 323
Kansas City, Kansas 66101-3070

Unified Government Clerk's Office

Brett Deichler
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: January 14, 2021

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

1. COMMUNICATION:

Brett Deichler, Interim UG Clerk, listing bids received on January 13, 2021, for Project #B30532 – Parks & Recreation Department Maintenance Facility.

Action: Received and filed. Copies previously forwarded to County Administrator, Park & Recreation and Legislative Auditor.

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for void</u>
883194	Yes	11/20/2020	\$ 141.16	162 19000025269	Dickens, Dyan Victoria #E5285	Lost warrant
885173	No	12/30/2020	\$ 311.41	750 2008	Plumbers Local 8 Combines Fund #14033	Issued in error

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 12, 2021

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Steven Hernandez	Parks/Rec	1/7/21	General Maint Worker	Groundskeeper I

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Devlin L Brown	Fire	1/7/21	Fire Senior Captain

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED JANUARY 14, 2021

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Chancellor R Fortune	Police	1/14/21	Patrolman III
Ethan M Griswold	Police	1/14/21	Patrolman III
Austin R Mason	Police	1/14/21	Patrolman III

Blake E McMahan	Police	1/14/21	Patrolman III
Morgan M Reed	Police	1/14/21	Patrolman III

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Jeanette Arredondo	Police/IA	1/7/21	Office Asst III	Admin Supt Specialist
Michele R Terrazas	Sheriff/Admin	1/7/21	Professional Asst	Program Coordinator
David R Thaxton	Sheriff/Admin	11/30/20	Captain	Major

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Derick W Enloe	Sheriff/Detention	2/1/21	Deputy
Todd Hicks Sr	Sheriff/Juvenile	2/28/21	Juv Care Worker I
Taylor L Lawson	Police/Comm	2/25/21	Public Safety Dispatcher
Colton A Quigley	Police/Comm	2/7/21	Public Safety Dispatcher
Jennifer A Shipley	Sheriff/Juvenile	2/14/21	Juv Care Worker I

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Gordon Criswell	CAO	Amend PAC 1/7/21 to reflect change in retirement date effective 12/23/20

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Anya' Ballance, 3600 Oak Ave., KCK, alleging damage to property and yard by snowplow on January 1, 2021. (2)

Marvin & Cecile Clark, 7700 Speaker Rd., KCK, alleging damage to driveway due to a UG snow plow driving through on January 2, 2021.

Silvia Jackson, 2241 Franklin St., KCK, alleging damage to car due to Street Department not clearing snow in her area on January 5, 2021.

Jarvis & Janaia Rhone, 5319 Lakewood St., KCK, alleging damage to grass and yard due to a UG snow plow driving through on January 1, 2021.

Amy Walker, 4240 N. 125th St., KCK, alleging damage to grass and sprinkler system due to a snow plow driving through on January 2, 2021.

Action: Received and filed. Copies previously forwarded to Legal.

6. APPLICATIONS FOR CMB LICENSE (PKG):

Family Dollar, Inc./Teri L. Wilson DBA Family Dollar Store #31511, 4601 Parallel Pkwy.
Family Dollar, Inc./Teri L. Wilson DBA Family Dollar Store #31247, 800 Kansas Ave.
Family Dollar, Inc./Teri L. Wilson DBA Family Dollar Store #28726, 1200 N. 7th St.
Family Dollar, Inc./Teri L. Wilson DBA Family Dollar Store #30647, 1999 N. 93rd Dr.
Family Dollar, Inc./Teri L. Wilson DBA Family Dollar Store #30758, 8049 Leavenworth Rd.
Hafiz & Sons Inc./Rick Rehorn DBA Conoco Short Stop #103, 308 N. 18th St.
Hariom Corporation/William W. Hutton DBA 7-Eleven Store #35783A, 10950 Parallel Pkwy.
SM Trading Corp./Joshua Sherley DBA Parallel BP, 4701 Parallel Pkwy.
Stop and Shop 1, LLC/Yad B. Rai DBA Stop and Shop 1, LLC, 400 N. 10th St.
Walgreen Co./LaRea Thomas DBA Walgreens #07550, 7739 State Ave.

Action: Referred to License.

7. APPLICATIONS FOR CMB LICENSE (OP):

Caporales Mexican Food, LLC/Pablo Flores DBA Caporales Mexican Food, 1260 Merriam Ln.
Father Anthony Saiki DBA Cathedral of St. Peter, 409 N. 15th St.
Francesco Brunetti DBA Italian Delight, Inc., 8145 State Ave.
Jones Bar-B-Q, LLC/Deborah Jones DBA Jones Bar-B-Q, 6706 Kaw Dr.
Richard Morrissey DBA St. Patrick's Green Club, 1066 N. 94th St.

Action: Referred to License.

8. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Jeffrey E. Hollinshed DBA John's Java and Jazz, 2003 ½ N. 5th St.

Action: Referred to License.

9. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

A-Train Security DBA A-Train Security, 2826 N. 28th St.
Loomis Armored US, LLC/The Corporation Company, Inc., DBA Loomis Armored US, LLC, 1403
Fairfax Trfwy., Ste. 500
PMB Security, LLC DBA PMB Security, LLC, 10707 Augusta Dr.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 20639

Full Commission Meeting Date: 1/28/21

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 1/4/21

(If none, please explain):

Publication Required: No

<u>Date:</u> 1/21/2021	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> The Land Bank Manager respectfully request that the Neighborhood and Community Development committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Interim Land Bank Manager 13 Single family homes 4 Town home units 1 Duplex				
<u>Action Requested:</u> Approve and forward to Land Bank Board of Trustees				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> NCD Memo Land Bank Options 01.04.21				



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Interim Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Interim Land Bank Manager
DATE: December 22, 2020
SUBJECT: Option applications for consideration

The following **option application(s)** are being presented at the 01/04/2021 meeting:

New Construction – RST - Single Family Homes

- 5 Single Family Homes
 - 1231 Armstrong Ave 080915
 - 1235 Armstrong Ave 080916
 - 1237 Armstrong Ave 080917
 - 1243 Armstrong Ave 080918
- Combine lots for 1 home
 - 1246 Armstrong Ave 080886
 - 1244 Armstrong Ave 080887

New Construction – J Horton Holdings - Residential

- **Phase 1** (3 Single Family Homes)
 - Combine parcels for 1 home
 - 521 Oakland Ave 081788
 - 517 Oakland Ave 081787
 - 2 Single Family Homes
 - 516 Oakland Ave 081780
- **Phase 2** (4 Town Home Units, 1 Duplex)
 - Combine parcels for Duplex
 - 509 Oakland Ave 082009
 - 1420 N 5th St 082007
 - 1416 N 5th St 082008
 - 4 Town Home units
 - 1400 N 5th St 082010

- **Phase 3** (4 Single Family Homes)
 - 2 Single Family Homes
 - 520 Everett Ave 081806
 - 1 Single Family Home
 - 514 Everett Ave 081807
 - 1 Single Family Home
 - 504 Everett Ave 081808

New Construction - Amy Strother – Agricultural

- **To develop an inner-city equestrian park**
 - 3319 N 44th Ter 914008 (Trails & Lean to's)
 - 3334 N 44th Ter 914007 (Trails & Lean to's)
 - 4551 Sloan Ave 172300 (Trails & Lean to's)
 - 4600 Parkview Ave 172401 (Home & Horse Stalls)



Staff Request for Commission Action

Tracking No. 20640

Full Commission Meeting Date: 1/28/21

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 1/4/21

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
1/21/2021	Jud Knapp	x5472	jknapp@wycokck.org	Economic Development

Item Description:

The Land Bank Manager respectfully request that the Neighborhood and Community Development committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Interim Land Bank Manager

1 yard extension request

Action Requested:

Approve and forward to Land Bank Board of Trustees

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

NCD Memo Land Bank Property Transfers 01.04.21



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Interim Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Interim Land Bank Manager
DATE: December 22, 2020
SUBJECT: Property Transfers applications for consideration

The following **application(s)** are being presented at the 01/04/2021 meeting:

Yard Extension

- Current home – 805 N 11th St – 080454
- Requesting neighboring Land Bank lot
 - 809 N 11th St - 080453